

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GEORGE TAPP – ALLEGED VIOLATION OF	)	CASE NO.
UNDERGROUND FACILITY DAMAGE	)	2019-00163
PREVENTION ACT	)	

ORDER

Pursuant to KRS 278.495(2), the Kentucky Public Service Commission (Commission) has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, 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 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 from an operator of excavation damage to its underground gas pipeline, Commission Staff (Staff) conducted an investigation and prepared an Incident

Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites George Tapp 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, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

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

IT IS THEREFORE ORDERED that:

1. George Tapp shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of the date of this Order.
2. George Tapp shall appear on August 9, 2019, at 9 a.m., Eastern Daylight Time, in Hearing Room 1 of 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, and showing cause why it should not be subject to the penalties prescribed in KRS 367.4917(1) and (4) for this alleged violation.
3. The August 9, 2019 hearing shall be recorded by videotape only.
4. A person shall not file a paper or appear at a hearing on behalf of, or otherwise represent, a partnership, corporation, business entity or other person unless the person is an attorney licensed to practice law in Kentucky.

5. The Staff Incident Report in the Appendix to this Order is made a part of the record in this case.

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By the Commission

ENTERED  
JUL 09 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2019-00163

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2019-00163 DATED **JUL 09 2019**

ONE PAGE TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout	<b>Incident ID</b> 21015
<b>Incident Date</b> 9/7/2018 12:38:00 PM	<b>Report Submitted</b> 10/5/2018 10:53:29 AM

## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company <b>Phone</b> (502) 364-8724 <b>Incident Location</b> 352 Conner Station Rd Simpsonville, KY 40067  Shelby	<b>Reported By</b> Paul Stratman <b>Email</b> Paul.Stratman@lge-KU.com <b>Locate Ticket Number</b> N/A
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> George, Tapp  <b>Phone</b> 502-257-3264 <b>Excavator Address</b> George Tapp Excavation 102 Rolling Ridge Way Simpsonville, KY 40067	<b>Organization ID</b> N/A  <b>Email</b> <b>Locate Ticket Number</b>
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### Incident:

Excavator was working without locates and damaged a 1/2" gas service.

### Investigation:

On 04/04/19 the Excavator, George Tapp, was contacted and stated that he obtained no Locate Ticket Number from 811. Mr. Tapp stated that while excavating he hit a gas service line. Mr. Tapp stated that the above noted Incident Location property he was operating on belonged to Lionel (no last name provide or contact information) and he was unable to state if Lionel obtained a Locate Ticket Number. Mr. Tapp was informed of the 811 regulations, he was offered the standard \$250.00 fine and attendance to the 811 education course. Mr. Tapp stated that he could not afford said fine and stated that Lionel was responsible.

### Violation:

KRS 367.4911(1)(a) Excavator or person responsible for excavation to notify operator of work schedule - Responsibilities of excavator. 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, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

George Tapp  
102 Rolling Ridge Way  
Simpsonville, KENTUCKY 40067