

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRIS SAGESER )  
\_\_\_\_\_ )

ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO. 2019-00333

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 November 22, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on November 22, 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 November 22, 2019.

A copy of this Notice, the certification of the digital video record, hearing log, and exhibits 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/O2l04PKsRik>.

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

Done at Frankfort, Kentucky, this 10<sup>th</sup> day of January 2020.



---

Gwen R. Pinson  
Executive Director  
Public Service Commission of Kentucky

Chris Sageser  
4214 Sirate Ln.  
Louisville, KENTUCKY 40229

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

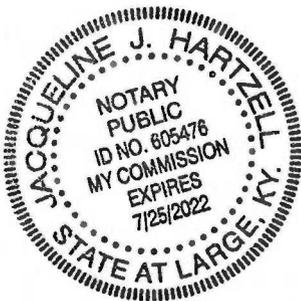
CHRIS SAGESER	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2019-00333
FACILITY DAMAGE PREVENTION ACT	)	

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 November 22, 2019. The Formal Hearing Log is included with the recording on November 22, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of November 22, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of November 22, 2019, and the time at which each occurred.

Signed this 9<sup>th</sup> day of January, 2020.



Candace H. Sacre  
Administrative Specialist III

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

Date:	Type:	Location:	Department:
11/22/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Michael Schmitt  
 Clerk: Candace Sacre

Event Time	Log Event	
9:02:08 AM	Session Started	
9:02:11 AM	Session Paused	
9:02:18 AM	Session Resumed	
9:02:19 AM	Chairman Schmitt Note: Sacre, Candace	We're now on the record. This is the Kentucky Public Service Commission. My name is Michael Schmitt. I am Chairman of the Commission. Members also include Vice Chairman Robert Cicero, who is not here this morning, and Commissioner Talina Matthews. Dr. Mathews has recused herself from all cases involving the Underground Facilities Damage Prevention Act.
9:02:47 AM	Chairman Schmitt Note: Sacre, Candace	We're here this morning for the purpose of hearing evidence in cases where the investigative division of the Public Service Commission has issued a civil penalty assessment against individuals and business entities, alleging violations of the Kentucky Underground Facility Damage Prevention Act.
9:03:05 AM	Chairman Schmitt Note: Sacre, Candace	The Public Service Commission has been authorized by KRS 367.4917(6) to enforce and assess civil penalties provided for in the Act and to seek injunctive relief for any violation that results in damage to an underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws.
9:03:31 AM	Chairman Schmitt Note: Sacre, Candace	At this time, I think there are scheduled five cases to be heard this morning. I will call those cases now to see who is here and who isn't. For those who respond as being present, we'll then go off the record and come back on for each individual case, taking up the individuals or companies who are present here first, and, if others are not present, we will basically dispose of those cases afterward.
9:04:10 AM	Chairman Schmitt Note: Sacre, Candace	The first case is 2019-00283, Robert Wells d/b/a Well's Plumbing. Is Mr. Wells here or Well's Plumbing? No.
9:04:24 AM	Chairman Schmitt Note: Sacre, Candace	The second case is 2019-00303, Kentucky Tree, LLC. Is Kentucky Tree? Okay, would you identify yourself for the record, please?
9:04:38 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Renee Jones, Kentucky Tree, LLC, owner.
9:04:42 AM	Chairman Schmitt Note: Sacre, Candace	And who is with you?
9:04:43 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	My employee that was at the job site when the incident took place.
9:04:47 AM	Chairman Schmitt Note: Sacre, Candace	Okay, and what is his name?
9:04:49 AM	Ms. Jones Kentucky Tree Note: Sacre, Candace	Tobin Walling.

9:04:52 AM	Chairman Schmitt Note: Sacre, Candace	All right. 2019-00333, Chris Sageser. Is Mr. Sageser here?
9:05:05 AM	Chairman Schmitt Note: Sacre, Candace	The next case, 2019-00339, Chad Peercy d/b/a Peercy Lawn Care, and no one here.
9:05:18 AM	Chairman Schmitt Note: Sacre, Candace	The last, 2019-00340, Sapp's Plumbing, Inc.
9:05:23 AM	Mr. Sapp Sapp's Plumbing Note: Sacre, Candace	Here.
9:05:24 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Sapp? You're Mr. Sapp?
9:05:25 AM	Mr. Sapp Sapp's Plumbing Note: Sacre, Candace	Yes.
9:05:26 AM	Chairman Schmitt Note: Sacre, Candace	Okay. Thank you. All right. We will now go off the record and then come back on and discuss with Kentucky Tree how to move forward with this case.
9:05:51 AM	Chairman Schmitt Note: Sacre, Candace	So, at this time, this matter will be in recess to be reconvened in less than five minutes.
9:06:03 AM	Session Paused	
9:07:24 AM	Session Ended	

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRIS SAGESER	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2019-00333
FACILITY DAMAGE PREVENTION ACT	)	

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

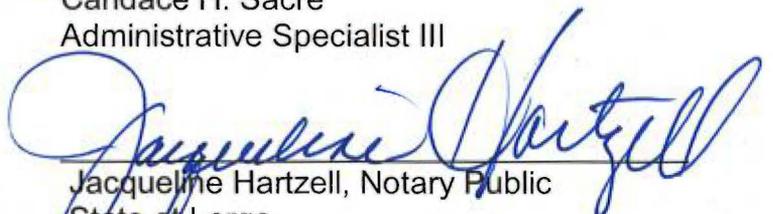
1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on November 22, 2019. The Formal Hearing Log, Exhibit List, Exhibits, and Witness List are included with the recording on November 22, 2019;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of November 22, 2019; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of November 22, 2019, and the time at which each occurred.

Signed this 9<sup>th</sup> day of January, 2020.



Candace H. Sacre  
Administrative Specialist III



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

<b>Date:</b>	<b>Type:</b>	<b>Location:</b>	<b>Department:</b>
11/22/2019	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: John Gowins  
 Judge: Michael Schmitt  
 Clerk: Candace Sacre

<b>Event Time</b>	<b>Log Event</b>	
10:10:15 AM	Session Started	
10:10:16 AM	Chairman Schmitt Note: Sacre, Candace	The next case to be considered is Case No. 2019-00333, alleged violation of the Underground Facility Damage Prevention Act by Chris Sageser.
10:10:32 AM	Chairman Schmitt Note: Sacre, Candace	Mr. Sageser allegedly violated KRS 367.4911(1)(a) in that it is alleged that he damaged an underground natural gas pipeline without providing, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notification to the natural gas operator of his intended work and work schedule, when contacting the applicable protection notification center would have satisfied this requirement.
10:11:13 AM	Chairman Schmitt Note: Sacre, Candace	This case was called earlier at approximately 9 a.m., and Mr. Sageser did not appear to be present and neither did anyone indicate that they were present on his behalf.
10:11:27 AM	Chairman Schmitt Note: Sacre, Candace	At this time, I would ask if Chris Sageser is present in the hearing room or if anyone, including an attorney, is present this morning on behalf of Mr. Sageser.
10:11:38 AM	Chairman Schmitt Note: Sacre, Candace	With no one acknowledging that he is Mr. Sageser or here on behalf of same, I assume that Mr. Sageser is not present and has chosen not to attend the hearing.
10:11:51 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, would you please identify yourself and those with you, including your witness, for the record, please?
10:11:56 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor. Staff Attorneys Tina Frederick and John Park for the Division of Inspections, and, for this case, we have witness John Gowins.
10:12:05 AM	Chairman Schmitt Note: Sacre, Candace	At this time, Ms. Frederick, would you like to call your first witness?
10:12:08 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, we do. We call John Gowins.
10:12:19 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
10:12:27 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick?
10:12:29 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Thank you.

10:12:30 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins Direct Examination. Please state your name and your place of employment for the record.
10:12:42 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And as a part of your responsibilities with the Division of Inspections at the Commission, are you familiar with an incident of damage to an underground natural gas facility that took place on February 10, 2019, at 735 Compton Street in Louisville, Kentucky?
10:13:02 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins Did you investigate this incident?
10:13:05 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And did you prepare an investigation report?
10:13:09 AM	Staff Atty Frederick PSC Note: Sacre, Candace	May I approach?
10:13:11 AM	Chairman Schmitt Note: Sacre, Candace	Yes, you may.
10:13:28 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, this has previously been filed, and I would move that it be admitted as PSC Exhibit 1.
10:13:35 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.
10:13:36 AM	PSC EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS GOWINS. INCIDENT 31359 PIPELINE DAMAGE INVESTIGATION REPORT.
10:13:38 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins Mr. Gowins, can you please describe your investigation and your findings as set forth in your report?
10:14:57 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And, just for the record, whose gas line was hit?
10:15:03 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And do you know if there was gas in that line at the time it was hit?
10:15:11 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins Now, when you sent the demand letter, what address did you use?
10:15:20 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins Which is?
10:15:25 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, I would note that this is the same address at which Mr. Sageser was served by the Jefferson County Sheriff that's been filed into the record.
10:15:36 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And what provision of the statute did you cite Mr. Sageser as violating?
10:15:51 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Gowins And how did you go about determining that there was, indeed, no dig ticket?
10:16:06 AM	Staff Atty Frederick PSC Note: Sacre, Candace	I have no further questions for Mr. Gowins.
10:16:08 AM	Chairman Schmitt Note: Sacre, Candace	I have no questions. Are you through with this witness? May he be excused?
10:16:12 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor.
10:16:13 AM	Chairman Schmitt Note: Sacre, Candace	You may step down, Mr. Gowins, and you're excused.

10:16:18 AM	Chairman Schmitt Note: Sacre, Candace	Is there anything further, Ms. Frederick, with respect to this case?
10:16:22 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further, Your Honor.
10:16:23 AM	Chairman Schmitt Note: Sacre, Candace	If not, then this hearing is hereby adjourned.
10:16:36 AM	Session Ended	



## Exhibit List Report

2019-00333 22Nov2019

Chris Sageser (Chris Sageser)

---

**Name:****Description:**

PSC EXHIBIT 1

INCIDENT 31359 PIPELINE DAMAGE INVESTIGATION REPORT

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 31359
<b>Incident Date</b> 2/10/2019 5:18:00 PM	<b>Report Submitted</b> 3/7/2019 10:14:13 AM

## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company	<b>Reported By</b> Mike Jones
<b>Phone</b> (502) 364-8281	<b>Email</b> Mike.Jones@lge-KU.com
<b>Incident Location</b> 735 Compton St Louisville, KY 40208  Jefferson	<b>Locate Ticket Number</b> n/a

## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Sageser, Chris	<b>Organization ID</b>
<b>Phone</b> 502-507-7916	<b>Email</b>
<b>Excavator Address</b> Chris Sageser 4214 Sirate Ln Louisville, KY 40229	<b>Locate Ticket Number</b>

### INCIDENT

The operator reports that the excavator was installing a new water service and was trenching when they hit the 1/2" plastic gas service. No notification made to the One Call Center.

### INVESTIGATION

No listing for Chris Sageser in the Secretary of State's office.

Google produces a Christopher M Sageser with an address of 3551 E Blue Lick Rd, Louisville, KY 40229.

No previous violations recorded.

July 23, 2019 called the above number, automated voice says the number is not reachable.

July 26, 2019 called the above number again, again told number is not reachable and also the code PPS610, which was Googled, and found that this is a pre-paid service and they either are out of the range or out of pre-paid time.

July 29, 2019 called again, same result. Will send demand letter.

### 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.

2019-00333

PSC EXHIBIT 7

Chris Sageser  
4214 Sirate Ln.  
Louisville, KENTUCKY 40229