

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HECTOR ROBLEDO)	
)	
_____)	CASE NO.
)	2019-00448
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Hector Robledo (Mr. Robledo) 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

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 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,

¹ KRS 367.4901 through KRS 367.4917.

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 an Appendix. In its Incident Report, Staff cites Mr. Robledo 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 Mr. Robledo 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:

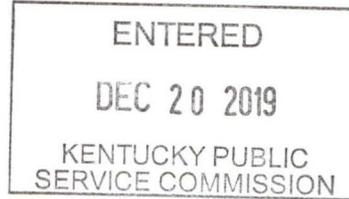
1. Mr. Robledo shall submit to the Commission, at 211 Sower Boulevard, Frankfort, Kentucky 40601, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Any partnership, corporation, or business entity (including a limited liability company) 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.
3. The Staff Incident Report 31471 in the Appendix to this Order is made a part of the record in this case.

4. Please note that notice of a hearing to be held in this matter will be mailed to Mr. Robledo once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:


Executive Director

Case No. 2019-00448

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00448 DATED **DEC 20 2019**

FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout	Incident ID 31471
Incident Date 3/17/2019 2:17:00 PM	Report Submitted 4/16/2019 1:07:49 PM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company Phone (502) 364-8281 Incident Location 5241 S Preston Hwy Lebanon Junction, KY 40150 Bullitt	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number n/a
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EXCAVATOR INFORMATION

Name of Excavator Robledo, Hector Phone 502-759-9856 Excavator Address 5241 S Preston Hwy Lebanon Junction, KY 40150	Organization ID Email Locate Ticket Number
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INCIDENT

The Operator reports that the Excavator/Homeowner damaged a one inch service, with a Track Hoe, while excavating for a drainage repair and failed to contact the Protection Notification Center (811).

The Damage Report is include as Attachment 1.

Locate Ticket Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
None	No	N/A	N/A	03/17/19	N/A	N/A

Excavation Summary

Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized / Track Hoe	\$1,164.00	\$0.00

INVESTIGATION

On 09/12, 13, 16, 18 & 26/19 an attempt to contact the Homeowner, Hector Robledo (502 364-8281), resulted in a message being left.

On 09/30/19 an Accurint Comprehensive Report (45 pages) was obtained indicating Hector Sandoval Robledo resides at the above noted Incident Location with phone numbers 502 239-9271 and 502-807-7759.

On 10/01/19 the Operator, LG&E's Mike Jones, stated LG&E has no addition contact information for Mr. Robledo.

On 10/23/19 an attempt to contact Mr. Robledo at the telephone numbers provided by the Accurint report resulted in 502-239-9271 being disconnected and 502-807-7759 a voice message was received in Spanish, which was translated via the computer, to leave a message after the beep and a message was left.

On 11/05 & 06/19 an attempt to contact Mr. Robledo (502-807-7759) resulted in no return call as of today's date. .

VIOLATION

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.

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 4/16/2019 Incident ID: 31471

[Set back to Edit](#)

[Staff Edit](#)

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Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 3/17/2019
Time: 2:17 PM

Details:

Reported Date: 4/16/2019 1:07 PM

Incident Location Address:

Location:
Address: 5241 S Preston Hwy
City: Lebanon Junction
State: KY
County: Bullitt
Zip: 40150
Confirm Code: Y
Number of Customers out: 1
Locate Request Ticket No.: n/a
Excavator: Home Owner

Excavator Address:

First Name: Hector
Last Name: Robledo
Phone: 502-759-9856
Email:
Address: 5241 S Preston Hwy
City: Lebanon Junction
State: KY
Zip: 40150
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident ?Homeowner damaged service while excavating for drainage repair.

Summary Information

4/16/2019

Full details such as the cause	Homeowner was digging with a small track hoe to fix a drainage problem. He did not know gas line was there and also claimed to not know to call 811 before you dig.
Extent of the damage	1" plastic service
Cost of the damage	\$1,164.00
Steps taken to prevent re-occurrence	Explained the 811 process to customer.
Amount billed to excavator	\$0.00

Hector Robledo
5241 S. Preston Highway
Lebanon Junction, KENTUCKY 40150