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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE  
COMMISSION

In the Matter of:

|   |   |                   |
|---|---|-------------------|
| <b>DEREK ENGINEERING, INC.,</b>         | ) |                   |
| <b>ALLEGED VIOLATION OF UNDERGROUND</b> | ) | <b>CASE NO.</b>   |
| <b>FACILITY DAMAGE PREVENTION ACT</b>   | ) | <b>2019-00235</b> |

**RESPONSE OF DEREK ENGINEERING, INC.**  
**to STAFF INCIDENT REPORT**

Comes the Respondent, **DEREK ENGINEERING, INC.**, (hereinafter "**Derek**"), by Counsel, in compliance with numerical paragraph 1., of the Order of the Commission entered July 9, 2019, and submits its Response to the Staff Incident Report No. 31362 submitted March 7, 2019.

1. On March 10, 2019, Mike Lawson, an employee of **Derek**, was operating excavation equipment at or near 721 Gagel Avenue, Louisville, Jefferson County, Kentucky 40216.
2. Prior to that excavation, **Derek** contacted the applicable notification protection center to provide notice of its intended work and work schedule. **KRS 367.4911(1) (a)**.
3. As a result of that notification, the area of location of an underground gas line was marked, with no designation that multiple lines existed within the area extending three (3) feet on either side of the marked area.
4. Due to unsuitable weather conditions the excavation in the area was delayed beyond the 21 day period in the initial notification provided by **Derek**, however, no disturbance of the marked areas occurred during that time period.
5. Utilizing hand-digging techniques in compliance with **KRS 367.4911(10)**, as a non-intrusive means to avoid damage to the underground facility, **Derek** located an

underground natural gas line within the area marked before undertaking mechanical excavation in furtherance of its work.

6. Unbeknownst to **Derek** and the notification protection center, two underground natural gas lines existed within the marked area, only one of which was a public facility. The damage to the underground public facility by the mechanical excavation was the result of the inability of **Derek or the notification protection center** to recognize the existence of two underground facilities within the marked area.
7. **Derek** has repaired the damage to the underground public facility at its sole cost and expense, notwithstanding the fact that it substantially complied with its notification and excavation obligations to avoid any conflict between its work and that underground facility.

WHEREFORE, the Respondent, **DEREK ENGINEERING, INC.**, requests that the Commission find that it complied with its obligations imposed by the Kentucky Underground Facility Damage Prevention Act, and that no violation of the Act occurred as reported in Incident No. 31362.

Respectfully Submitted,



David B. Blandford, Esq.

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**Counsel for Respondent,**

**Derek Engineering, Inc.**

**Certificate of Service**

It is hereby certified that the original of this Response of **DEREK ENGINEERING, INC.** was mailed by Certified Mail, Return Receipt Requested, to the Kentucky Public Service Commission, Attn.: Gwen R. Pinson, Executive Director, 211 Sower Boulevard, Frankfort, KY 40601, with a copy by e-mail to its Counsel, John Browning Park, Esq. at [John.Park@ky.gov](mailto:John.Park@ky.gov) this 29<sup>th</sup> day of July, 2019.



David B. Blandford, Esq.