

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

This matter arises upon the response of George Tapp (Mr. Tapp) to a Commission Order. On July 9, 2019, the Commission initiated this proceeding, finding *prima facie* evidence that Mr. Tapp violated the Underground Facility Damage Prevention Act¹ and that a formal investigation into the excavation damage incident should be conducted. Mr. Tapp was ordered to submit a written response to the Commission and to appear on August 9, 2019, at a hearing to present evidence concerning the alleged violation and showing cause why he should not be subject to the penalties prescribed in KRS 367.4917(1) and (4) for this alleged violation.

On July 23, 2019, Mr. Tapp filed his response with the Commission, which stated that the “bill was paid in full” and that he was “getting ready for back surgery.” The response consisted of a letter and a photocopy of a page of cancelled checks drawn on an account under the name of “Monnington Farm, LLC” from Commonwealth Bank and Trust. The letter indicated that check number 7142 was payment for the alleged violation. However, check number 7142 was made payable to “LG&E” (Louisville Gas and Electric).

¹ KRS 367.4901-4917.

This copy of check number 7142 does not establish that a civil penalty was paid to the Commission, as required by KRS 367.4917(1) and (4).

Based on the response and the case record, and being otherwise sufficiently advised, the Commission finds that Mr. Tapp failed to provide evidence of his payment of a civil penalty assessed by the Commission for a violation of the Underground Facility Damage Prevention Act. The Commission further finds that Mr. Tapp should appear as scheduled at the August 9, 2019, hearing or file a request to reschedule the hearing, which should include documentation from a medical professional that he is physically unable to attend the hearing on the scheduled date of August 9, 2019.

IT IS HEREBY ORDERED that:

1. George Tapp shall appear on August 9, 2019, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, pursuant to the Commission's July 9, 2019 Order.

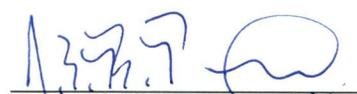
2. In the event that Mr. Tapp is physically unable to attend the hearing on August 9, 2019, he shall file a request to reschedule the hearing, and include documentation from a medical professional stating that he is physically unable to attend the hearing on August 9, 2019.

3. Any document filed pursuant to ordering paragraph 2 shall reference the case number of this proceeding.

By the Commission

ENTERED
JUL 31 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director *for*
Brian R. P. Mason

Case No. 2019-00163

George Tapp
102 Rolling Ridge Way
Simpsonville, KENTUCKY 40067