

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BASHAM CONSTRUCTION AND RENTAL)
COMPANY, INC. ALLEGED VIOLATION OF) CASE NO. 2019-00299
UNDERGROUND FACILITY DAMAGE PREVENTION)
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;
- 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

Randall Basham
Registered Agent
Basham Construction and Rental Company, Inc.
372 Tug Howard Road
Leitchfield, KENTUCKY 42754

Randall Basham
1102 South Park Road
Fairdale, KENTUCKY 40118

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BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

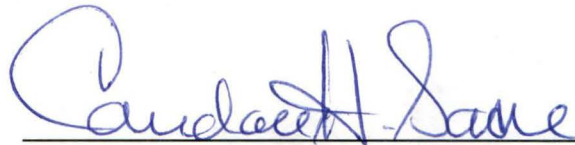
BASHAM CONSTRUCTION AND RENTAL)	
COMPANY, INC. ALLEGED VIOLATION OF)	CASE NO.
UNDERGROUND FACILITY DAMAGE)	2019-00299
PREVENTION ACT)	

CERTIFICATION

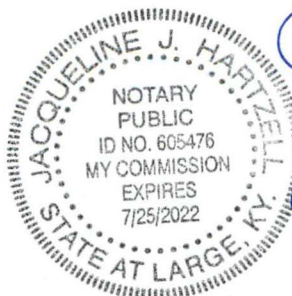
I, Candace H. Sacre, hereby certify that:

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	

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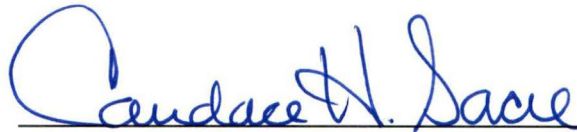
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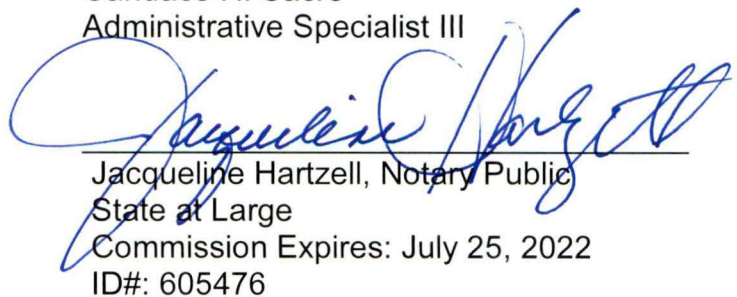
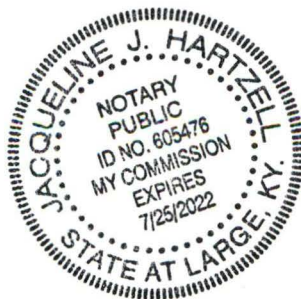
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Signed this 2nd day of October, 2019.



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)

Judge: Michael Schmitt

Clerk: Candace Sacre

Event Time	Log Event	
10:56:14 AM	Session Started	
10:56:17 AM	Session Paused	
10:57:14 AM	Session Resumed	
10:57:15 AM	Chairman Schmitt Note: Sacre, Candace	The last case to be considered is Case No. 2019-00299, Basham Construction and Rental Company, Inc. Is anyone here on behalf of Basham Construction and Rental Company, Inc.?
10:57:33 AM	Chairman Schmitt Note: Sacre, Candace	Please step forward, have a seat, and identify yourself and your position with Basham, please. What is your name?
10:57:51 AM	Chairman Schmitt Note: Sacre, Candace	For Basham?
10:57:53 AM	Chairman Schmitt Note: Sacre, Candace	We discussed initially at docket call at 9 a.m. fact that Basham, if it intends to have someone advocate on its behalf, present testimony, or cross examine witness or witnesses, that person must be an attorney. You're not licensed attorney licensed to practice in State of Kentucky?
10:58:26 AM	Chairman Schmitt Note: Sacre, Candace	But Basham wishes to have attorney represent it in this case?
10:58:37 AM	Chairman Schmitt Note: Sacre, Candace	As result of request, even though initiating Order pointed out LLC must be represented by counsel, Basham didn't come with counsel. But, notwithstanding that, so Basham will have opportunity to present its case and have counsel present, this case will be continued until November 22, 2019, at 9 a.m., here, in Frankfort, in Hearing Room of Public Service Commission, 211 Sower Boulevard, Frankfort.
10:59:27 AM	Chairman Schmitt Note: Sacre, Candace	An Order will go out, Mr. Pile, to that effect to Basham. You might tell them, if they don't appear November 22, case will proceed in their absence, and, if they do come and they have attorney, we will move forward. If they don't have attorney on 11/22/19, we're going to proceed anyway. They deserve the right to have an attorney but need to have attorney and be ready to go on November 22.
11:00:08 AM	Chairman Schmitt Note: Sacre, Candace	Anything else you'd like to point out?
11:00:24 AM	Chairman Schmitt Note: Sacre, Candace	No problem. That's okay. That's understandable. You're not the first or the only person to miss that. We're glad to accommodate you.
11:00:42 AM	Chairman Schmitt Note: Sacre, Candace	If there's nothing further, this case is hereby adjourned until November 22, 2019, and this concludes all the cases assigned for hearing today, and this case is hereby adjourned.

11:00:56 AM Session Paused
11:01:11 AM Session Ended

Randall Basham
Registered Agent
Basham Construction and Rental Company, Inc.
372 Tug Howard Road
Leitchfield, KENTUCKY 42754

Randall Basham
1102 South Park Road
Fairdale, KENTUCKY 40118