

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

S&S CONCRETE, INC.	)	
	)	
_____	)	CASE NO.
	)	2025-00089
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.)

S&S Concrete, Inc. (S&S Concrete) 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 S&S Concrete for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the tolerance zone, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility, except that mechanized equipment may be used:

IT IS THEREFORE ORDERED that:

1. S&S Concrete 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. S&S Concrete 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. S&S Concrete shall attend the hearing by using the following link:

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. S&S Concrete shall notify the Commission at least ten days prior to the hearing if S&S Concrete 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 55169, 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:

 RP
Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00089 DATED APR 24 2025

SEVENTY-TWO PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 55169 **Investigation** 11778
Incident Date 9/27/2022 2:18:00 PM **Report Submitted** 10/18/2022

Operator Information

Operator Louisville Gas and Electric Company (LG&E) **Reported By** Chad Seewer
Phone (502) 364-8459 **Email** chad.seewer@lge-KU.com

Incident Location 4006 Plymouth Rd.
Louisville KY 40207 **Locate Ticket Number** 2209210437

County Jefferson

Excavator Information

Excavator Steve / Donnie Smith / Beard **Organization ID** 1034731
S&S Concrete, Inc.
Phone 502-543-5805 **Email**
2385 North Preston Highway
Address Suite 2 **Locate Ticket Number** 2209210437
Shepherdsville KY 40165

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Not Specified	\$451.00	\$0.00

The Operator reports that the Excavator damaged a ½-inch gas service, digging a footer, within the tolerance zone of 24-inches.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2209210437	Yes	09/21/22	10/12/22	9/27/2022	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 08/08/24, the Operator, LG&E's Amber Hildebrand, provided the following documents:

- Incident Field Investigation Report & Facts-Based Investigation: Outlined in the DR Summary & Attachment 1. The Facts-Based Investigation indicates a Backhoe/Track Hoe was being utilized.
- Forty-Two Photographs: Indicating the damage occurred within the tolerance zone of 24-inches.
- Invoice & Check copy: Indicating the Excavator paid the Operator \$450.97 for the damage repair.

LG&E's documents are included as Attachment 3.

On 08/05/24, a representative of S&S Concrete attended the Damage Prevention Course.

On 08/22/24, a follow-up call to S&S Concrete resulted in the receptionist requesting the Notification Letters be emailed to ssconcrete777@yahoo.com.

PIPELINE DAMAGE INVESTIGATION REPORT

On 08/30/24, Pamala Floyd of S&S concrete called leaving a message.

On 09/09/24, Natisha of S&S Concrete stated that Ms. Floyd is no longer employed with S&S Concrete and Natisha stated she would contact the appropriate individuals within S&S Concrete to make the penalty payment.

VIOLATIONS¹

367.4911(10) When excavation or demolition is necessary within the tolerance zone, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

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	55169	09/27/22	09/28/23
Resolved Incidents			
1 st	43397	01/18/21	01/19/22

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

Louisville Gas and Electric Company

Submitted 10/18/2022 Incident ID: 55169

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=55169\)](#)

Reported By:

Name: Chad Seewer
Phone: (502) 364-8459
Email: chad.seewer@lge-KU.com

Gas Line Incident Occured:

Date: 9/27/2022
Time: 2:18 PM

Details:

Reported Date: 10/18/2022 12:27 PM

Incident Location Address:

Location:
Address: 4006 Plymouth Rd.
City: Louisville
State: KY
County: Jefferson
Zip: 40207
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.: 2209210437

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: Steve / Donnie

Last Name: Smith / Beard

Organization ID:

Company: S and S Concrete

Phone: 502-543-5805

Email:

Address: 2385 North Preston Highway Suite 2

City: Shepherdsville

State: KY

Zip: 40165

Confirm Code:

Excavation Damage: Failure to use hand tools where required

Description of Incident ?While digging a trench to form the footer, S & S Concrete damaged an accurately marked, 1/2" plastic gas service.

Summary Information

10/18/2022

Full details such as the cause

S & S Concrete was hired by Brent Nichols, the homeowner at 4006 Plymouth Rd, to install a new concrete porch coming off the front of the home towards the street. S & S Concrete demolished the small existing concrete porch before beginning work on digging out trenches for concrete footers that will support the new porch. While digging a trench to form the footer, S & S Concrete damaged an accurately marked 1/2" plastic gas service. The gas service was damaged on the customer side at an approximate depth of 23". S & S Concrete crew member(Donnie Beard) told the homeowner & LG&E trouble tech on-site that he just got "twisted around" on where the marks were. The meter was on the right side(south side) of the home and the service at the street is right in-line with the meter, however the service bends towards the center of the property a few feet in-between. Donnie Beard told LG&E that once he hit the gas line he told the homeowner(Brent Nichols) to call 911/LG&E. *S & S crew member, Donnie Beard, pinched off the gas line and wrapped it in duct tape before LG&E/Fired Department arrived. The picture was included in my report, I have the actual taped pipe in my possession.

Extent of the damage

Damaged 1/2" plastic gas service

Cost of the damage

\$451.00

Steps taken to prevent re-occurrence

I sent S & S an email to the address on their tickets but it came back undeliverable. I looked up S & S in DigTix and found another damage from 2021 where they left before LG&E arrived. I am going to call S & S first thing in the morning on 9/28/22 because not only did they damage the gas line, but they also duct taped the service closed before the fire department arrived. I am going to ask S & S to meet me on-site so I can give them 811 info. I spoke to the homeowner for several minutes and left 811 info with him.

Amount billed to excavator

\$0.00

Attachment 2

Kentucky 811

Ticket no	2209210437	Type	NORMAL CALL
Request date	09/21/22 09:30 am		
Start date	09/24/22 12:01 am		
Expiration date	10/12/22 11:59 pm		
Excavator information			
Excavator name	S&S CONCRETE		
Address	1369 YORKSHIRE BLVD. SHEPHERDSVILLE, KY 40165		
Company phone	502-543-5805		
Requested by	STEVE SMITH	Phone	502-543-5805
On-site name	S&S CONCRETE INC - OFFICE	On-site phone	502-548-5805
Contact email	SSCONCRETE777@YAHOO.COM		

Excavation information

Type of work	REPLACE FRONT PORCH, STEPS, AND SIDEWALK		
Depth (ft)	2	Explosives	N
Area marked	U		
Job name/number			
Work done for	BRENT NICHOLS		

Location information

County	JEFFERSON	City	LOUISVILLE
Address/street	4006 PLYMOUTH RD		
Nearest intersecting street	MERIDIAN AVE		
Location of work	FRONT OF PROPERTY		
Comments			
Map Coord			
NW Lat 38.2443289	Lon -85.6458060	SE Lat 38.2419311	Lon -85.6417240

Members notified

Company name	District	Type	Status
LG&E GAS	0002	G	No Conflict - The KY811 member has no facilities in the area of excavation described. (JONES, CARLOS LGE CLR.)
LOUISVILLE WATER CO	0004	W	No Conflict - The KY811 member has no facilities in the area of excavation described.
MSD	0006	S	No Conflict - The KY811 member has no facilities in the area of

SPECTRUM

0007

TV

excavation described.

No Conflict - The KY811 member has no facilities in the area of excavation described.
(2022/09/21 10:00 TICKET REVIEWED)

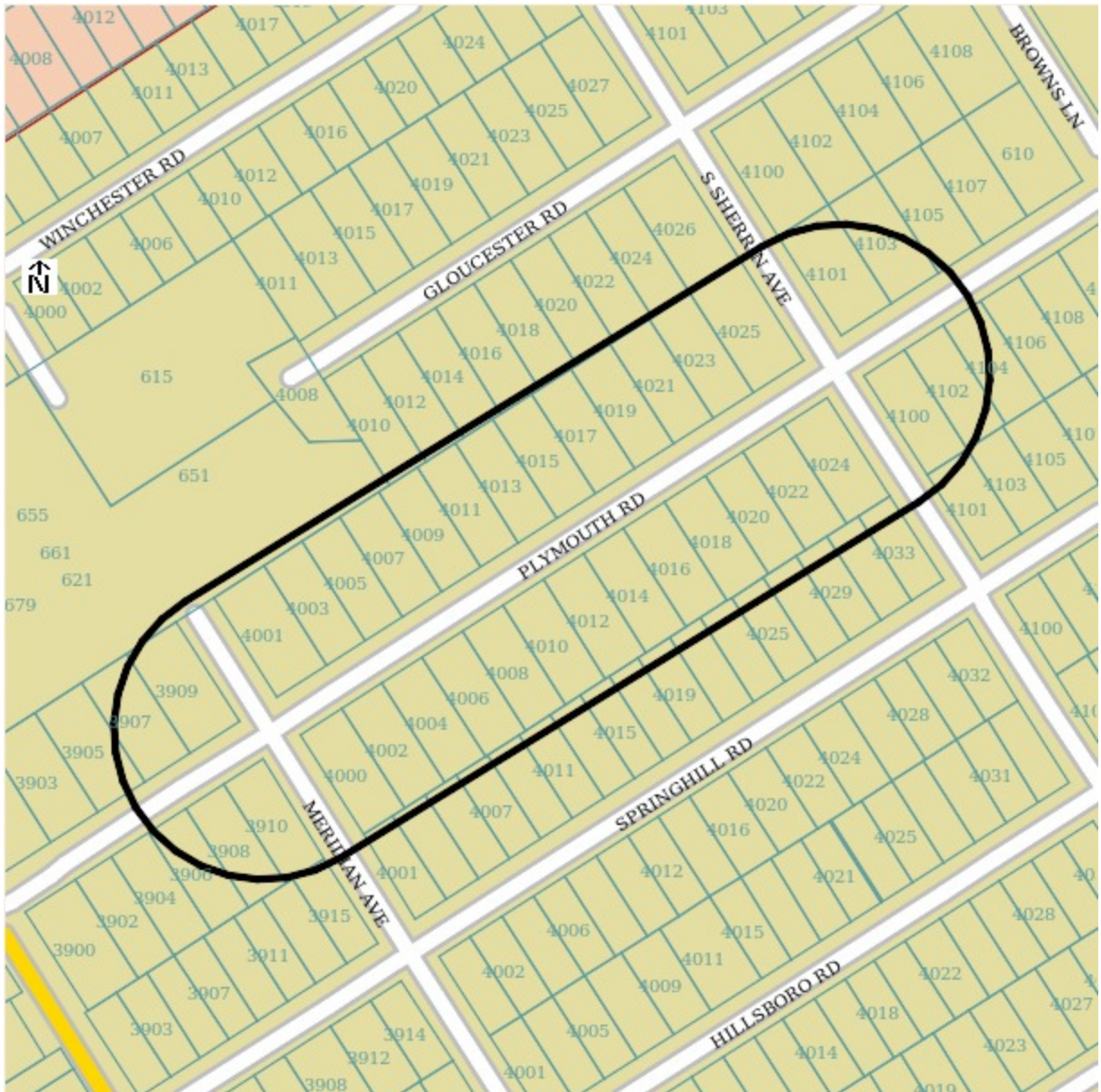
AT&T DISTRIBUTION

0139

COMMUNICATIONS

No Conflict - The KY811 member has no facilities in the area of excavation described. (ATT)

Map



Attachment 3

Tout, Eric V (PSC)

From: Hildebrand, Amber <Amber.Hildebrand@lge-ku.com>
Sent: Thursday, August 8, 2024 2:04 PM
To: Tout, Eric V (PSC)
Subject: RE: 55169, 9/27/2022, 4006 Plymouth Rd., Louisville, S&S Concrete
Attachments: digitix_attachments_1723127910.zip; DigTix_Incident_Report.pdf; SKM_C300i22100606150.pdf; 2022100606Invoice.pdf; 2022100606Payment.pdf

****CAUTION**** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

See the attached documentation for the 09/27/2022 damage at 4006 Plymouth Road.

Amber Hildebrand

Group Leader | Gas Regulatory Services | Louisville Gas and Electric Company
6900 Enterprise Drive, Louisville, KY 40214
O: 502-364-8378 | M: 502-439-4282
lge-ku.com

Business Use

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, August 7, 2024 10:57 AM
To: Hildebrand, Amber <Amber.Hildebrand@lge-ku.com>
Subject: 55169, 9/27/2022, 4006 Plymouth Rd., Louisville, S&S Concrete

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Amber,

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.

Incident Field Investigation Report — Gas

\$ 450.97



a PPL company

Damage report # 2022100606 9B

Is this related to a capital project? ☐ Yes ☐ No

Project/task OTPD419/ MAINT

G# 001099397

Resp. ctr. _____

Damage to company facilities

Date of incident 9-27-22 Time 2:15 ☐ a.m. ☒ p.m. Police report # _____
 Address/location of damage 4006 Plymouth Rd ZIP code 40207
 Subdivision name _____
 Time dispatched 2:18 ☐ a.m. ☒ p.m. Time of completion 8:30 a.m. to 10:30 ☒ a.m. ☐ p.m.
 Who caused damage? Donnie Beard - S+S concrete
(Name of contractor, utility, individual, etc.)
 Address of party causing damage 2385 N. Preston Hwy Shepherdsville Ky 40165
(Street) (City) (State) (ZIP)
 Phone number of party causing damage (502) 543-5805
(Area code) (Number)
 Was party causing damage still on the job? ☒ Yes ☐ No If yes, who was in charge? Donnie Beard
 If no, how did you obtain name of party causing damage? _____
 What was damaged? ☐ Company main ☒ Customer service ☐ Company service ☐ Other _____
 What type of work was being performed? Excavation for porch addition
 Party's explanation for damage Could not see locates. Excavator on top of marks
 What repairs were made? Relocate Section
 Any additional work to be performed? ☒ Yes ☐ No If yes, by whom? LG+E Number of customers out 1

Possible damage to others

Date of incident _____ Time _____ ☐ a.m. ☐ p.m.
 What was damaged? _____
 What was LG&E doing at this location? _____
 Description of damage _____
 Owner of property _____ Phone (_____) _____
(Area code) (Number)
 Owner's address _____
(Street) (City) (State) (ZIP)
 To whom was damage reported? _____
 Was an LG&E contractor notified? ☐ Yes ☐ No If yes, name of contractor _____
 Is the LG&E contractor responsible for the damage? ☐ Yes ☐ No
 Were photos taken? ☐ Yes ☐ No If yes, from whom can the photos be obtained? _____
 Were there any injuries? ☐ Yes ☐ No If yes, name of injured party _____
 Were there any witnesses to the incident? ☐ Yes ☐ No

Name	Address	Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name 2209210437
 Were facilities marked? ☒ Yes ☐ No Did excavator agree? ☒ Yes ☐ No
 If yes, were facilities properly marked? ☒ Yes ☐ No Did excavator agree? ☒ Yes ☐ No
 If no, how were they mismarked? (be specific) _____
 Was line locating contractor on the job? ☐ Yes ☐ No

9/28/22

(Date of report)

Holdan P
 (Signature of employee)

Approved _____

28760

(Employee number)

Date 9-28-22

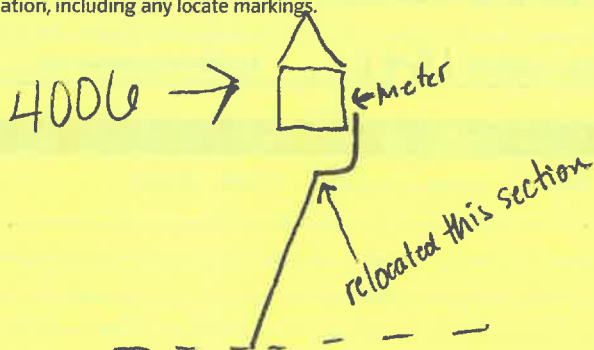
Put any additional comments on back

Comments Relocated Service so Company doing work can pour there concrete forms, no one on site got with Customer he stated what we done would work.

Repairs were made on 9/28/22

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Kyle Gray	E028331	1.5				☐ Backhoe ☐ Kubota
Tobias Perry	287160	2			4869	☒ Backhoe ☐ Kubota
Jake Eads	29263	2			4869	☒ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota
						☐ Backhoe ☐ Kubota

Please provide a sketch of the damage location, including any locate markings.



Material Used		
Qty.	Material	IIN#
8	ft. Pipe PE 2406: 1/2" IPS	1170051
	ft. Pipe PE 2406: 1" CTS	1170078
	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
1	ea. 1/2" IPS Permasert coupling	0394943
	ea. 1" CTS Permasert coupling	0394935
	ea. 2" IPS Electrofusion CPL	0394894
	ea. 4" IPS Electrofusion CPL	0394901
	ea. 1" Prefab Meterloop w/reg.	0532951
	ea. Flex Riser 1" male by 1/2" IPS	0530927
	ea. Flex Riser 1" male by 1" CTS	0530935
	ea. Farm tap (w/o regulator)	ARM WR 5695012
	ea. Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
1	1/2" ips socket collar	
1	1/2" 90 Socket	

0394943

0394986
0118960



Facts-Based Investigation

Internal Claim ID: INC-20220927-003 Customer Claim ID: _____
Site Investigator: Steve Delap Notified At: 09/27/22 14:24:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 4006 Plymouth Rd Louisville, KY 40207
Incident Time: 09/27/22 14:15:00
Initial Call Notes: _____

Original Locate Request: 2209210437 Assigned Locator: USIC Locating
Locate Request Due: 09/23/22 23:59:59 Locate Request Completed: 09/22/22 07:44:51
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 0.5"
Depth: 18" to < 36" (0.5 to < 1m)"
Incident Description:

S & S Concrete was hired by Brent Nichols, the homeowner at 4006 Plymouth Rd, to install a new concrete porch coming off the front of the home towards the street. S & S Concrete demolished the small existing concrete porch before beginning work on digging out trenches for concrete footers that will support the new porch. While digging a trench to form the footer, S & S Concrete damaged an accurately marked, 1/2" plastic gas service. The gas service was damaged on the customer side at an approximate depth of 23". S & S Concrete crew member(Donnie Beard) told the homeowner & LG&E trouble tech on-site that he just got "twisted around" on where the marks were. The meter was on the right side(south side) of the home and the service at the street is right in-line with the meter, however the service bends towards the center of the property a few feet in-between. Donnie Beard told LG&E that once he hit the gas line he told the homeowner(Brent Nichols) to call 911/LG&E.
*S & S crew member, Donnie Beard, pinched off the gas line and wrapped it in duct tape before LG&E/Fired Department arrived. The picture was included in my report, I have the actual taped pipe in my possession.

Facility Owner: LG&E

Equipment Used: Backhoe/Trackhoe
Excavation Company Name: S AND S CONCRETE
Company Address: 2385 NORTH PRESTON HIGHWAY SUITE 2, SHEPHERDSVILLE, KY 40165
Phone: 5025435805 Contact Name: STEVE SMITH
Working For: BRENT NICHOLS
Repair Company: Ige
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N
Impact Comments: _____
Was Locate requested?: Y Locate Request Completed?: Y



Facts-Based Investigation

Locate Accurate (Within Tolerance Zone): Y

If No, Distance Markings Off: _____

Marks Visible at Time of Damage: Y Damage Within Scope of Ticket: Y



Facts-Based Investigation

Repair Contact Name: EOC Phone: 5025891444

Repair Comments: I was informed by the tech on-site that LGE will have to return and re-route the gas service because the new porch will be over the current gas service.

Witness: _____ Phone: _____

Comments: _____

Witness: _____ Phone: _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: S & S Concrete

Responsible Party Comments: S & S left before I arrived. The fire department stopped the excavator from leaving. LGE trouble tech on-site was able to get their info, the operators name was Donnie Beard(S & S Concrete).

Date of Investigation: 09/27/22 Investigation Time (Hours): _____

Site Investigator's Name: Steve Delap Phone: 5029911135

Site Investigator's Signature: Steve Delap Date: 09/28/2022

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

Damage Claims Manager: _____



Facts-Based Investigation

Original Locate Request

0002 00094 KUPla 09/21/2022 09:31:17 2209210437-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 2209210437 Date: 09/21/2022 Time: 09:30 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE

Subdivision:

Address : 4006

Street : PLYMOUTH RD

Cross 1 : MERIDIAN AVE

Location: FRONT OF PROPERTY

:

Boundary: n 38.244329 s 38.241931 w -85.645806 e -85.641724

Work type : REPLACE FRONT PORCH, STEPS, AND SIDEWALK

Done for : BRENT NICHOLS

Start date: 09/24/2022 Time: 00:01 Hours notice: 63/62 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 2 FT

Company : S&S CONCRETE Type: CONT

Co addr : 1369 YORKSHIRE BLVD.

City : SHEPHERDSVILLE State: KY Zip: 40165

Caller : STEVE SMITH Phone: (502)543-5805

Contact : S&S CONCRETE INC - OFFICE Phone:

Mobile : (502)548-5805

Email : SSConcrete777@YAHOO.COMDA

Submitted date: 09/21/2022 Time: 09:30

Members: 0002 0004 0006 0007 0139



2022-09-27 15:19:31

38.2428427, -85.6441523

Latitude, Longitude: 38.2428427, -85.6441523

Local Timestamp: 2022-09-27 15:19:31



2022-09-27 15:19:39

38.2429387,-85.6440215

Latitude, Longitude: 38.2429387, -85.6440215

Local Timestamp: 2022-09-27 15:19:39



2022-09-27 15:19:40

38.2429387, -85.6440215

Latitude, Longitude: 38.2429387, -85.6440215

Local Timestamp: 2022-09-27 15:19:40



2022-09-27 15:20:01

38.2426521,-85.6441566

Latitude, Longitude: 38.2426521, -85.6441566

Local Timestamp: 2022-09-27 15:20:01



2022-09-27 15:20:31

38.2427753, -85.6442655

Latitude, Longitude: 38.2427753, -85.6442655

Local Timestamp: 2022-09-27 15:20:31



2022-09-27 15:21:25

38.2429123, -85.6440458

Latitude, Longitude: 38.2429123, -85.6440458

Local Timestamp: 2022-09-27 15:21:25



2022-09-27 15:21:31

38.2429123, -85.6440458

Latitude, Longitude: 38.2429123, -85.6440458

Local Timestamp: 2022-09-27 15:21:31



Latitude, Longitude: 38.2429123, -85.6440458

Local Timestamp: 2022-09-27 15:21:38



2022-09-27 15:21:39

38.2429123, -85.6440458

Latitude, Longitude: 38.2429123, -85.6440458

Local Timestamp: 2022-09-27 15:21:39



2022-09-27 15:21:40

38.2429123, -85.6440458

Latitude, Longitude: 38.2429123, -85.6440458

Local Timestamp: 2022-09-27 15:21:40

NOTE: Only 10 most recent photos shown. To view all 42 attachments, please view the ticket within DigTix.



2022-09-27 15:19:31
38.2428427,-85.6441523



2022-09-27 15:19:39
38.2429387,-85.6440215





2022-09-27 15:20:01
38.2426521,-85.6441566



2022-09-27 15:20:31
38.2427753, -85.6442655



2022-09-27 15:21:25
38.2429123, -85.6440458





2022-09-27 15:21:38
38.2429123, -85.6440458



2022-09-27 15:21:39
38.2429123,-85.6440458



2022-09-27 15:21:40
38.2429123,-85.6440458



2022-09-27 15:21:41
38.2428819, -85.6442537



2022-09-27 15:21:44
38.2428819, -85.6442537



2022-09-27 15:21:59
38.2428819, -85.6442537



2022-09-27 15:22:07
38.2429356, -85.6440287



2022-09-27 15:22:08
38.2429356, -85.6440287



2022-09-27 15:22:14
38.2430404,-85.6440572



4006



2022-09-27 15:22:36
38.2428153,-85.6444106



4006



2022-09-27 15:24:22
38.2428018, -85.6443261



2022-09-27 15:24:26
38.2428188, -85.6441915



2022-09-27 15:24:50
38.2429441,-85.6441155



2022-09-27 15:25:28
38.2429096, -85.6439955

Incident Field Investigation Report — Gas



Damage report # _____

Is this related to a capital project? ☐ Yes ☐ No

G# _____ Project/task _____
Resp. ctr. _____

Damage to company facilities

Date of incident 9-27-22 Time _____ ☐ a.m. ☐ p.m. Police report # _____

Address/location of damage 4006 Plymouth Rd ZIP code _____

Subdivision name _____

Time dispatched _____ ☐ a.m. ☐ p.m. Time of completion _____ ☐ a.m. ☐ p.m.

Who caused damage? Donnie Beard - S + S concrete
(Name of contractor, utility, individual, etc.)

Address of party causing damage 2385 N. Preston Hwy Shepherdsville Ky. 40165
(Street) (City) (State) (ZIP)

Phone number of party causing damage (502) 543-5805
(Area code) (Number)

Was party causing damage still on the job? ☒ Yes ☐ No If yes, who was in charge? Donnie Beard

If no, how did you obtain name of party causing damage? _____

What was damaged? ☐ Company main ☒ Customer service ☐ Company service ☐ Other _____

What type of work was being performed? Excavation for porch addition

Party's explanation for damage Could not see locates

What repairs were made? _____

Any additional work to be performed? ☐ Yes ☐ No If yes, by whom? _____ Number of customers out _____

Possible damage to others

Date of incident _____ Time _____ ☐ a.m. ☐ p.m.

What was damaged? _____

What was LG&E doing at this location? _____

Description of damage _____

Owner of property _____ Phone (_____) _____
(Area code) (Number)

Owner's address _____
(Street) (City) (State) (ZIP)

To whom was damage reported? _____

Was an LG&E contractor notified? ☐ Yes ☐ No If yes, name of contractor _____

Is the LG&E contractor responsible for the damage? ☐ Yes ☐ No

Were photos taken? ☐ Yes ☐ No If yes, from whom can the photos be obtained? _____

Were there any injuries? ☐ Yes ☐ No If yes, name of injured party _____

Were there any witnesses to the incident? ☐ Yes ☐ No

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

BUD/KY 811/VA 811 information

BUD number and requesting party's name 2209210437

Were facilities marked? ☒ Yes ☐ No Did excavator agree? ☒ Yes ☐ No

If yes, were facilities properly marked? ☒ Yes ☐ No Did excavator agree? ☒ Yes ☐ No

If no, how were they mismarked? (be specific) _____

Was line locating contractor on the job? ☐ Yes ☐ No

(Date of report)

(Signature of employee)

(Employee number)

Approved _____ Date _____

Put any additional comments on back

Rev. 10



2022-09-27 15:27:12
38.2429371,-85.6446514



2022-09-27 15:27:16
38.2429371,-85.6446514



2022-09-27 15:27:17
38.2429371,-85.6446514



2022-09-27 15:27:48
38.2429974,-85.6444121



2022-09-27 15:27:49
38.2429974, -85.6444121



2022-09-27 15:27:53
38.2428285, -85.6444382



2022-09-27 15:28:04
38.2428612,-85.6443060



2022-09-27 15:29:03
38.2429270, -85.6440939



2022-09-27 15:38:13
38.2427420,-85.6442191



2022-09-27 15:38:14
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2022-09-27 15:38:26
38.2426863,-85.6441117



2022-09-27 15:38:27
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2022-09-27 15:38:28
38.2427080, -85.6442824



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38.2427080, -85.6442824



2022-09-27 15:38:44
38.2429327, -85.6440526



2022-09-27 15:39:34
38.2429279,-85.6441358



2022-09-27 15:39:49
38.2429398, -85.6440039



Invoice
Louisville Gas and Electric Company
820 West Broadway
Louisville, KY 40202
Attn: Remittance and Collection
800-928-1340

INVOICE DATE: 10/11/2022

REFERENCE OTPD419
NO.:
DTS INVOICE 2022100606
NO.:

AMOUNT DUE: **\$450.97**
DUE DATE: **11/10/2022**

S & S CONCRETE
2385 NORTH PRESTON HIGHWAY
SUITE 2
SHEPHERDSVILLE KY 40165

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR: Damaged Customer Gas Service
DAMAGE DATE: 09/27/2022
DAMAGE LOCATION: 4006 Plymouth Rd.
Louisville, KY 40207

LABOR HOURS: 5.50

LABOR COST: \$368.19

MATERIAL COST: \$44.30

TRANSPORTATION/EQUIPMENT COST: \$38.48

CONTRACTOR COST: \$0.00

OTHER DAMAGE COSTS: \$0.00

TOTAL DUE: \$450.97

Louisville Gas and Electric Company · Remittance and Collection · 820 West Broadway · Louisville, KY 40202

S&S CONCRETE INC
2385 N PRESTON HWY STE 2
SHEPHERDSVILLE, KY 40165

2108

21-234/830

December 27, 2022

CHECK ARMOR

Pay to the Order of Louisville Gas & Electric \$ 450.97
four hundred fifty dollars and 97/100

Photo Safe Deposit®
Deposit on back

FIFTH THIRD BANK

For INV # 2022100606

Signature

LE GAS & ELECTRIC
SH REMITTANCE
R BROADWAY
LE, KY 40202
ites

S & S CONCRETE
2385 NORTH PRESTON HIGHWAY
SUITE 2
SHEPHERDSVILLE, KY 40165
United States

DECEMBER 15, 2022

Invoice Number	Invoice Date	Due Date	Days Late	Invoice Amount	Balance Due
2022100606	10/11/2022	11/10/2022	35	450.97	450.97

Total : \$450.97

Our records indicate that there were damages to our facilities caused by you that are still unpaid.

Please remit your payment in the enclosed envelope within 15 days from the date of this letter to avoid further collection action, which may include listing this debt with a collection agency or referral to our Legal Department.

Please contact us immediately with any questions or concerns regarding this invoice.

Sincerely,

Kay Payne 859-367-5303
Revenue Collections

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00089 DATED APR 24 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

S&S CONCRETE, INC.	)	
	)	
_____	)	CASO NO.
	)	2025-00089
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

S&S Concrete, Inc. (S&S Concrete) 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 S&S Concrete por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que S&S Concrete 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. S&S Concrete 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. S&S Concrete 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. S&S Concrete deberá asistir a la audiencia utilizando el siguiente enlace:

https://teams.microsoft.com/join/19%3ameeting_M2Q4ZDM3ZjQtZTc3ZS00YzBiLTgwMDUtODU2ZTVhNTViNTk4%40thread.v2/0?context=%7b%22id%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. S&S Concrete notificará a la Comisión, al menos diez días antes de la audiencia, si S&S Concrete 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 55169, 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. 2025-00089 FECHADO

SETENTA Y DOS PÁGINAS A SEGUIR

*Steve Smith
S&S Concrete, Inc.
2385 North Preston Highway
Suite 2
Shepherdsville, KY 40165