

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LODEN PLUMBING, LLC	)	
	)	
_____	)	CASE NO.
	)	2025-00091
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.)

Loden Plumbing, LLC (Loden Plumbing) 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).<sup>1</sup> 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

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<sup>1</sup> 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 Loden Plumbing for violation of the following provision of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Loden Plumbing 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. Loden Plumbing shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. Loden Plumbing 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. Loden Plumbing 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](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. Loden Plumbing shall notify the Commission at least ten days prior to the hearing if Loden Plumbing 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 55102, 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. 2025-00091 DATED APR 24 2025

THIRTY PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 55102 **Investigation** 11792  
**Incident Date** 9/29/2022 12:10:00 PM **Report Submitted** 10/30/2022

## Operator Information

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

**Incident Location** 1502 College St  
Hopkinsville KY 42240  
1502 College St. Hopkinsville  
**County** Christian  
**Locate Ticket Number** 2208150088

## Excavator Information

**Excavator** Jimmy Loden **Organization ID** 1175523  
Loden Plumbing, LLC  
**Phone** 270-881-2079 **Email** [lodenplumbing@gmail.com](mailto:lodenplumbing@gmail.com)  
**Address** 4450 Witty Ln **Locate Ticket Number** 2208150088  
Hopkinsville KY 42240

## Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Expired Locate Ticket (LT)	Yes	Yes	Mechanized/Mini-Excavator	\$235.00	\$235.00

The Operator reports that the Excavator damaged a correctly marked 3/4-inch gas service, with a mini-excavator, installing sewer and the LT was expired.

**The DR is included as Attachment 1.**

LT Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2208150088	No	08/15/22	09/05/22	09/29/22	24	Yes

A review of LT...0088 revealed the Excavator obtained it on 08/15/22; it expired on 09/05/22 indicating it expired 24 days prior to the incident date of 09/29/22.

**The LT is included as Attachment 2.**

## INVESTIGATION

On 08/15/24 the Operator, Atmos's Bill Stanley provided the following documents:

- Leak Found Report, Third party Damage Form & DR: Outlined in the DR Summary & Attachment 1.
- Five Photographs: Depicting the incident location.
- Invoice: Indicating the Operator billed the Excavator \$234.91.

**Atmos's documents are include as Attachment 3.**

On 08/22/24, Jimmy Loden of Loden Plumbing stated that a Loden Plumbing is receptive to attending the Damage Prevention Course and paying the reduce penalty.

## PIPELINE DAMAGE INVESTIGATION REPORT

On 09/04/24 & 09/16/24 notes in IRS indicates the Past Due Notices were not delivered to the two addresses, one indicated "not at this address" and the other "addressee unknown". Therefore, the Past Due Notice will be sent to the email address above.

**The email to Loden Plumbing is included as Attachment 4.**

### **VIOLATIONS<sup>1</sup>**

**367.4911(8)** The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues.

#### **# of Offences Within 365 Days**

(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
1 <sup>st</sup>	See above	09/29/22	09/30/23

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<sup>1</sup> 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 10/30/2022 Incident ID: 55102

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=55102\)](#)

### Reported By:

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

### Gas Line Incident Occured:

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**Date:** 9/29/2022  
**Time:** 12:10 PM

### Details:

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**Reported Date:** 10/2/2022 8:05 PM

### Incident Location Address:

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**Location:** 1502 College St. Hopkinsville  
**Address:** 1502 College St  
**City:** Hopkinsville  
**State:** KY  
**County:** Christian  
**Zip:** 42240  
**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.: 2208150088

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: Jimmy

Last Name: Loden

Organization ID: na

Company: Loden Plumbing

Phone: 270-881-2079

Email: lodenplumbing@gmail.com

Address: 4450 Witty Ln

City: Hopkinsville

State: KY

Zip: 42240

Confirm Code:

Excavation Damage: One Call notification practices not sufficient

Description of Incident Loden Plumbing damaged a 3/4" PE service.

## Summary Information

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10/30/2022

<b>Full details such as the cause</b>	Loden Plumbing was installing sewer and damaged a 3/4" PE service with a mini excavator. An expired locate request was provided. Very faint marks showed the service was marked incorrectly.
<b>Extent of the damage</b>	Retired 3/4" PE service. 0 customers off.
<b>Cost of the damage</b>	\$235.00
<b>Steps taken to prevent re-occurrence</b>	Loden Plumbing educated onsite about proper one call notification practices. Loden Plumbing was billed for the repair.
<b>Amount billed to excavator</b>	\$235.00

## Attachment 2

## Kentucky 811

<b>Ticket no</b>	2208150088	<b>Type</b>	NORMAL CALL
<b>Request date</b>	08/15/22 06:18 am		
<b>Start date</b>	08/18/22 12:01 am		
<b>Expiration date</b>	09/05/22 11:59 pm		
Excavator information			
<b>Excavator name</b>	JIMMY LODEN		
<b>Address</b>	311 DONNA DR HOPKINSVILLE, KY 42240		
<b>Company phone</b>	270-881-2079		
<b>Requested by</b>	JIMMY LODEN	<b>Phone</b>	270-881-2079
<b>On-site name</b>	JIMMY LODEN - CELL	<b>On-site phone</b>	270-881-2079
<b>Contact email</b>	<a href="mailto:LODENPLUMBING@GMAIL.COM">LODENPLUMBING@GMAIL.COM</a>		

## Excavation information

<b>Type of work</b>	INSTALL SANITARY SEWER SERVICE		
<b>Depth (ft)</b>	5	<b>Explosives</b>	N
<b>Area marked</b>	U		
<b>Job name/number</b>			
<b>Work done for</b>	BLAKE LADSON		
Location information			
<b>County</b>	CHRISTIAN	<b>City</b>	HOPKINSVILLE
<b>Address/street</b>	1502 COLLEGE ST		
<b>Nearest intersecting street</b>	CENTRAL AVE		
<b>Location of work</b>	EAST SIDE OF PROPERTY; WEST SIDE OF PROPERTY; FRONT OF PROPERTY		
<b>Comments</b>			
<b>Map Coord</b>			

<b>NW Lat</b> 36.8588172	<b>Lon</b> -87.4820609	<b>SE Lat</b> 36.8561228	<b>Lon</b> -87.4796190
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## Members notified

<b>Company name</b>	<b>District</b>	<b>Type</b>	<b>Status</b>
SPECTRUM	0010	COMMUNICATIONS	No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/08/15 09:23 TICKET REVIEWED)
ATMOS ENERGY	0138	PIPELINE	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and

accurate. (LOCATED 2 SERVICES AND 2 IN IP PE MAIN WITHIN EXTENT.)

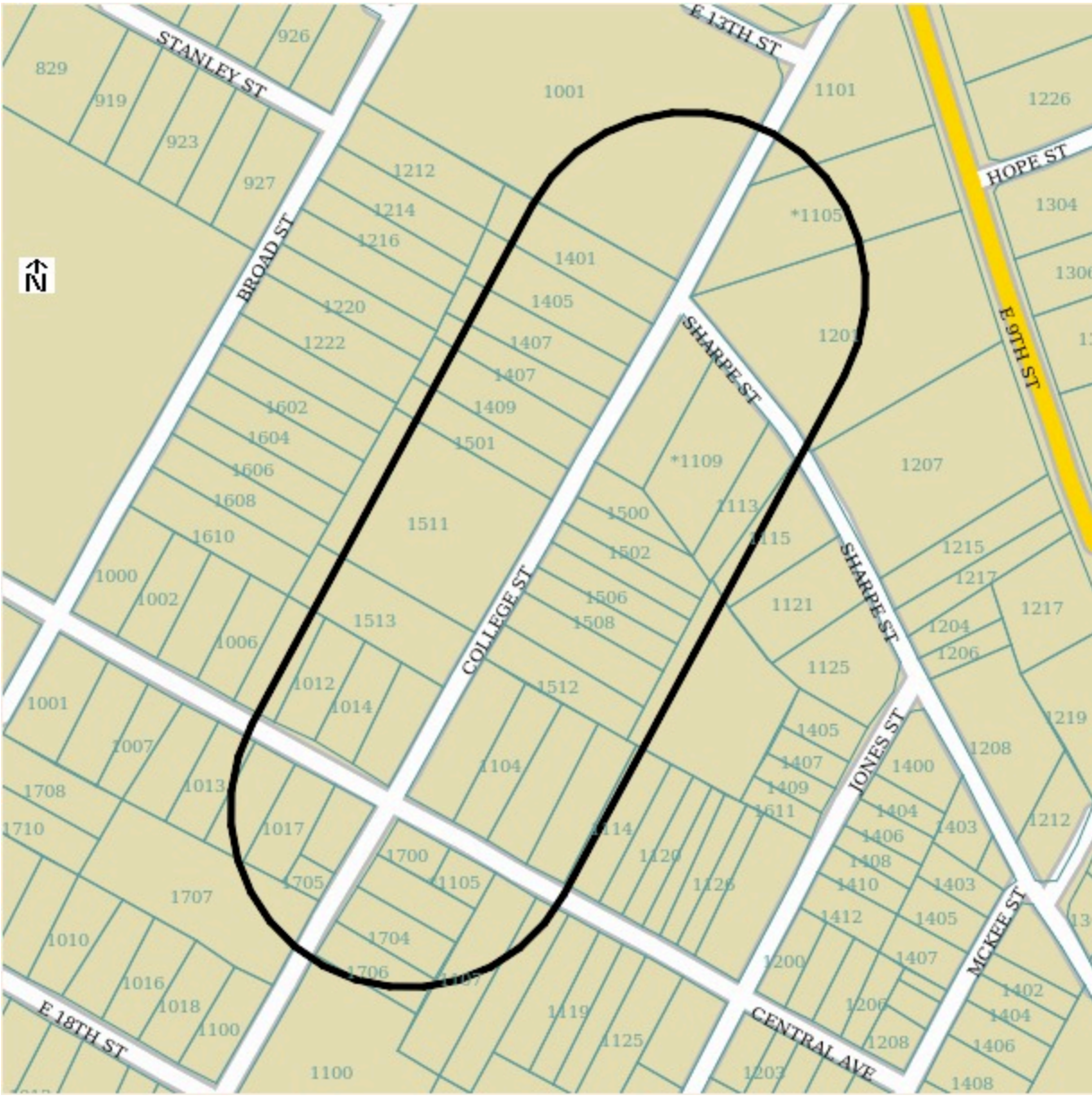
No Conflict - The KY811 member has no facilities in the area of excavation described. (ATT)

AT&T DISTRIBUTION

0139

COMMUNICATIONS

Map



# Attachment 3

## Tout, Eric V (PSC)

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**From:** Stanley, Bill <Bill.Stanley@atmosenergy.com>  
**Sent:** Thursday, August 15, 2024 5:28 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 55102, 9/29/2022, 1502 College St., Hopkinsville, Loden Plumbing

### This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Please use the below link to access the photos and documents from this incident.

<https://ae.watchdox.com/ngdox/workspaces/451168/55102%2C%209.29.2022%2C%201502%20College%20St.%2C%20Hopkinsville%2C%20Loden%20Plumbing>

Thank you  
Bill

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**From:** Stanley, Bill <Bill.Stanley@atmosenergy.com>  
**Sent:** Tuesday, August 13, 2024 6:16 PM  
**To:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Subject:** Re: 55102, 9/29/2022, 1502 College St., Hopkinsville, Loden Plumbing

Good Evening Eric,  
I am still working on obtaining photos for this one. I should have them in the next day or two.

Thank you  
Bill

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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>

**Sent:** Tuesday, August 6, 2024 5:55 AM

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

**Subject:** [EXT] 55102, 9/29/2022, 1502 College St., Hopkinsville, Loden Plumbing

**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





# THIRD PARTY DAMAGE FORM

eAM WO#: 25262719

Construction Order Number: C 0683731

Leak Asset #: 711388

Project Number: 050 • 23951

Rate Division: 009

## INCIDENT DETAILS

Date of Damage: 09 / 29 / 2022  
MM/DD/YYYY

Time of Damage: 112 : 10 ☐ AM ☒ PM

Was the Regulatory Commission called? ☐ Yes ☒ No

Incident Number: \_\_\_\_\_

Address/Location: 1502 College St

Cross Street: Stanley

City: Hopkinsville

County/Parish: Christian

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: Loden Plumbing lodenplumbing@gmail.com

Address: Unknown 4450 Witty Ln

City: Hopkinsville

State: Ky

Zip: 42240

Contact Name: Loden, Jimmy

Phone: 270-881-2079

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 Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center? ☒ Yes ☐ No ☐ Unknown

Center Name: \_\_\_\_\_ Locate Ticket Number: 2206150088

Did Excavator Notify Atmos Energy Directly? ☐ Yes ☐ No ☐ Unknown

Excavator Notified 911? ☐ Yes ☐ No ☐ Unknown Name: \_\_\_\_\_

Facility Type: ☒ Distribution ☐ Gathering ☐ Service/Stub ☐ Transmission ☐ Unknown/Other

Pipeline Material: ☐ Bare Steel ☐ Coated Steel ☐ Cast Iron ☒ PE ☐ PVC ☐ Other

Facility Damaged On: ☒ Body of Pipe ☐ Coating ☐ Housing ☐ Other Protective Device

Type of Pipeline Damaged: ☐ Intrastate ☐ Interstate ☒ Unknown

Pipeline Status: ☒ Active ☐ Idle ☐ New Pipe (no product) ☐ Abandoned (no product)

Damaged Pipe Diameter: 7.5 inches Depth of Facility: 1 feet 0 inches

Joint Trench: ☐ Yes ☐ No ☐ Unknown

## DAMAGE & IMPACT DETAILS

Damaged by: ☒ Third Party ☐ Operator ☐ Operator's Contractor

Caused Service Interruption: ☐ Yes ☒ No

Requires Regulatory Notification: ☐ Yes ☒ No

Customer Affected: \_\_\_\_\_

☐ Death/Hospitalization

Number of Injuries: \_\_\_\_\_

☐ Property Damage ≥ \$50,000

Type of Injuries: \_\_\_\_\_

☐ Estimated gas loss ≥ 3 million cubic feet

Number of Fatalities: \_\_\_\_\_

Outage Hours: \_\_\_\_\_

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: 2208150088

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  
Atmos Energy Rep Onsite: ☐ Yes ☒ No ☐ Unknown  
Any Special Instructions: ☐ Yes ☒ No ☐ Unknown  
Locator met with Excavator: ☐ Yes ☒ No ☐ Unknown  
Facility Gave Positive Response: ☐ Yes ☐ No ☒ Unknown

Marked using Maps: ☒ Yes ☐ No ☐ Unknown  
Excavator Gave Proper Notice: ☒ Yes ☐ No ☐ Unknown  
Locate Procedures Followed: ☒ 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: 3 feet \_\_\_\_\_ inches

## OTHER INFORMATION

Line Pressure: 55 psig Pipe Damage: (Length) .75 inches (Width) .75 inches  
Leak Duration: 5 seconds minutes Locate Priority: \_\_\_\_\_ FERC Account: \_\_\_\_\_  
Insurance Company: Unknown 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
<u>Dalton Upton</u>	<u>Crew Leader</u>	<u>1 hr</u>		

## EQUIPMENT

Quantity	Time	Quantity	Time
1/2 Ton Truck		Trencher	
1 Ton Truck <u>1</u>	<u>1 hr</u>	Backhoe	
2 Ton Truck		Compressor	
Dump Truck		Boring Machine	
Welder		Other	

Comments: Line cut was a 3/4 service that was marked incorrectly and had a EFV so no gas blew.  
Completed By: Dalton Upton Date: 9.29.22

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

NAME: Loden Plumbing  
BILLING ADDRESS: 4450 Witty Ln  
CITY, STATE, & ZIP CODE: Hopkinsville, KY 42240  
PHONE #: Jimmy Loden 270-881-2079  
EMAIL ADDRESS: lodenplumbing@gmail.com  
INSURANCE PROVIDER:  
INSURANCE POLICY #:  
ATMOS WORK CENTER: 2736 - Hopkinsville  
DATE OF DAMAGE: September 29, 2022  
DAMAGE LOCATION: 1502 College St, Hopkinsville, KY 42240  
ASSET #: 711388  
eAM #: 25262719  
SAP INVOICE #:

LINE NO.	CHARGE TYPE:			
1	LABOR			\$ 148.24
2	MATERIALS			\$ 15.11
3	EQUIPMENT			\$ 62.00
4	GAS LOSS COSTS	Enter PGA Rate (per MCF) \$ 9.5607	Volume (MCF) 1	\$ 9.56
5	OUTSIDE SERVICES			\$ -
6	MISCELLANEOUS COSTS			\$ -
7	TOTAL 3RD PARTY DAMAGE BILLING			\$ 234.91

Pipe Size	0.75
Material Type	PE
Pressure (PSIG)	55
Duration (Minutes)	1
Distance to Feeder Main or Regulator Station (Feet)	5
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	657	Cubic Feet/Min.
Gas Loss in Cubic Feet	655	Cubic Feet
Gas Loss in Pounds	30	Pounds
Gas Loss in CCF	7	CCF
Gas Loss in MCF	1	MCF

Calculator uses IGT Flow Formula

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

# Gas Excavation Damage Report

## Atmos Energy Corporation

Submitted 10/30/2022 Incident ID: 55102

Reported By:

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

### Gas Line Incident Occured:

**Date:** 9/29/2022  
**Time:** 12:10 PM

### Details:

**Reported Date:** 10/2/2022 8:05 PM

### Incident Location Address:

**Location:** 1502 College St. Hopkinsville  
**Address:** 1502 College St  
**City:** Hopkinsville  
**State:** KY  
**County:** Christian  
**Zip:** 42240  
**Confirm Code:**

**Number of Customers out:** 0



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.:

2208150088

Excavator:

Contractor

## Excavator Address:

First Name: Jimmy

Last Name: Loden

Organization ID: na

Company: Loden Plumbing

Phone: 270-881-2079

Email: lodenplumbing@gmail.com

Address: 4450 Witty Ln

City: Hopkinsville

State: KY

Zip: 42240

Confirm Code:

Excavation Damage:

One Call notification practices not sufficient

**Description of Incident** Loden Plumbing damaged a 3/4" PE service.

## Summary Information

10/30/2022

**Full details such as the cause**

Loden Plumbing was installing sewer and damaged a 3/4" PE service with a mini excavator. An expired locate request was provided. Very faint marks showed the service was marked incorrectly.

**Extent of the damage**

Retired 3/4" PE service. 0 customers off.

**Cost of the damage**

\$235.00

**Steps taken to prevent re-occurrence**

Loden Plumbing educated onsite about proper one call notification practices. Loden Plumbing was billed for the repair.



Amount billed to  
excavator

\$235.00









2022-08-16 10:05:05  
36.8576361,-87.4807270





2022-08-16 10:05:21  
36.8575949, -87.4808448





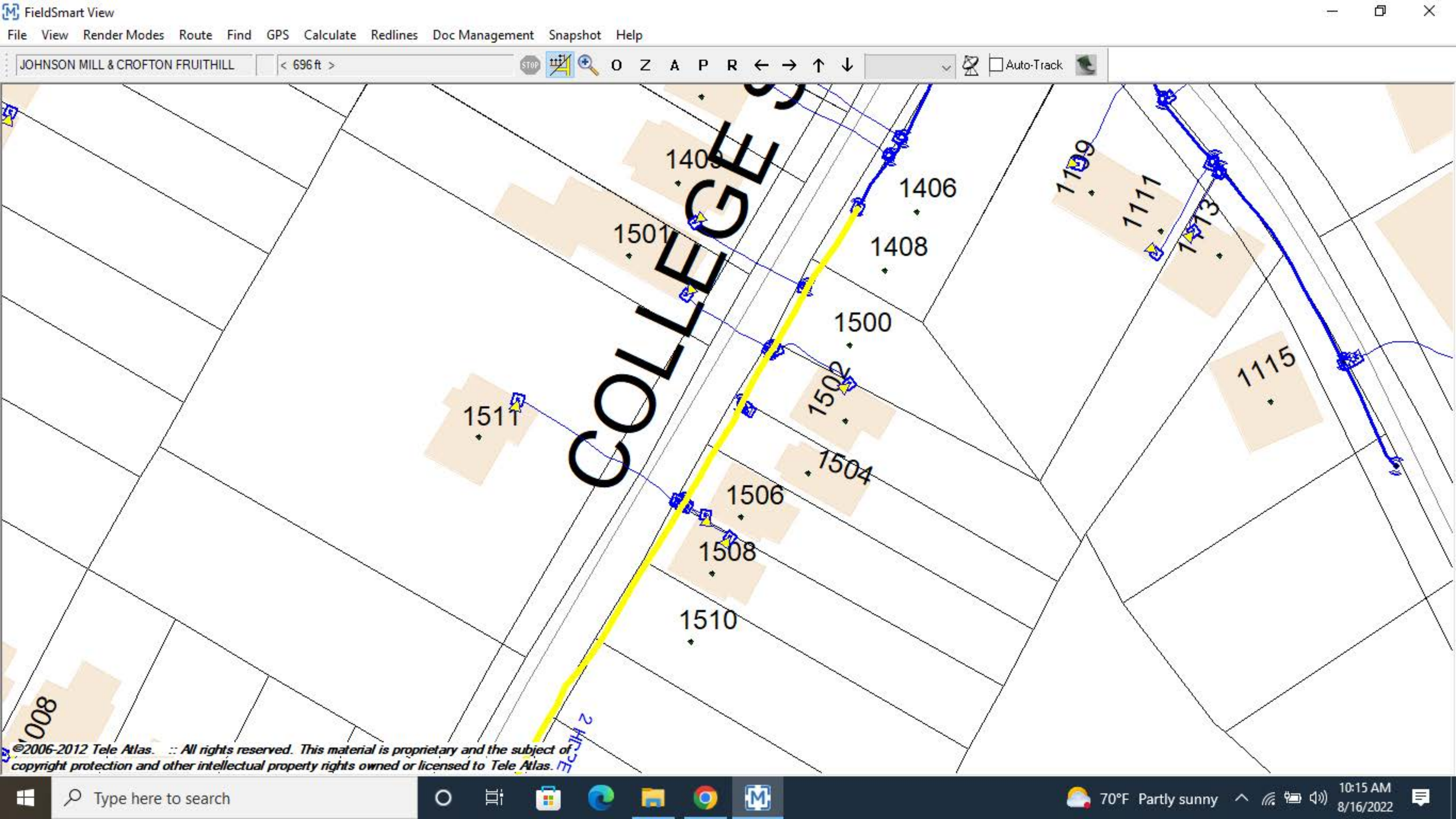
2022-08-16 10:05:26  
36.8578257, -87.4807731





2022-08-16 10:05:34  
36.8578257, -87.4807731







# INVOICE

LODEN PLUMBING  
4450 WITTY LN  
HOPKINSVILLE KY 42240

Page: 1  
Claim Number 000200066393  
Invoice No: 328466  
Invoice Date: 01-NOV-22  
Customer No: 181446  
Credits and Payments: 0.00  
Amount Due Remaining: 234.91  
Amount Due Original: 234.91  
Sales Rep: James A.Stallins  
Payment Terms: NET10  
Due date: 11-NOV-22

For billing questions, please call: 270-901-1704

Total Amount Due 234.91 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	15.11	15.11
2	Tools and Equipment	1	Job	62.00	62.00
3	Labor	1	Job	148.24	148.24
4	Gas Loss	1	mcf	9.5607	9.56

PAGE TOTAL

234.91

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: 328466



BILL TO:

LODEN PLUMBING  
4450 WITTY LN  
HOPKINSVILLE KY 42240

Customer No: 181446  
Invoice No: 328466  
Total Amount Due: 234.91 USD





### Third Party Damage Claims Recovery

LODEN PLUMBING  
4450 WITTY LN  
HOPKINSVILLE KY 42240

<b>Date of Loss:</b>	29-SEP-22	<b>Invoice#</b>	328466
<b>Damages:</b>	\$234.91		
<b>Location of Damage:</b>	1502 College St Hopkinsville Ky		
<b>Description of Damage:</b>	Contractor Damaged Service With Mini Excavator. Expired Locate Request Was Provided.		
<b>Claim #:</b>	000200066393		

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,

James A.Stallins  
Phone :270-901-1704  
Fax :270-782-6271  
Anthony.Stallins@atmosenergy.com  
Para informacion en espanol, por favor llamar al 270-901-1704

2850 Russelville Rd  
Bowling Green KY 42101



Know what's below.  
Call before you dig.

## Attachment 4

## Tout, Eric V (PSC)

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**From:** Tout, Eric V (PSC)  
**Sent:** Tuesday, September 17, 2024 8:54 AM  
**To:** lodenplumbing@gmail.com  
**Subject:** 55102, 9/29/2022, 1502 College St, Hopkinsville, Atmos Energy  
**Attachments:** Attach 1- DR\_55102.pdf; LN\_Loden Plumbing\_55102.pdf; PD\_Loden Plumbing\_55102.pdf

Hello Mr. Loden,

On 08/22/24, per our conversation you indicated that Loden Plumbing would be receptive to attending the Damage Prevention Course and paying the reduce penalty to resolve the accusation outlined in the attached Gas Excavation Damage Report. The attached Past Due Notice was mailed to 4450 Witty Ln., Hopkinsville, KY 42240 and 950 Hugh Hunter Rd., Oak Grove, KY 42262 which were returned undeliverable. This incident will be referred to the KY Public Service Commission's Legal Department if a representative of Loden Plumbing does not immediately sign up for the training course and payment of the reduced penalty is not received. The instructions on how to sign up for the course and make the penalty payment is outlined in the attached Legal Notice of Gas Line Damage.

Do not hesitate in contacting me if you have questions.

*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. 2025-00091 DATED APR 24 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

LODEN PLUMBING, LLC	)	
	)	
_____	)	CASO NO.
	)	2025-00091
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

Loden Plumbing, LLC (Loden Plumbing) 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).<sup>1</sup> 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

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<sup>1</sup> 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 Loden Plumbing por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(8) - El excavador se pondrá en contacto con el centro de notificación de protección para solicitar un volver a marcar con dos (2) días hábiles de antelación al vencimiento de cada período de veintiún (21) días mientras la excavación o la demolición continúe.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Loden Plumbing 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. Loden Plumbing 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](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje.

2. Loden Plumbing 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. Loden Plumbing 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](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. Loden Plumbing notificará a la Comisión, al menos diez días antes de la audiencia, si Loden Plumbing 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 55102, 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

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Presidente

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Vicepresidente

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Comisionado/a

HACE CONSTAR:

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Director/a Ejecutivo/a

## APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO No. 2025-00091 FECHADO

TRIENTA PÁGINAS A SEGUIR

\*Jimmy Loden  
Loden Plumbing, LLC  
4450 Witty Lane  
Hopkinsville, KY 42240