



**JEFFERSON COUNTY, KENTUCKY
SHERIFF'S OFFICE
COL. JOHN E. AUBREY
SHERIFF**

Zip Code: 40228

Alt Zip Code:

Received Date: 11/19/2019



* 2 0 1 9 0 6 3 6 9 1 *

Civil Number: 2019063691

ORDER-NOTION-MOTION

Court Case Number: 201900337
Issued County: JEFFERSON
Court: DISTRICT COURT
Serve By Date:
Court Date:
Court Time:

COMM OF KY

VS.
**LOUISVILLE LANDSCAPE AND
EXCAVATION**

Entered By: NICOLE BLANCHARD
Last Modified:
Warrant Check? Y N
Warrant Hit? Y N
Warrant:

PTBS

Name: ADAM THOMAS

Race: Sex: DOB: Atty: PLAINTIFF
Height: Weight: 0 SSN: ID Type: ID State: ID Number:
Local ID:

Hm Add: 7804 APPLEVIEW LN

**ALT ADDRESS 8106 Adams
Run Rd 40228**

HM Phone: ()
Alt Address:
ALT Phone:
Employer:
Employer Address:
Alt Employer:
Alt Employer Address:
Moniker:

DATE	TIME	DEPUTY	REMARKS
11/21	0907	177	NA LC
11/22	0834	177	NA LC - Prev card gave
3			
4			
5			
6			
7			

Paid by: PLAINTIFF **Served:** Y N R **Date Returned to Court:** _____
Date Paid: 11/19/2019 3:16:41PM **Date:** 11/25/19 **Reason:** _____
Collected By: NICOLE BLANCHARD **Time:** 0805 _____
Fee: \$20.00 **CK #:** 23036668 **Arrest Code:** 3559 _____
Amount Paid: \$20.00 **Deputy Signature:** MWA _____

The Order represented here was served by hand delivery by the Jefferson County Sheriff:

This _____ day of _____, 2019

By: _____

Title: _____

11/25 2019 on _____

At (Address of Service): _____

Executed

Adam Thomas

a copy

by delivering to _____ of the within summons.

Sheriff, Jefferson County, Ky.

D.S.

By: [Signature] 3557

20

The within

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

no found made to locate

SHERIFF, JEFFERSON COUNTY, KY.

By _____

21 NOV 19 PM 5:26
CAME TO HAND
JOHN AUBREY

In the Matter of:

LOUISVILLE LANDSCAPING AND EXCAVATION,)
LLC)

_____)
ALLEGED VIOLATION OF UNDERGROUND)
FACILITY DAMAGE PREVENTION ACT)

CASE NO.
2019-00337

OPENING ORDER

Louisville Landscaping and Excavation, LLC has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety

¹ KRS 367.4901 through KRS 367.4917.

standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as an Appendix. In its Incident Report, Staff cites Louisville Landscaping and Excavation, LLC (Louisville Landscaping and Excavation) for violation of the following provision of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Louisville Landscaping and Excavation violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Louisville Landscaping and Excavation shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.

3. The Staff Incident Report 31284 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Louisville Landscaping and Excavation once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

*Adam Thomas
8106 Adams Run Road
Louisville, KENTUCKY 40228

*Adam Thomas
7804 Appleview Ln.
Louisville, KENTUCKY 40228