

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JONATHAN HYLTON – ALLEGED VIOLATION OF)
UNDERGROUND FACILITY DAMAGE PREVENTION) CASE NO. 2019-00160
ACT)

NOTICE OF FILING

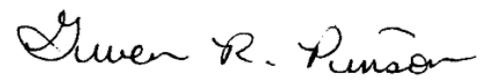
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on September 27, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on September 27, 2019 in this proceeding;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on September 27, 2019.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/0pYbCOxkTiw> .

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 4th day of October 2019.

A handwritten signature in cursive script that reads "Gwen R. Pinson".

Gwen R. Pinson
Executive Director
Public Service Commission of Kentucky

Johnathan Hylton
45 Fox Fire Road
Salt Lick, KENTUCKY 40371

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JONATHAN HYLTON – ALLEGED VIOLATION)	CASE NO.
OF UNDERGROUND FACILITY DAMAGE)	2019-00160
PREVENTION ACT)	

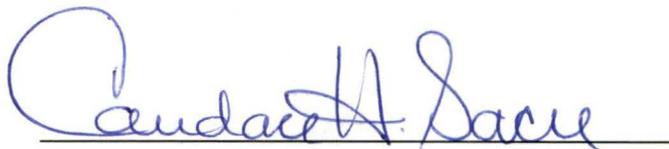
CERTIFICATION

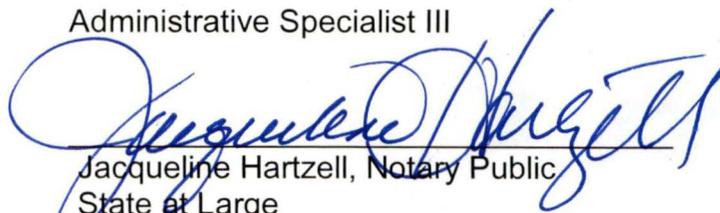
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on September 27, 2019. The Formal Hearing Log is included with the recording on September 27, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 27, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 27, 2019, and the time at which each occurred.

Signed this 1st day of October, 2019.




Candace H. Sacre
Administrative Specialist III


Jacqueline Hartzell, Notary Public
State at Large
Commission Expires: July 25, 2022
ID#: 605476



Session Report - Detail

27September2019

Damage Prevention Act Opening Hearing 2019-00160, 2019-00161, 2019-00165, 2019-00279, 2019- 00299

Date:	Type:	Location:	Department:
9/27/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmitt
Clerk: Candace Sacre

Event Time	Log Event	
8:53:10 AM	Session Started	
8:53:13 AM	Session Paused	
8:59:07 AM	Session Resumed	
9:00:25 AM	Chairman Schmitt Note: Sacre, Candace	The first case, in numerical order, is 2019-00160, Jonathan Hylton. Is Mr. Hylton here?
9:00:38 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, I wanted to ask you, have you been served? Did you get a copy of the initiating order which started this proceeding?
9:00:47 AM	Chairman Schmitt Note: Sacre, Candace	You did not? Okay, that's, I guess, the demand letter that was made. How did you know there was a hearing this morning?
9:01:05 AM	Chairman Schmitt Note: Sacre, Candace	Okay, let me go through the docket, and then we can talk about how to proceed with you. At this point, apparently, a complaint has been filed, or an order, against you, but apparently you have not received it. We'll need to talk about how to deal with that, so if you will have a seat, we'll get to you right off the bat.
9:01:27 AM	Chairman Schmitt Note: Sacre, Candace	Number two, 2019-00161, Lonnie Williams and Son Excavating, LLC.
9:01:42 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Williams, do you have an attorney? Here's the issue, individuals can have an attorney or not have an attorney. It isn't required. But a business entity, such as a corporation or legal liability company, in order to advocate for a position, because the corporation or the LLC, it's separate from you, it's not the same, legally, it's a separate person, and there is a statute in Kentucky that says, under such circumstances, a person or a company can only be represented by somebody who has a license to practice law in Kentucky. (Click on link for further comments.)
9:04:03 AM	Chairman Schmitt Note: Sacre, Candace	Okay, we can do that. Mr. Park, I guess I would ask you if you have any problems with calling Mr. Williams as a witness. The only difference is, Mr. Williams, you wouldn't be able to ask questions of the inspector. You wouldn't be able to cross examine.
9:04:25 AM	Chairman Schmitt Note: Sacre, Candace	Okay, then we'll move ahead, and you can be a witness as opposed to being an advocate or a lawyer. Please have a seat, and we'll get to you second.
9:04:37 AM	Chairman Schmitt Note: Sacre, Candace	Third, 2019-00165, Michael Cullum. Yes, Mr. Cullum, are you here and ready to go?

9:04:47 AM	Chairman Schmitt Note: Sacre, Candace	All right, okay, thank you. You don't have to have a lawyer. You're not required to have one. You can tell your story and cross examine a witness or witnesses, if any are called to testify. Thank you.
9:05:02 AM	Chairman Schmitt Note: Sacre, Candace	Four is 2019-00279, Clear Choice Facility Maintenance, LLC. Is anyone here on behalf of Clear Choice?
9:05:15 AM	Chairman Schmitt Note: Sacre, Candace	We'll call them later as we get through the others. Maybe they're just late.
9:05:20 AM	Chairman Schmitt Note: Sacre, Candace	2019-00219, Basham Construction and Rental Company, Inc. Yes, sir?
9:05:29 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Basham, the same thing holds true for you as Williams Excavating, LLC. I assume you do not have a license to practice law, correct? And you do not have a lawyer who is with you here this morning. You'll have an option of either being a witness and telling what you know but not advocating for your company. (Click on link for further comments.)
9:07:34 AM	Chairman Schmitt Note: Sacre, Candace	You can speak with them, but now we're at the hearing, and there's nothing I can do about it. Go ahead.
9:07:54 AM	Chairman Schmitt Note: Sacre, Candace	This is an official administrative proceeding. Everything you say is being broadcast over the internet, and this is a video record that is being made in this case and in others. Ms. Sacre, here, is basically doing a log, sort of an outline, of what everybody says that will be available and can be synced in with the video. (Click on link for further comments.)
9:08:46 AM	Chairman Schmitt Note: Sacre, Candace	I don't know. This is the first alleged, or it's more than one?
9:08:54 AM	Chairman Schmitt Note: Sacre, Candace	I tell you what, if you need more time to think about it, this is the last case on the docket. You can either make a decision now or wait until your case is called or we'll have four others in between or three, depending on what Mr. Hylton wants to do, and you can say, I've made a decision, and this is what we'll do, and I'll give you whatever time you need.
9:09:25 AM	Chairman Schmitt Note: Sacre, Candace	Yeah, you are. In any event, we will then start with Mr. Williams in a minute, and you may walk out and make any decision, and at any time up to and including the time your case is called, which is last, maybe around noon, and you can make that decision.
9:09:51 AM	Chairman Schmitt Note: Sacre, Candace	You and I can talk about the limits that would be placed upon or what you could say and do if you went forward, if the company went forward, without an attorney.
9:10:06 AM	Chairman Schmitt Note: Sacre, Candace	No, no. I know that, and what our interests are here, too, is in protecting you and in seeing that the company gets a fair shake, but how you proceed is up to you. I can't make that decision.
9:10:25 AM	Chairman Schmitt Note: Sacre, Candace	Go right ahead. Take your time.

9:10:28 AM	Chairman Schmitt Note: Sacre, Candace	I guess then the next order of business would be to call the first case, and then I guess that would be Mr. Hylton, Jonathan Hylton, and then we can discuss how to proceed.
9:11:02 AM	Chairman Schmitt Note: Sacre, Candace	We will, at this time, declare a recess for one minute at which time we'll go on a different video, Mr. Hylton, and then we'll call your case, and we can discuss what to do.
9:11:16 AM	Session Paused	
9:11:23 AM	Session Ended	

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

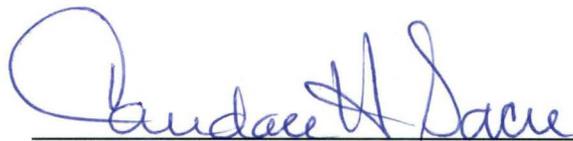
JONATHAN HYLTON – ALLEGED VIOLATION)
OF UNDERGROUND FACILITY DAMAGE) CASE NO.
PREVENTION ACT) 2019-00160

CERTIFICATION

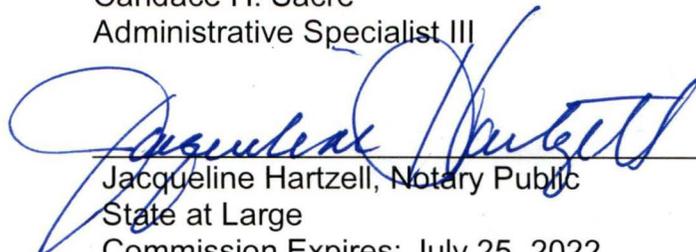
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on September 27, 2019. The Formal Hearing Log, Exhibit List, Exhibits, and Witness List are included with the recording on September 27, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 27, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 27, 2019, and the time at which each occurred.

Signed this 1st day of October, 2019.



Candace H. Sacre
Administrative Specialist III



Jacqueline Hartzell, Notary Public
State at Large
Commission Expires: July 25, 2022
ID#: 605476



Date:	Type:	Location:	Department:
9/27/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Jonathan Hylton; John Lyons; James Shively
 Judge: Michael Schmitt
 Clerk: Candace Sacre

Event Time	Log Event	
9:11:29 AM	Session Started	
9:11:32 AM	Session Paused	
9:12:50 AM	Session Resumed	
9:12:51 AM	Chairman Schmitt Note: Sacre, Candace	We are now back on the record, and the first case to be called this morning is 2019-00160, Mr. Jonathan Hylton. Mr. Hylton, will you please come up and take a seat?
9:13:10 AM	Chairman Schmitt Note: Sacre, Candace	For the record, will you state your name and address?
9:13:21 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, I notice you have someone with you today. Can you tell us who you have with you?
9:13:33 AM	Chairman Schmitt Note: Sacre, Candace	Are you the witness? Were you there and know what happened?
9:13:39 AM	Chairman Schmitt Note: Sacre, Candace	When we came in and called this docket, before this case started, I asked if you had been served with process or with initiating Order. That Order sets hearing for today and which set out or alleged you violated the Act, Underground Facilities Damage Prevention Act,
9:14:16 AM	Chairman Schmitt Note: Sacre, Candace	You got letter, right?
9:14:19 AM	Chairman Schmitt Note: Sacre, Candace	I think you told me, you indicated you hadn't been served but checked on web site or something and saw it was set for hearing.
9:14:33 AM	Chairman Schmitt Note: Sacre, Candace	Officially, you haven't been served, so you've come down here and could have your day before Commission and do it today, but you would have waived your to have order served on you, so if you can say, well, if that's the case, I'm going home. (Click on link for further comments.)
9:15:18 AM	Chairman Schmitt Note: Sacre, Candace	You're not required to have attorney because charged as person but have right to attorney if you wanted one. I wouldn't offer that to anybody else because they've all been served, and in serving paper, it says that. How do you want to proceed?
9:15:45 AM	Chairman Schmitt Note: Sacre, Candace	Burden of proof of there's been a violation and any damages lies with Division of Inspections. They have to prove it, and your testimony would be whatever it is in terms of it didn't violate Act or some reason fine would be mitigated or shouldn't be imposed.
9:16:20 AM	Chairman Schmitt Note: Sacre, Candace	Now, you can ask questions of Inspector. You could put on a witness and can advocate for yourself, so can be a lawyer for yourself.

9:16:35 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park, would you please introduce yourself, who you represent, and what witness or witnesses you may have?
9:16:47 AM	Staff Atty Park PSC Note: Sacre, Candace	John Park, Staff Attorney with Public Service Commission. With me is Tina Frederick, Staff Attorney with Commission. Staff intends to call John Lyons.
9:17:05 AM	Chairman Schmitt Note: Sacre, Candace	If you're ready to proceed, Mr. Park, please call your first witness.
9:17:13 AM	Staff Atty Park PSC Note: Sacre, Candace	The Division of Inspections calls John Lyons.
9:17:26 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:17:37 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Direct Examination. State name for record.
9:17:44 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Current employment and position?
9:17:54 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	As Deputy Executive Director and Director, Division of Inspections, what is role in administering program to enforce Underground Facilities Damage Prevention Act?
9:18:18 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Review individual investigations of pipeline damage by employees under your supervision?
9:18:36 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Familiar with gas pipeline excavation damage incident that occurred on August 9 of 2018 at 94 Fraley Road in Salt Lick, Kentucky?
9:19:12 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	What did incident involve? Whose line was damaged?
9:19:28 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	When Delta reported this incident to Division, did Division investigate incident and determine if violation had occurred?
9:20:27 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Did Mr. Whisman prepare investigation report?
9:20:35 AM	Chairman Schmitt Note: Sacre, Candace	Yes, you may.
9:20:35 AM	Staff Atty Park PSC Note: Sacre, Candace	May I approach, Your Honor?
9:20:37 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, have you seen report? Would have been attached to initiating Order. Would you give Mr. Hylton a copy?
9:20:51 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, if you need to look at it, we'll give you chance to look at it before Mr. Park continues. (Click on link for further comments.)
9:21:24 AM	Chairman Schmitt Note: Sacre, Candace	You may proceed.
9:21:30 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Are you familiar with document handed to you?
9:21:32 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Could you identify document for record?
9:21:46 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Was report prepared by Mr. Whisman under your supervision?
9:21:52 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Would you have reviewed report before finalized and issued?

9:21:56 AM	Staff Atty Park PSC Note: Sacre, Candace	Move to admit as PSC Exhibit 1.
9:22:03 AM	Chairman Schmitt Note: Sacre, Candace	No objection?
9:22:07 AM	Chairman Schmitt Note: Sacre, Candace	Let it be filed as Exhibit 1.
9:22:10 AM	PSC EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY PARK PSC - WITNESS LYONS. PIPELINE DAMAGE INVESTIGATION REPORT-HYLTON.
9:22:13 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Based upon investigation, cause of incident?
9:23:06 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Did homeowner call 8-1-1?
9:23:37 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Excavation work commenced before operator arrived and marked location of line?
9:24:00 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Aware if Delta billed for damage?
9:24:24 AM	Staff Atty Park PSC - witness Lyons Note: Sacre, Candace	Division was never able to contact Mr. Hylton, and Mr. Hylton did not attend training or pay fine?
9:25:16 AM	Staff Atty Park PSC Note: Sacre, Candace	No further questions.
9:25:21 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, any questions?
9:25:22 AM	Chairman Schmitt Note: Sacre, Candace	I have a few.
9:25:30 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	If able to contact Mr. Hylton, would have offered compromise to penalty because he is individual and first offense?
9:26:21 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Wasn't offered Mr. Hylton because unable to contact?
9:26:29 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	When is first training after today? One in October?
9:26:48 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	I will ask him, after this is over, to reduce penalty to \$250 if he attends training, where is it held?
9:27:19 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	What would have done if able to contact him?
9:27:51 AM	Chairman Schmitt - witness Lyons Note: Sacre, Candace	Did anybody speak to the homeowner?
9:28:17 AM	Chairman Schmitt Note: Sacre, Candace	Homeowner wasn't charged?
9:28:20 AM	Chairman Schmitt Note: Sacre, Candace	Nothing else. Any questions, Mr. Hylton?
9:28:26 AM	Chairman Schmitt Note: Sacre, Candace	Nothing further?
9:28:27 AM	Staff Atty Park PSC Note: Sacre, Candace	Nothing further.
9:28:37 AM	Chairman Schmitt Note: Sacre, Candace	That will be my call and will offer that in just a second. You may step down, Mr. Lyons. Any other witness?
9:28:50 AM	Staff Atty Park PSC Note: Sacre, Candace	I do not, Your Honor.

9:28:53 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, would you like to take stand or call witness and ask him to tell what happened?
9:29:17 AM	Chairman Schmitt Note: Sacre, Candace	Please take the stand, sir.
9:29:19 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:29:28 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Examination. What is your name?
9:29:33 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park, do you have questions?
9:29:36 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Cross Examination. Please state your address for the record.
9:29:50 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	That is current address?
9:29:55 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Incident occurred at 94 Fraley Road?
9:30:00 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Previously reside at that residence?
9:30:39 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who owns property?
9:30:48 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	What is your relationship with Ms. Johnson?
9:30:54 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Water line leak on Ms. Johnson's side of meter?
9:31:39 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who said that?
9:31:42 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who called 8-1-1?
9:32:27 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	You hit line second time after Mr. Hylton did?
9:32:32 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	You paid fine?
9:32:38 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	You called 8-1-1 after?
9:32:52 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	After the incident?
9:32:53 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Calling to report damage?
9:33:05 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who gave him fine?
9:33:09 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	And have to pay for damage?
9:33:21 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	There when Delta talking to Mr. Hylton?
9:33:26 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Did they say \$250 fine or money to repair line?
9:33:40 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Aware if Ms. Johnson called before work started?
9:34:00 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who owns backhoe?
9:34:06 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Who rented backhoe?

9:34:12 AM	Staff Atty Park PSC Note: Sacre, Candace	Nothing further, Your Honor.
9:34:16 AM	Chairman Schmitt Note: Sacre, Candace	Any questions, Mr. Hylton?
9:34:19 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Examination. You struck same line after Mr. Hylton left?
9:34:29 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Mr. Hylton was operating backhoe when line struck?
9:34:41 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Gas line almost on top of water line?
9:34:52 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	When line struck, did it break and gas escape?
9:35:00 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Backhoe rented by Ms. Johnson?
9:35:04 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Not by Mr. Hylton?
9:35:05 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	He was just hired to operate it?
9:35:22 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	How much Mr. Hylton was paid?
9:35:36 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	After line struck, he left?
9:35:40 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	That's when you took over and hit line again?
9:35:58 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	When struck next time, Delta had marked line?
9:36:13 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Delta's marking was wrong?
9:36:33 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	After you struck line, were you contacted by Investigator from Division of Inspections?
9:36:56 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Nobody called and asked what happened?
9:37:06 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	If they had called, would you have told what you've said here, that Delta marked in wrong location?
9:37:20 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Opportunity to tell Delta marked in wrong location?
9:38:31 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	Notified Delta of second break?
9:38:41 AM	Chairman Schmitt - witness Shively Note: Sacre, Candace	When Delta came, did they get your information?
9:39:09 AM	Chairman Schmitt Note: Sacre, Candace	I don't have further questions. Do you, Mr. Park?
9:39:15 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Recross Examination. Indicated Delta told you you would be subject to fine. Did Delta say what it cost to repair line?
9:40:01 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	Didn't ask you to pay then?
9:40:07 AM	Staff Atty Park PSC - witness Shively Note: Sacre, Candace	They didn't do a lot of work to it?
9:40:09 AM	Staff Atty Park PSC Note: Sacre, Candace	Nothing further.

9:40:12 AM	Chairman Schmitt Note: Sacre, Candace	Anything you'd like to add, Mr. Hylton?
9:40:15 AM	Chairman Schmitt Note: Sacre, Candace	You may step down.
9:40:19 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Hylton, you don't have to if you don't want to, but I'd like to ask you a couple of questions.
9:40:28 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:40:34 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Examination. At time of incident, self-employed, unemployed, or what was situation?
9:41:06 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	lonnie willima exa ands on l ld is a limited liabit
9:41:31 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	You weren't a professional excavator?
9:41:39 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	What did you do? What had you done before?
9:41:44 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	A lineman?
9:41:45 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	For who?
9:41:51 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Since incident, have you gotten employment? Have become reemployed?
9:42:00 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Contacted by Mr. Shively to operate backhoe Ms. Johnson had rented?
9:42:10 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Familiar with so-called dig law that required calling before you dug to prevent damage to underground gas line?
9:42:31 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Did she have schematic? Did you see it?
9:42:35 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Didn't show gas line on it?
9:42:44 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	If offered opportunity for reduced penalty in exchange for training on November 4, would you do that?
9:43:10 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	You don't have a car?
9:43:24 AM	Chairman Schmitt - witness Hylton Note: Sacre, Candace	Do you live in Bath County?
9:43:46 AM	Chairman Schmitt Note: Sacre, Candace	Any questions, Mr. Park?
9:43:51 AM	Chairman Schmitt Note: Sacre, Candace	You may step down, Mr. Hylton.
9:44:25 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Park, do you have any evidence or any reason to believe anything Mr. Hylton and Mr. Shively said is not true?
9:44:35 AM	Staff Atty Park PSC Note: Sacre, Candace	I do not, Your Honor.

9:44:37 AM	Chairman Schmitt Note: Sacre, Candace	I'm going to dismiss this case against you under the facts that have been presented. An Order will be entered, so the cost to you has been Mr. Shively bringing you in today.
9:45:00 AM	Chairman Schmitt Note: Sacre, Candace	This case is hereby dismissed.
9:45:15 AM	Session Paused	
9:45:20 AM	Session Ended	



Exhibit List Report

2019-00160 27Sept2019

Jonathan Hylton

Name:

Description:

PSC EXHIBIT 1

PIPELINE DAMAGE INVESTIGATION REPORT

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) jASON WHISMAN	Incident ID 20802
Incident Date 8/9/2018 12:55:00 PM	Report Submitted 8/13/2018 1:16:20 PM

OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 ext. 1160 Incident Location 94 Fraley Road 94 Fraley Rd Salt Lick, KY 40371 Bath	Reported By Mary Virginia Rupard Email mvrupard@deltagas.com Locate Ticket Number
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EXCAVATOR INFORMATION

Name of Excavator Jonathan, Hylton Phone 606-210-1609 Excavator Address 340 Main Street - Lot # 5 Salt Lick, KY 40371	Organization ID Email Locate Ticket Number
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Excavation Damage Report to PSC: No notification made to the One Call Center

Description of Incident Jonathan Hylton was using a backhoe to repair a water line leak for Ina Lee Johnson when he hit and punctured a 3/4-inch plastic service line.

Summary Information
8/24/2018

Full details such as the cause - Mr. Hylton did not call 811 to request a line location prior to excavating. Mrs. Johnson did call Delta at 12:30 p.m. that day to request a line location. Delta employees were in route to the site when the contractor hit and punctured the service line.

Extent of the damage - There were no injuries or property damage attributable to this incident. Delta employees replaced two feet of 3/4-inch plastic service line and installed two permasert couplings.

Cost of the damage - \$173.00

Steps taken to prevent re-occurrence - Mr. Hylton and Mrs. Johnson were advised that the law requires anyone that is going to do any type of excavation work to call 811 to request a line location at least two working days prior to starting work. They were also told that when excavation is necessary within the approximate location of the pipeline (18-inches on either side) the law requires hand digging or using non-intrusive means to avoid damage to the pipeline.

Amount billed to excavator - \$0.00

PSC Exhibit 1

Investigation Summary:

I called the number for the excavator on the report. There was no answer and the voicemail was not set up yet per the recording (11/1/18 9:53am). I called again on 11/9/18 at 8:30 am and there again was no answer or opportunity to leave a voicemail. I called a number I got from the white pages for a landline, it was disconnected. 606-743-9970 (I am not positive this was same Jonathan Hylton, but was trying.) I contacted the land owner, Ina Lee Johnson (6906-683-9934) and she did not have any contact information for Mr. Hylton.

Info from OGC:

Jonathan Earsel Hylton

45 Fox Fire Road (Accurint, Oct. 2018)

Salt Lick, KY 40371-8680 (606) 743-3049 (probably a West Liberty phone number) divorced from Lori

(driver's license issued 2017 and attached warrant both have 213 Reeves Lane, Salt Lick)

I called the new number provided by OGC on 11/15/18 and no answer, no voicemail.

Violation:

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.

Johnathan Hylton
45 Fox Fire Road
Salt Lick, KENTUCKY 40371