

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LUXURY GARDEN CENTER INC.)	
)	
_____)	CASE NO.
)	2025-00088
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

INITIATING ORDER FOR ALLEGED 811 VIOLATION OF THE KENTUCKY
UNDERGROUND FACILITY DAMAGE PREVENTION ACT

(Se proporciona la traducción al español de este documento como anexo/apéndice B.)

Luxury Garden Center Inc. (Luxury Garden Center) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹ A hearing in this case shall take place on July 24, 2025.

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, et seq. Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for

¹ KRS 367.4901 through KRS 367.4917.

the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Staff cites Luxury Garden Center for violation of the following provision of the Act:

KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation, or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, unless a future start date is agreed upon as provided in KRS 367.4917(7), notify each affected operator's designated protection notification center of the excavator's intended work and work schedule. (b) The two (2) full working days provided for in paragraph (a) of this subsection have elapsed if all affected operators have notified the person.

IT IS THEREFORE ORDERED that:

1. Luxury Garden Center shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Luxury Garden Center shall appear on July 24, 2025, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act.
3. The July 24, 2025 hearing shall be conducted via video conferencing.

4. Luxury Garden Center shall attend the hearing by using the following link:

https://teams.microsoft.com/join/19%3ameeting_M2Q4ZDM3ZjQtZTc3ZS00YzBiLTgwMDUtODU2ZTVhNTViNTk4%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-480337c1709c%22%7d

Meeting ID: 275 502 115 509

Passcode: Wo2gW2yB

5. Luxury Garden Center shall notify the Commission at least ten days prior to the hearing if Luxury Garden Center is unable to appear by video conferencing and will therefore appear in person.

6. Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.

7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 55082, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 24, 2025 hearing shall be recorded by video only.

- 10. Please note parties who fail to appear after service will be subject to entry of a default judgment against them.**

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00088 DATED APR 24 2025

THIRTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 55082 **Investigation** 11754
Incident Date 9/22/2022 11:45:00 AM **Report Submitted** 10/24/2022

Operator Information

Operator Atmos Energy Corporation **Reported By** Jonathon Bledsoe
Phone (270) 282-3180 **Email** jonathon.bledsoe@atmosenergy.com

Incident Location 70 Haywood Cedar Grove Rd **Locate Ticket Number** 2209201706
Glasgow KY 42141
70 Haywood Cedar Grove Rd
(Glasgow)
County Barren

Excavator Information

Excavator Tina Kidwell **Organization ID** 0841286
Luxury Garden Center Inc.
Phone 270-678-5555 **Email** n/a
Address 1757 W Main St5 **Locate Ticket Number** 2209201706
Glasgow KY 42141

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Failure to wait two days	Yes	Yes	Mechanized/Auger	\$1,030.00	\$1,030.00

The Operator reports that the Excavator damaged a two-inch gas main, with an auger, while planting trees and failed to wait two days before excavating.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary – Two Working Day Locate/Wait Period

Ticket #	Request Date (No Dig-Does not count as Locate/Wait period)	Weekend/Holiday (No Dig)	Locate/Wait Period Begins (No Dig)	Locate/Wait Period Ends (Yes Dig)	Incident Date (No Dig)
2209201706	09/20/22	N/A	09/21/22 (12:01AM)	09/22/22 (12 Midnight)	09/22/22 (11:45 AM)

A review of LT...1706 revealed the Excavator obtained it on 09/20/22, the locate/wait period began on 09/21/22 at 12:01 AM and ended on 09/22/22 at 12 midnight with the damage occurring on 09/22/22 at 11:45 AM indicates the Excavator failed to observe the two day locate/wait period.

The LT is included as Attachment 2.

INVESTIGATION

On 08/13/24, the Operator, Atmos's Bill Stanley, provided the following documents:

- Leak Found Report, Third Party Damage Form & DR: Outlined in the DR Summary and Attachment 1.
- Seven Photographs: Depicting the incident location.
- Invoice: Indicating the Operator billed the Excavator \$1,030.25 for the damage repair.

PIPELINE DAMAGE INVESTIGATION REPORT

Atmos's documents are included as Attachment 3.

On 08/22/24, Lacey of Luxury Garden Center requested a copy of the Notification Letters be sent to info@luxurygardencenters.com.

Lacey's confirmation email is included as Attachment 4.

On 09/09/24, a representative of Luxury Garden Center was scheduled to attend the Damage Prevention Course and failed to do so and no penalty payment has been received.

VIOLATIONS¹

In reference to:

367.4909(5) An operator shall respond to facility locate requests and provide a positive response as follows:

(a) To a normal excavation locate request, within two (2) working days after receiving notification from an excavator or any time prior to the scheduled excavation start date if agreed upon as provided in KRS 367.4917(7), excluding large project requests, design information requests, emergency locate requests, and unmapped or untenable facilities.

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 st Offence Date (Last Offence Date +366 Days)
1 st	55082	09/22/22	09/23/23
Resolved Incidents			
1 st	42892	08/12/20	08/13/21

¹ A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 10/24/2022 Incident ID: 55082

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=55082\)](#)

Reported By:

Name: Jonathon Bledsoe
Phone: (270) 282-3180
Email: jonathon.bledsoe@atmosenergy.com

Gas Line Incident Occured:

Date: 9/22/2022
Time: 11:45 AM

Details:

Reported Date: 9/23/2022 4:11 PM

Incident Location Address:

Location: 70 Haywood Cedar Grove Rd (Glasgow)
Address: 70 Haywood Cedar Grove Rd
City: Glasgow
State: KY
County: Barren
Zip: 42141
Confirm Code:

Number of Customers out:

**Was gas or hazardous liquids contained
in the underground facility?** ☒

* 3/2020

**Was gas or hazardous liquids released
into the atmosphere?** ☒

Locate Request Ticket No.: 2209201706

Type of equipment involved: Select Detail

**Distance from the nearest communication
terminal:** Measure

Depth of damage from the surface: Measure

Excavator: Contractor

Excavator Address:

First Name: Tina

Last Name: Kidwell

Organization ID: n/a

Company: Luxury Garden Center

Phone: 2706785555

Email: n/a

Address: 1757 W Main St5

City: Glasgow

State: KY

Zip: 42141

Confirm Code:

Excavation Damage: One Call notification practices not sufficient

Description of Incident	Luxury Garden Center damaged a gas main digging before a locate was completed.
Summary Information	
10/24/2022	
Full details such as the cause	Luxury Garden Center damaged a 2" PE main with a mechanical auger while planting trees. Locate 2209201706 was valid but excavation started before the line was marked.
Extent of the damage	2" PE main repaired. 4 customers off.
Cost of the damage	\$1,030.00
Steps taken to prevent re-occurance	Luxury Garden Center was billed for the repairs. Tanner from Luxury Lawn and Landscapes was educated on calling 811 and waiting for a positive response to dig.
Amount billed to excavator	\$1,030.00

Attachment 2

Kentucky 811

Ticket no	2209201706	Type	NORMAL CALL
Request date	09/20/22 03:45 pm		
Start date	09/23/22 12:01 am		
Expiration date	10/11/22 11:59 pm		

Excavator information

Excavator name	LUXURY GARDEN CENTERS		
Address	1757 WEST MAIN STREET GLASGOW, KY 42141		
Company phone	270-678-5555		
Requested by	TINA KIDWELL	Phone	270-678-5555
On-site name	LUXURY GARDEN CENTER, INC.	On-site phone	270-678-5555
Contact email	INFO@LUXURYGARDENCENTERS.COM		

Excavation information

Type of work	LANDSCAPING/YARD WORK		
Depth (ft)	3	Explosives	N
Area marked	U		
Job name/number			
Work done for	BEVERLY PITCOCK		

Location information

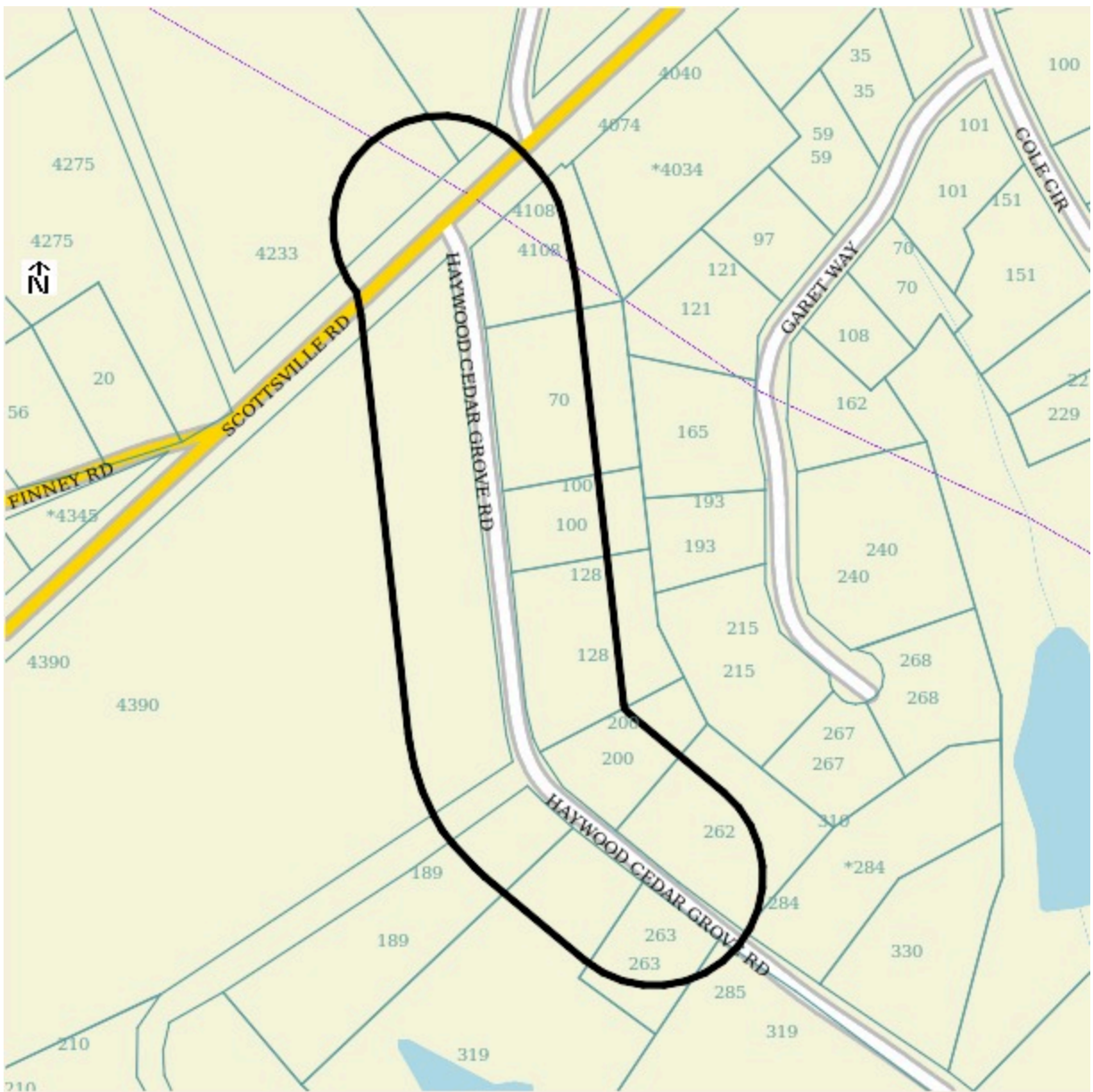
County	BARREN	City	GLASGOW
Address/street	70 HAYWOOD CEDAR GROVE RD		
Nearest intersecting street			
Location of work	ENTIRE PROPERTY		
Comments			
Map Coord			
NW Lat 36.9534486	Lon -85.9644035	SE Lat 36.9490729	Lon -85.9616983

Members notified

Company name	District	Type	Status
TENNESSEE GAS PIPELINE CO	0027	PIPELINE	No Conflict - The KY811 member has no facilities in the area of excavation described.
GLASGOW WATER COMPANY	0421	S,W	No locate - Contact KY811 to Update this request after marking the boundaries of the location to be excavated as required by 367.4911(11).

ATMOS ENERGY	0432	PIPELINE	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.
FARMERS RECC	0554	E	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/09/22 09:48 MARKED RIGHT REAR OF PROPERTY)
GLASGOW ELECTRIC PLANT BOARD	0569	FO,E,TV	No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/09/22 09:48 MARKED RIGHT REAR OF PROPERTY)
SOUTH CENTRAL RURAL TELE COOP	0698	COMMUNICATIONS	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (BURIED LINES MARKED)

Map



Attachment 3

Tout, Eric V (PSC)

From: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Sent: Tuesday, August 13, 2024 7:00 PM
To: Tout, Eric V (PSC)
Subject: Re: 55082, 9/22/2022, 70 Haywood Cedar Grove Rd., Glasgow, Luxury Garden Center

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Good Evening,
Please use the below link to access photos and documents for this incident.

<https://ae.watchdox.com/ngdox/workspaces/451168/55082%2C%209.22.2022%2C%2070%20Haywood%20Cedar%20Grove%20Rd.%2C%20Glasgow%2C%20Luxury%20Garden%20Center>

Thank you
Bill

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Tuesday, August 6, 2024 5:48 AM
To: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Subject: [EXT] 55082, 9/22/2022, 70 Haywood Cedar Grove Rd., Glasgow, Luxury Garden Center

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bill,

Please send repots, photos pre & post, invoices and payment info (copy of check) if paid.

Thanks,

Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582

LEAK FOUND REPORT

eAM WO#: 25202751-000 Construction Order Number: C 0629356

Leak Asset #: 711372 Project Number: 050-23911

Division: 009 District / Cost Center: 2735 County / Parish: Baer Town: Glasgow

State: Ky Tax District: 90202 ☐ ICL ☒ OCL Map Sheet #: F43-13C

Address / Location: 70 Haywood Cedar Grove Rd Cross Street: 31 E South

Asset Description: _____ Land Description: _____

GPS Coordinates: Latitude 36.951992 Longitude -85.962901 Leak Survey Area: _____

Class Location: ☒ 1 ☐ 2 ☐ 3 ☐ 4 Facilities Class: ☒ Distribution ☐ Transmission ☐ Gathering ☐ Storage ☐ Production

Date Leak Found: 09/22/2022
(MM/DD/YYYY)

Time Leak Found: 11:45 ☒ AM ☐ PM

Time Leak Classified: 12:00 ☐ AM ☒ PM

Leak Grade: ☒ 1 ☐ 2 (5 day)
☐ 3 ☐ 2 (30 day)
☐ 4 ☐ 2 (180 day)

(M15) Leak Graded By: Chris Sheehey (M1) Surveying Leaks ID#: 18340

Suspected Facility: ☒ Main ☐ Service ☐ Riser ☐ Yardline ☐ Meter Loop ☐ Other Feet to Building: 75

CGI Reading: 100 % Gas _____ % LEL Surface Type: ☒ Dirt ☐ Brick ☐ Concrete ☐ Asphalt ☐ Rock ☐ Liquid ☐ Other

Leak Found: ☒ Yes ☐ No Third Party Damage: ☒ Yes (If Yes, complete Third Party Damage Form) ☐ No

Leak Located: ☐ Above Ground ☒ Below Ground Residual Gas: ☒ Yes ☐ No

Notes: Hit 2 inch Main planting Trees in BACK YARD

Reason Not Repaired:
☐ Duplicate Order
☐ Customer Line
☐ Not Natural Gas
☐ Other Company
☐ No Leak Found

Initial Leak Cause:

- ☐ Corrosion Group
 - ☐ Corrosion
- ☐ Excavation Group
 - ☐ Operator Personnel / Contractors Excavating
 - ☒ Other Third Party Excavators
 - ☐ Locator
 - ☐ Vehicle (Auto / Truck / Etc.)
- ☐ Natural Forces Group
 - ☐ Lightning
 - ☐ Washout
 - ☐ Ground Movement
 - ☐ Ice
 - ☐ Static Electricity
- ☐ Other Outside Forces Group
 - ☐ Vandalism
 - ☐ Fire / Explosion First
 - ☐ Excessive Strain
- ☐ N/A

Form UOC-48 Rev. 7-2015

- ☐ Materials & Welds Group
 - ☐ Dent
 - ☒ Gouge
 - ☐ Factory Defect
 - ☐ Wrinkle / Bend
 - ☐ Weld (Steel)
 - ☐ Fusion Defect (Plastic)
- ☐ Equipment Group
 - ☐ Equipment Malfunction
 - ☐ Gasket / O-Ring
 - ☐ Packing
- ☐ Operations Group
 - ☐ Inadequate / Failure to Follow Procedures
 - ☐ Stripped Threads
 - ☐ Backfill
- ☐ Other
 - ☐ Not Excavation
 - ☐ Other Explanation



THIRD PARTY DAMAGE FORM

eAM WO#: 25202751-000

Construction Order Number: C0629356

Leak Asset #: 711372

Project Number: 650.23911

Rate Division: 009

INCIDENT DETAILS

Date of Damage: 09/22/2022

MM/DD/YYYY

Time of Damage: 11:45 AM ☒ AM ☐ PMWas the Regulatory Commission called? ☐ Yes ☒ No Incident Number:

Address/Location: 70 Haywood Cedar Grove Rd Cross Street: 31 E South

City: Glasgow County/Parish: Barren State: Ky

ROW: ☐ Public-City Street ☐ Private Business ☐ Dedicated Public Utility Easement
☐ Public-State Hwy ☒ Private-Land Owner ☐ Federal Land
☐ Public-County Road ☐ Private-Easement ☐ Railroad
☐ Public-Interstate Hwy ☐ Pipeline ☐ Unknown/Other
☐ Public-Other ☐ Power/Transmission Line

EXCAVATOR DETAILS

Company Name: LUXURY GARDEN CENTER

Address: 1757 W Main St.

City: Glasgow State: Ky Zip: 40141

Contact Name: TINA Kidwell Phone: 270 678-5555

Excavator Type: ☒ Contractor ☐ County ☐ Farmer ☐ Municipality ☐ Occupant ☐ Railroad ☐ State ☐ Utility ☐ Developer
☐ Home Owner ☐ Unknown/Other

Pipeline Damage With:

☒ Auger ☐ Drilling ☐ Grader/Scraper ☐ Probing Device ☐ Milling Equipment
☐ Backhoe/Trackhoe ☐ Directional Drilling ☐ Hand Tools ☐ Trencher ☐ Unknown/Other
☐ Boring ☐ Explosives ☐ Vacuum Equipment ☐ Farm Equipment

Work Performed:

☐ Agriculture ☐ Engineering/Survey ☐ Road Work ☐ Traffic Sign
☐ Bldg Construction ☐ Fencing ☐ Sewer (Sanitary/Storm) ☐ Water
☐ Bldg Demolition ☐ Irrigation ☐ Site Development ☐ Water Improvement
☐ Cable TV ☒ Landscaping ☐ Steam ☐ Liquid Pipeline
☐ Curb/Sidewalk ☐ Grading ☐ Storm Drain/Culvert ☐ Milling
☐ Drainage ☐ Pole ☐ Street Light ☐ Unknown/Other
☐ Driveway ☐ Public Transit Authority ☐ Telecommunications
☐ Electric ☐ Railroad Maintenance ☐ Traffic Signal

Excavator Incur Downtime: ☐ Yes ☐ No ☒ Unknown How much Downtime? _____ Downtime Cost Incurred? _____

AFFECTED FACILITY DETAILS

Was any Facility Damaged? ☒ Yes ☐ No Release of Product? ☒ Yes ☐ No ☐ Unknown Location: ☐ Above Ground ☒ Below GroundDid Excavator Notify Atmos Energy through the OneCall Notification Center? ☒ Yes ☐ No ☐ Unknown

Center Name: 811 Locate Ticket Number: 2209201706

Did Excavator Notify Atmos Energy Directly? ☐ Yes ☒ No ☐ UnknownExcavator Notified 911? ☒ Yes ☐ No ☐ Unknown Name: _____Facility Type: ☒ Distribution ☐ Gathering ☐ Service/Stub ☐ Transmission ☐ Unknown/OtherPipeline Material: ☐ Bare Steel ☐ Coated Steel ☐ Cast Iron ☒ PE ☐ PVC ☐ OtherFacility Damaged On: ☒ Body of Pipe ☐ Coating ☐ Housing ☐ Other Protective DeviceType of Pipeline Damaged: ☒ Intrastate ☐ Interstate ☐ UnknownPipeline Status: ☒ Active ☐ Idle ☐ New Pipe (no product) ☐ Abandoned (no product)

Damaged Pipe Diameter: 2 inch inches Depth of Facility: 2 feet 0 inches

Joint Trench: ☐ Yes ☒ No ☐ Unknown

DAMAGE & IMPACT DETAILS

Damaged by: ☒ Third Party ☐ Operator ☐ Operator's ContractorCaused Service Interruption: ☒ Yes ☐ NoRequires Regulatory Notification: ☐ Yes ☒ No

Customer Affected: 4

☐ Death/Hospitalization

Number of Injuries: 0

☐ Property Damage ≥ \$50,000

Type of Injuries: 0

☐ Estimated gas loss ≥ 3 million cubic feet

Number of Fatalities: 0

Outage Hours: 2

Restoration Cost: _____

DAMAGE & IMPACT DETAILS CONT'D

Root Cause of Damage:

- ☐ No notification made to the OneCall Center
- ☐ Notification to OneCall Center made, but not sufficient
- ☐ Wrong information provided to OneCall Center
- ☐ Facility could not be found or located
- ☐ Facility marking or location not sufficient
- ☐ Facility was not located or marked
- ☐ Incorrect facility maps
- ☐ Failure to maintain marks
- ☐ Failure to support exposed facilities
- ☐ Failure to use hand tools where required
- ☐ Failure to test-hole (pot hole)
- ☐ Improper backfilling practices
- ☐ Failure to maintain clearance
- ☐ Other insufficient excavation practices
- ☐ OneCall Center error
- ☐ Abandoned facility
- ☐ Deteriorated facility
- ☐ Previous damage
- ☐ Data not collected
- ☐ Other

Impact: ☐ Fire/Ignition occur ☐ Any evacuation (Number of people:) ☐ Any media coverage ☐ Any explosions
☐ Any street blocked ☐ Any other impact Comments: Called 811 But started Before
Locate was Due

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: ☒ Yes ☐ No

Center Name: 811

OneCall Ticket Number: 2209201706

Date of Notification: 09/20/2022

Original Locator: ☐ Pipeline Operator ☐ Utility Owner ☐ Data Not Collected ☐ Unknown/Other

☒ Contract Locator Locator Name: 811 Ticket No Due Yet!

Marked by White Lining: ☐ Yes ☒ No ☐ Unknown

Marked using Maps: ☐ Yes ☒ No ☐ Unknown

Atmos Energy Rep Onsite: ☐ Yes ☒ No ☐ Unknown

Excavator Gave Proper Notice: ☐ Yes ☒ No ☐ Unknown

Any Special Instructions: ☐ Yes ☒ No ☐ Unknown

Locate Procedures Followed: ☐ Yes ☒ No ☐ Unknown

Locator met with Excavator: ☐ Yes ☒ No ☐ Unknown

Facility Gave Positive Response: ☐ Yes ☒ No ☐ Unknown

Date of Positive: / /

Time of Positive: : ☐ AM ☐ PM

Excavator made 2nd call to OneCall: ☐ Yes ☒ No ☐ Unknown

Reason: ☐ No positive response to first call ☐ Positive response is unclear or incorrect ☐ All clear appears questionable ☐ Other

2nd Notice Ticket Number: Date of 2nd Notice: / /

Facility gave positive response to 2nd notice: ☐ Yes ☐ No ☐ Unknown

Date of Positive: / /

Time of Positive: : ☐ AM ☐ PM

Facility Marks Visible: ☐ Yes ☒ No ☐ Unknown

Marked by Paint: ☐ Yes ☒ No ☐ Unknown Marked by Flags: ☐ Yes ☐ No ☐ Unknown

Method used to Locate: ☐ Conductive ☐ Inductive ☐ Unknown ☐ Other:

Another type of Marking Use: ☐ Yes ☐ No ☐ Unknown:

Facility Marked Correctly: ☐ Yes ☐ No ☐ Unknown/Other:

Reason Not Marked: ☐ Pipeline was not marked ☐ Portion of pipeline was not marked ☐ Pipeline was not marked accurately
☐ Improper type of marking ☐ Other: 811 Ticket Not Due

Distance of Inaccurate Marks from Pipeline: feet inches

OTHER INFORMATION

Line Pressure: 47 psig Pipe Damage: (Length) 1 1/2" inches (Width) 1/8" inches 1600' From Main

Leak Duration: 45 minutes Locate Priority: FERC Account:

Insurance Company: Agent Name: Phone #:

Locate Mark within State Law: ☐ Yes ☐ No Police Report Number:

Pre-Damage Photos: ☐ Yes ☐ No Post-Damage Photos: ☒ Yes ☐ No Billing Required: ☒ Yes ☐ No

LABOR

Name	Title	Reg Time	Overtime	Drive Time
Chris Shorter	Sr. Service	2		
Doug Burch	Sr. Service	1		
Carlos Morrison	Sr. Const operator	2		
Brad Keltner	Distribution operator	2		
Nick Billa	Const operator	2		

EQUIPMENT

	Quantity	Time		Quantity	Time
1/2 Ton Truck	3	2	Trencher		
1 Ton Truck	1	2	Backhoe	1	2
2 Ton Truck			Compressor		
Dump Truck			Boring Machine		
Welder			Other		

Comments:

Completed By:

Date: 9-22-2022

ATMOS ENERGY CORPORATION
KENTUCKY / MID-STATES DIVISION
KENTUCKY OPERATIONS
3RD PARTY DAMAGE BILLING

NAME: Luxury Garden Center

BILLING ADDRESS: 1757 W Main St

CITY, STATE, & ZIP CODE: Glasgow, KY 42141

PHONE #: Tina Kidwell 270-678-5555

EMAIL ADDRESS: _____

INSURANCE PROVIDER: _____

INSURANCE POLICY #: _____

ATMOS WORK CENTER: 2735 - Glasgow

DATE OF DAMAGE: September 22, 2022

DAMAGE LOCATION: 70 Haywood Cedar Grove Rd, Glasgow, KY 42141

ASSET #: 711372

eAM #: 25202751

SAP INVOICE #: _____

LINE NO.	CHARGE TYPE:			
1	LABOR			\$ 598.08
2	MATERIALS			\$ 107.49
3	EQUIPMENT			\$ 296.00
		Enter PGA Rate (per MCF)	Volume (MCF)	
4	GAS LOSS COSTS	\$ 9.5607	3	\$ 28.68
5	OUTSIDE SERVICES			\$ -
6	MISCELLANEOUS COSTS			\$ -
7	TOTAL 3RD PARTY DAMAGE BILLING			\$ 1,030.25

Pipe Size	2
Material Type	PE
Pressure (PSIG)	47
Duration (Minutes)	45
Distance to Feeder Main or Regulator Station (Feet)	1600
Main or Service	Main

- 1) Fill out all Information in Rows 1-6
- 2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
- 3) Click Circular Hole if damage is circular. Enter dimensions
- 4) Click Calculate Gas Loss

Gas Loss Flow Rate	56	Cubic Feet/Min.
Gas Loss in Cubic Feet	2,525	Cubic Feet
Gas Loss in Pounds	115	Pounds
Gas Loss in CCF	25	CCF
Gas Loss in MCF	3	MCF

Calculator uses IGT Flow Formula

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 10/24/2022 Incident ID: 55082

Reported By:

Name: Jonathon Bledsoe
Phone: (270) 282-3180
Email: jonathon.bledsoe@atmosenergy.com

Gas Line Incident Occured:

Date: 9/22/2022
Time: 11:45 AM

Details:

Reported Date: 9/23/2022 4:11 PM

Incident Location Address:

Location: 70 Haywood Cedar Grove Rd (Glasgow)
Address: 70 Haywood Cedar Grove Rd
City: Glasgow
State: KY
County: Barren
Zip: 42141
Confirm Code:

Number of Customers out: 4

Was gas or hazardous liquids contained ☒

in the underground facility?

Was gas or hazardous liquids released ☒

into the atmosphere?

Locate Request Ticket No.: 2209201706**Excavator:** Contractor**Excavator Address:****First Name:** Tina**Last Name:** Kidwell**Organization ID:** n/a**Company:** Luxury Garden Center**Phone:** 2706785555**Email:** n/a**Address:** 1757 W Main St5**City:** Glasgow**State:** KY**Zip:** 42141**Confirm Code:****Excavation Damage:** One Call notification practices not sufficient**Description of Incident** Luxury Garden Center damaged a gas main digging before a locate was completed.**Summary Information**

10/24/2022

Full details such as the cause Luxury Garden Center damaged a 2" PE main with a mechanical auger while planting trees. Locate 2209201706 was valid but excavation started before the line was marked.**Extent of the damage** 2" PE main repaired. 4 customers off.**Cost of the damage** \$1,030.00

**Steps taken to prevent
re-occurrence**

Luxury Garden Center was billed for the repairs. Tanner from Luxury Lawn and Landscapes was educated on calling 811 and waiting for a positive response to dig.

**Amount billed to
excavator**

\$1,030.00



36.95183, -85.96252, 194.0m
Sep 22, 2022 1:03:39 PM



36.95183, -85.96251, 193.6m
Sep 22, 2022 1:03:43 PM



36.95181, -85.96251, 193.0m
Sep 22, 2022 1:03:57 PM



36.95182, -85.96252, 193.9m
Sep 22, 2022 1:04:02 PM



36.95182, -85.96252, 197.2m
Sep 22, 2022 1:04:26 PM



36.95182, -85.96252, 197.2m
Sep 22, 2022 1:04:28 PM



36.95182, -85.96252, 197.2m
Sep 22, 2022 1:04:31 PM



INVOICE

LUXURY GARDEN CENTER & LANDSCAPING
1757 W MAIN ST.
GLASGOW KY 42141

Page: 1
Claim Number 000200065620
Invoice No: 327304
Invoice Date: 29-SEP-22
Customer No: 159609
Credits and Payments: 0.00
Amount Due Remaining: 1,030.25
Amount Due Original: 1,030.25
Sales Rep: Brett P.Lowe
Payment Terms: NET10
Due date: 09-OCT-22

For billing questions, please call: 270-651-8989

Total Amount Due 1,030.25 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	107.49	107.49
2	Tools and Equipment	1	Job	296.00	296.00
3	Labor	1	Job	598.08	598.08
4	Gas Loss	3	mcf	9.5607	28.68

PAGE TOTAL

1,030.25

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ATMOS ENERGY CORP
P. O. BOX 841425
Dallas TX 75284-1425

ELECTRONIC REMITTANCE TO:

ATMOS ENERGY CORP
Bank of America
ACH Routing# 111000012
Bank Wire Routing# 026009593
Acct# 3756617812
Ref: 327304



BILL TO:

LUXURY GARDEN CENTER & LANDSCAPING
1757 W MAIN ST.
GLASGOW KY 42141

Customer No: 159609
Invoice No: 327304
Total Amount Due: 1,030.25 USD



Third Party Damage Claims Recovery

LUXURY GARDEN CENTER & LANDSCAPING
1757 W MAIN ST.
GLASGOW KY 42141

Date of Loss:	22-SEP-22	Invoice#	327304
Damages:	\$1,030.25		
Location of Damage:	70 Haywood Cedar Grove Rd. Glasgow Ky		
Description of Damage:	Contractor Damaged Main In Back Yard, Planting A Tree. Dug Prior To Locate Ticket Start Date.		
Claim #:	000200065620		

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.**

Sincerely,

Brett P.Lowe
Phone :270-651-8989
Fax :N/A
Brett.Lowe@atmosenergy.com
Para informacion en espanol, por favor llamar al 270-651-8989

200 N Broadway
Glasgow KY 42141



Know what's below.
Call before you dig.

Attachment 4

Tout, Eric V (PSC)

From: info@luxurygardencenters.com
Sent: Thursday, August 22, 2024 11:23 AM
To: Tout, Eric V (PSC)
Subject: Re: 55082, 9/22/2022, 70 Haywood Cedar Grove Rd., Glasgow, Atmos Energy Corporation

This Message Originated from Outside the Organization

You have not previously corresponded with this sender.

Report Suspicious

Received. Thank you for emailing over. I will get with Kevin when he gets back in office and we will be in touch.

Thank you,
Lacey

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, August 22, 2024 10:19 AM
To: info@luxurygardencenters.com <info@luxurygardencenters.com>
Subject: 55082, 9/22/2022, 70 Haywood Cedar Grove Rd., Glasgow, Atmos Energy Corporation

Lacey,

As requested see the attached letters previously mailed. The Legal Notice of Gas Line Damage has instructions on how to resolve this matter and the Past Due Notice indicates this should be completed on or before 09/18/24.

If you have questions do not hesitate in contacting me.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*



**SAFETY IS IN YOUR HANDS.
EVERY DIG. EVERY TIME.**

NOTICE OF CONFIDENTIALITY

This e-mail, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any review, use, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00088 DATED APR 24 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

LUXURY GARDEN CENTER INC.)	
)	
_____)	CASO NO.
)	2025-00088
PRESUNTA INFRACCIÓN DE LA LEY DE)	
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	
SUBTERRÁNEAS)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE
KENTUCKY

Luxury Garden Center Inc. (Luxury Garden Center) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).¹ Una audiencia sobre este caso tendrá lugar el 24 de julio 2025.

Conforme a la norma KRS 278.495(2), la Comisión tiene jurisdicción para regular la seguridad de las instalaciones de gas natural en Kentucky y para hacer cumplir las normas federales mínimas de seguridad de las tuberías. En virtud de la Ley, la Comisión tiene autoridad para investigar y evaluar las sanciones civiles por cualquier infracción de la Ley que resulte en daños de excavación a una instalación subterránea utilizada para transportar gas natural o líquidos peligrosos sujetos a las leyes federales de seguridad de tuberías, 49 U.S.C. §. 60101 et seq. Toda persona que infrinja cualquier disposición de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

¹ KRS 367.4901 a KRS 367.4917.

por la primera infracción, no más de 1,000 dólares por la segunda infracción en el plazo de un año, y no más de 3,000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1,000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Luxury Garden Center por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Luxury Garden Center violó la Ley de Prevención de Daños a Instalaciones Subterráneas. La Comisión considera, además, que debe llevarse a cabo una investigación formal sobre el incidente de los daños causados por la excavación.

POR LO TANTO SE ORDENA que:

1. Luxury Garden Center deberá presentar a la Comisión una respuesta por escrito a las alegaciones contenidas en el Informe de Incidencia del Personal en un plazo

de 20 días a partir de la recepción de esta Orden a través de un correo electrónico enviado a PSCED@ky.gov con el número de caso de este procedimiento en el asunto del mensaje.

2. Luxury Garden Center comparecerá el 24 de julio 2025, a las 9 a.m. Horario de verano del este, en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia 24 de julio 2025 se llevará a cabo por videoconferencia.

4. Luxury Garden Center deberá asistir a la audiencia utilizando el siguiente enlace:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2Q4ZDM3ZjQtZTc3ZS00YzBiLTgwMDUtODU2ZTVhNTViNTk4%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-480337c1709c%22%7d

Meeting ID: 275 502 115 509
Passcode: Wo2gW2yB

5. Luxury Garden Center notificará a la Comisión, al menos diez días antes de la audiencia, si Luxury Garden Center no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

6. **Cualquier sociedad, corporación o entidad comercial (incluyendo una sociedad de responsabilidad limitada) debe ser representada por un abogado con licencia para ejercer la abogacía en Kentucky y dicha representación incluye la presentación de documentos y las comparecencias en las audiencias ante la Comisión.**

7. Un individuo puede presentar una respuesta a las alegaciones contenidas en el Informe de Incidentes del Personal sin la representación de un abogado.

8. El Informe de Incidentes del Personal 55082, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 24 de julio 2025 se grabará únicamente por vídeo.

10. **Tenga en cuenta que las partes que no comparezcan después de la notificación estarán sujetas a que se asiente una sentencia en rebeldía contra ellos.**

COMISIÓN DE SERVICIOS PÚBLICOS

Presidente

Vicepresidente

Comisionado/a

HACE CONSTAR:

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO No. 2025-00088 FECHADO

TREINTA Y TRÉS ÁGINAS A SEGUIR

*Tina Kidwell
Luxury Garden Center Inc.
1757 W. Main St.
Glasgow, KY 42141