

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COX EXCAVATING LLC)	
)	
_____)	CASE NO.
)	2025-00090
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.)

Cox Excavating LLC (Cox Excavating) 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 Cox Excavating 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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Cox Excavating violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident shall be conducted.

IT IS THEREFORE ORDERED that:

1. Cox Excavating 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. Cox Excavating 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. Cox Excavating shall attend the hearing by using the following link:

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. Cox Excavating shall notify the Commission at least ten days prior to the hearing if Cox Excavating 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 55090, 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:

Linda Bridwell RP
Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00090 DATED APR 24 2025

TWENTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 55090 **Investigation** 11781
Incident Date 9/27/2022 8:30:00 AM **Report Submitted** 10/27/2022

Operator Information

Operator Atmos Energy Corporation **Reported By** Bill Stanley
Phone (270) 314-0712 **Email** bill.stanley@atmosenergy.com

Incident Location 2731 Fairview Dr **Locate Ticket Number** N/A
Owensboro KY 42303
2731 Fairview Dr (Owensboro)
County Daviess

Excavator Information

Excavator Jeff Cox **Organization ID** 1115474
Cox Excavating LLC
Phone 270-929-9868 **Email** n/a
Address 902 Cox Lane **Locate Ticket Number** N/A
Whitesville KY 42378

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call KY Contact Center (811)	Yes	Yes	Mechanized / Excavator	\$474.00	\$474.00

The Operator reports that the Excavator damaged a ¾-inch gas service, with an excavator, cleaning a lot / removing stumps and failed to contact 811.

The DR is included as Attachment 1.

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.
- Two Photographs: Depicting the incident location.
- Invoice: Indicating the Operator billed the Excavator \$473.63 for the damage repair.

Atmos's documents are included as Attachment 2.

On 08/22/24, Jeff Cox of Cox Excavating stated that the homeowner, Marty Walker, was the responsible party, but Mr. Cox stated that he was doing the excavation. Staff explained the person excavating was the responsible party. Mr. Cox stated that he received the notifications, but tossed them in the trash, therefore Mr. Cox requested the Notification Letters be email to coxrac120@gmail.com and he would forward them to Mr. Walker.

PIPELINE DAMAGE INVESTIGATION REPORT

VIOLATIONS¹

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.

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	See above	09/27/22	09/28/23

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 10/27/2022 Incident ID: 55090

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=55090\)](#)

Reported By:

Name: Bill Stanley
Phone: (270) 314-0712
Email: bill.stanley@atmosenergy.com

Gas Line Incident Occured:

Date: 9/27/2022
Time: 8:30 AM

Details:

Reported Date: 9/27/2022 3:37 PM

Incident Location Address:

Location: 2731 Fairview Dr (Owensboro)
Address: 2731 Fairview Dr
City: Owensboro
State: KY
County: Daviess
Zip: 42303
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.: N/A

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: Jeff

Last Name: Cox

Organization ID: n/a

Company: Cox Excavating

Phone: 2709299868

Email: n/a

Address: 902 Cox Lane

City: Whitesville

State: KY

Zip: 42378

Confirm Code:

Excavation Damage: No notification made to the One Call Center

Description of Incident Cox Excavating damaged a 3/4" PE service. No injuries.

Summary Information

10/27/2022

Full details such as the cause	While cleaning up lot and removing stumps, Cox Excavating cut a ¾" PE with an excavator. A valid locate request was not provided.
Extent of the damage	Repaired ¾" PE service. 1 customer off.
Cost of the damage	\$474.00
Steps taken to prevent re-occurrence	Cox Excavating was educated about the importance of proper one call notification practices. Cox Excavating was billed for the repair.
Amount billed to excavator	\$474.00

Attachment 2

Tout, Eric V (PSC)

From: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Sent: Tuesday, August 13, 2024 7:11 PM
To: Tout, Eric V (PSC)
Subject: Re: 55090, 9/27/2022, 2731 Fairview Dr., Owensboro, Cox Excavating

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 the photos and documents from this incident.

<https://ae.watchdox.com/ngdox/workspaces/451168/5090%2C%209.27.2022%2C%202731%20Fairview%20Dr.%2C%20Owensboro%2C%20Cox%20Excavating>

Thank you
Bill

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Tuesday, August 6, 2024 5:52 AM
To: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Subject: [EXT] 55090, 9/27/2022, 2731 Fairview Dr., Owensboro, Cox Excavating

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#: 25243369

Construction Order Number: C 0713770

Leak Asset #: 711382

Project Number: 050-23957

Division: 009

District / Cost Center: 2636

County / Parish: DAVISS Town: OWENSBORO

State: KY

Tax District: 90801

ICL ☒ OCL ☐ Map Sheet #:

Address / Location: 2731 Fairview Dr

Cross Street: SERIES Rd

Asset Description: Land Description: ROLLING HILLS IN FRONT OF HOME

GPS Coordinates: Latitude 37.738548 Longitude -82.061811 Leak Survey Area:

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

Date Leak Found: 09 / 27 / 2022 (MM/DD/YYYY)

Time Leak Found: 08 : 50 ☒ AM ☐ PM

Time Leak Classified: 08 : 55 ☒ AM ☐ PM

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

(M15) Leak Graded By: P. Brown

(M1) Surveying Leaks ID#:

Suspected Facility: ☐ Main ☒ Service ☐ Riser ☐ Yardline ☐ Meter Loop ☐ Other Feet to Building: 200'

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: CONTRACTOR CLEANING TREES CUT 3/4 SERVICE TO HOME, NO BJA TICKET, NO LOCATE CAUGH IN, LINE SAVERED OFF 9-27-22, P. BROWN

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

- ☐ 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#: 25243369

Construction Order Number: C 0713770

Leak Asset #: 711382

Project Number: 050 • 23957

Rate Division: 009

INCIDENT DETAILS

Date of Damage: 09/27/2022 Time of Damage: 08:30 ☒ AM ☐ PMWas the Regulatory Commission called? ☐ Yes ☒ No

Incident Number:

Address/Location: 2731 Fairview Dr

Cross Street: Settles Rd

City: Owensboro

County/Parish: Daviess

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: COX EXCAVATION

Address: 902 COX LAKE

City: Whitesville

State: KY

Zip: 42378

Contact Name: JEFF COX

Phone: (270) 929-9868

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: Locate Ticket Number:

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: .75 inches Depth of Facility: 2 feet 6 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:

☐ Death/Hospitalization

Number of Injuries:

☐ Property Damage \geq \$50,000

Type of Injuries:

☐ Estimated gas loss \geq 3 million cubic feet

Number of Fatalities:

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: _____

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: ☐ Yes ☐ No
Center Name: _____ OneCall Ticket Number: _____
Date of Notification: _____ / _____ / _____
Original Locator: ☐ Pipeline Operator ☐ Utility Owner ☐ Data Not Collected ☐ Unknown/Other
☐ Contract Locator Locator Name: _____
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: _____
Distance of Inaccurate Marks from Pipeline: _____ feet _____ inches

OTHER INFORMATION

Line Pressure: 55 psig Pipe Damage: (Length) 36 inches (Width) .75 inches
Leak Duration: 15 minutes Locate Priority: _____ FERC Account: 8740
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
Pat Brown	SA - SW TECH	2		10
Rick Walker	CREW LEADER	2		10
Josh Cooper	CONST OP 1	2		10

EQUIPMENT

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

Comments: CONTINUATION CLEANING TAPS FOR .75 SERVICE, NO LOCATE CATCH IN,
LIVE SOURCE OFF, &
Completed By: P. Brown Date: 9-27-22

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

NAME:	Cox Excavation
BILLING ADDRESS:	902 Cox Lane
CITY, STATE, & ZIP CODE:	Whitesville, KY 42378
PHONE #:	Jeff Cox 270-929-9868
EMAIL ADDRESS:	
INSURANCE PROVIDER:	
INSURANCE POLICY #:	
ATMOS WORK CENTER:	2636 - Owensboro
DATE OF DAMAGE:	September 27, 2022
DAMAGE LOCATION:	2731 Fairview Dr, Owensboro, KY 42303
ASSET #:	711382
eAM #:	25243369
SAP INVOICE #:	

LINE NO.	CHARGE TYPE:			
1	LABOR			\$ 299.58
2	MATERIALS			\$ 21.37
3	EQUIPMENT			\$ 124.00
		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			\$ 473.63

Pipe Size	0.75
Material Type	PE
Pressure (PSIG)	55
Duration (Minutes)	15
Distance to Feeder Main or Regulator Station (Feet)	300
Main or Service	Service

- 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	167	Cubic Feet/Min.
Gas Loss in Cubic Feet	2,505	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 10/27/2022 Incident ID: 55090

Reported By:

Name: Bill Stanley
Phone: (270) 314-0712
Email: bill.stanley@atmosenergy.com

Gas Line Incident Occured:

Date: 9/27/2022
Time: 8:30 AM

Details:

Reported Date: 9/27/2022 3:37 PM

Incident Location Address:

Location: 2731 Fairview Dr (Owensboro)
Address: 2731 Fairview Dr
City: Owensboro
State: KY
County: Davies
Zip: 42303
Confirm Code:

Number of Customers out: 1

Was gas or hazardous liquids contained



* 3/2020

in the underground facility?

Was gas or hazardous liquids released
into the atmosphere?



Locate Request Ticket No.:

N/A

Excavator:

Contractor

Excavator Address:

First Name: Jeff

Last Name: Cox

Organization ID: n/a

Company: Cox Excavating

Phone: 2709299868

Email: n/a

Address: 902 Cox Lane

City: Whitesville

State: KY

Zip: 42378

Confirm Code:

Excavation Damage:

No notification made to the One Call Center

Description of Incident Cox Excavating damaged a 3/4" PE service. No injuries.

Summary Information

10/27/2022

Full details such as the cause While cleaning up lot and removing stumps, Cox Excavating cut a 3/4" PE with an excavator. A valid locate request was not provided.

Extent of the damage Repaired 3/4" PE service. 1 customer off.

Cost of the damage \$474.00

Steps taken to prevent re-occurrence Cox Excavating was educated about the importance of proper one call notification practices. Cox Excavating was billed for the repair.

**Amount billed to
excavator**

\$474.00

Fw: [EXT] Report Submitted Gas Excavation Damage at 9/27/2022 8:30:00 AM involving Atmos Energy Corporation REFERENCE 55090

Stanley, Bill <Bill.Stanley@atmosenergy.com>

Fri 10/28/2022 6:16 PM

To: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>

From: KY Public Service Commission <pscfilings@ky.gov>

Sent: Thursday, October 27, 2022 6:09 PM

To: Stanley, Bill <Bill.Stanley@atmosenergy.com>

Subject: [EXT] Report Submitted Gas Excavation Damage at 9/27/2022 8:30:00 AM involving Atmos Energy Corporation REFERENCE 55090

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.

The completed report has been submitted. A gas digln incident has occurred at approximately:
9/27/2022 8:30:00 AM

Involving Utility: Atmos Energy Corporation

at Location: 2731 Fairview Dr (Owensboro)

Description: Cox Excavating damaged a 3/4" PE service. No injuries.

Customers Affected: 1

Person completing this report: Bill Stanley

Contact filer at: (270) 314-0712 bill.stanley@atmosenergy.com

see more: <https://psc.ky.gov/ORS/GasIncident.aspx?IG=55090>

10/27/2022 7:09:32 PM bill.stanley@atmosenergy.com

Utility filers receipt. This email is automatically generated please do not reply to this email address.









INVOICE

COX EXCAVATION
902 COX LANE
WHITESVILLE KY 42378

Page: 1
Claim Number 000200065786
Invoice No: 327715
Invoice Date: 10-OCT-22
Customer No: 181119
Credits and Payments: 0.00
Amount Due Remaining: 473.63
Amount Due Original: 473.63
Sales Rep: Michael C.Townsend
Payment Terms: NET10
Due date: 20-OCT-22

For billing questions, please call: 270-836-7229

Total Amount Due 473.63 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	21.37	21.37
2	Tools and Equipment	1	Job	124.00	124.00
3	Labor	1	Job	299.58	299.58
4	Gas Loss	3	mcf	9.5607	28.68

PAGE TOTAL

473.63

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: 327715



BILL TO:

COX EXCAVATION
902 COX LANE
WHITESVILLE KY 42378

Customer No: 181119
Invoice No: 327715
Total Amount Due: 473.63 USD



Third Party Damage Claims Recovery

COX EXCAVATION
902 COX LANE
WHITESVILLE KY 42378

Date of Loss:	27-SEP-22	Invoice#	327715
Damages:	\$473.63		
Location of Damage:	3271 Fairview Drive Owensboro Ky		
Description of Damage:	Contractor Damaged Service With Backhoe Working On Landscaping. No Locate Request Made To One Call.		
Claim #:	000200065786		

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,

Michael C.Townsend
Phone :270-836-7229
Fax :N/A
cody.townsend@atmosenergy.com
Para informacion en espanol, por favor llamar al 270-836-7229

3275 Highland Pointe Dr
Owensboro KY 42303



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00090 DATED APR 24 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

COX EXCAVATING LLC)	
)	
_____)	CASO NO.
)	2025-00090
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

Cox Excavating LLC (Cox Excavating) 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 Cox Excavating 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 Cox Excavating 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. Cox Excavating 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. Cox Excavating 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. Cox Excavating deberá asistir a la audiencia utilizando el siguiente enlace:

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. Cox Excavating notificará a la Comisión, al menos diez días antes de la audiencia, si Cox Excavating 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 55090, 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. 2025-00090 FECHADO

VIENTITRÉS PÁGINAS A SEGUIR

*Jeff Cox
Cox Excavating, LLC
902 Cox Lane
Whitesville, KY 42378