

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|------------|
| KENTUCKY FRONTIER GAS, LLC |) | CASE NOS. |
| |) | 2019-00280 |
| _____ |) | 2019-00309 |
| |) | 2019-00314 |
| ALLEGED VIOLATION OF UNDERGROUND |) | 2019-00315 |
| FACILITY DAMAGE PREVENTION ACT |) | 2019-00316 |
| |) | 2019-00317 |
| |) | 2019-00318 |
| |) | 2019-00319 |
| |) | 2019-00320 |
| |) | 2019-00321 |
| |) | 2019-00322 |
| |) | 2019-00323 |
| |) | 2019-00324 |

JOINT STIPULATION

The Commission's Division of Inspections (DOI) and Kentucky Frontier Gas, LLC (Frontier), make the following stipulations regarding common issues and facts.

Threshold legal issue (all cases)

What is the scope of an operator's duty under the Underground Facilities Damage Prevention Act to respond to a normal request to locate underground non-metallic pipe that lacks tracer wire? Specifically, does KRS 367.4909 or any other statute or DOT regulation require an operator to provide temporary markings (paint/flags) of the general location of a non-metallic pipeline that lacks tracer wire, or is it sufficient for the operator to inform the excavator of the general location of underground facilities without marking?

Fact Stipulations and Defenses

1. The parties stipulate that in the following cases, (a) there was a valid, unexpired 811 locate request from the excavator, (b) the pipeline was non-metallic without tracer wire and (c) Frontier Gas did not provide temporary markings (paint/flags) of the location of its underground lines but provided the general location of the

pipeline to the contractor on site when it responded to the locate request.
Damage to the pipeline occurred during excavation by the contractor:

2019-00314
2019-00321
2019-00323
2019-00324

2. The parties stipulate that in the following cases, (a) the excavation damage to the underground line occurred more than 21 days after the locate request was made; (b) the pipeline was non-metallic without tracer wire and (c) Frontier Gas did not provide temporary markings (paint/flags) of the location of its underground line but provided the general location of the pipeline to the contractor on site when it responded to the locate request:

2019-00280
2019-00315
2019-00316
2019-00317
2019-00318
2019-00319

Frontier Gas asserts as a defense the fact that in each of the incidents, the excavation damage occurred after expiration of the dig ticket. **(Defense #1)**.

3. The parties stipulate that in the following case, (a) the excavation damage to the underground line occurred less than 2 days after the locate request was made, and (b) the pipeline was non-metallic without tracer wire; (c) Frontier Gas responded to the locate request before the excavation damage occurred and did not provide temporary markings (paint/flags) of the location of its underground line (d) Frontier Gas did not provide temporary markings (paint/flags) but provided the general location of the pipeline to the contractor on site when it responded to the locate request:

2019-00309

Frontier Gas asserts as a defense the fact that the excavation activity resulting in pipeline damage commenced less than 2 days after the locate request was made. **(Defense #2)**.

4. The parties stipulate that in the following cases, (a) the excavator that damaged underground facilities was a subcontractor for the entity that made the locate request and did not submit its own locate request; (b) Frontier Gas did not provide temporary markings (paint/flags) of the location of its underground line when it received the locate request from the general contractor:

2019-00317 *
2019-00318 *
2019-00322

Frontier Gas asserts as a defense the fact that the entity that engaged in the excavation activity resulting in pipeline damage did not itself submit a locate request but was a subcontractor for the entity that submitted the request. **(Defense #3).**

* Case Nos. 2019-00317 and 2019-00318 involve both Defense #1 and Defense #3.

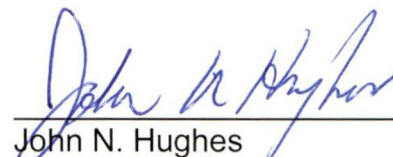
5. The following cases have unique factual situations that warrant a hearing:

2019-00319 (pipe cut)
2019-00320 (valid dig ticket, new installation)

Respectfully submitted,



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