

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J.I. OBENIEL CONSTRUCTION LLC)	
_____)	
ALLEGED VIOLATION OF UNDERGROUND)	CASE NO.
FACILITY DAMAGE PREVENTION ACT)	2019-00447
)	
)	

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 February 28, 2020 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on February 28, 2020 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 February 28, 2020.

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 <https://youtu.be/KNWna-TimgE>.

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 23rd day of June 2020.



Kent A. Chandler
Executive Director
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J. I. OBENIEL CONSTRUCTION, LLC –)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND)	2019-00447
FACILITY DAMAGE PREVENTION ACT)	

CERTIFICATION

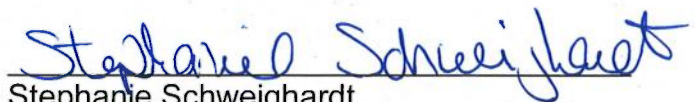
I, Candace H. Sacre, hereby certify that:

1. The attached DVD contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on February 28, 2020. The Formal Hearing Log, Exhibit List, and Witness List are included with the recording on February 28, 2020;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of February 28, 2020; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of February 28, 2020, and the time at which each occurred.

Signed this 12th day of June, 2020.



Candace H. Sacre
Administrative Specialist III



Stephanie Schweighardt
Notary Public State at Large
Commission Expires: January 14, 2023
ID#: 614400



Session Report - Detail

2019-00447 28Feb2020

J. I. Obeniel Construction, LLC

Date:	Type:	Location:	Department:
2/28/2020	Show Cause Hearing	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Eric V. Tout
 Judge: Michael Schmitt
 Clerk: Candace Sacre

Event Time	Log Event	
9:29:08 AM	Session Started	
9:29:11 AM	Session Paused	
9:29:21 AM	Session Resumed	
9:29:22 AM	Chairman Schmitt Note: Sacre, Candace	We're now on the record. The next case to be called is Case No. 2019-00447, J. I. Obeniel Construction, LLC.
9:29:41 AM	Chairman Schmitt Note: Sacre, Candace	The allegation is that on or about March 21st, 2019, Obeniel Construction, LLC, damaged an underground natural gas pipeline owned by LG&E at 5503 Phoenix Hill Court, Louisville, Kentucky 40207, and that the damage occurred when they bored into a gas main outside the scope of their locate request.
9:30:13 AM	Chairman Schmitt Note: Sacre, Candace	Is anyone present in the hearing room on behalf of J. I. Obeniel Construction, LLC?
9:30:21 AM	Chairman Schmitt Note: Sacre, Candace	Apparently not. Ms. Frederick, has Obeniel Construction, LLC, been served with the Order and process in this case?
9:30:31 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, records in this case indicate that Jose Inocente, who is the registered agent and director of this corporation according to the Missouri Secretary of State, was served by certified mail on the 30th of December, 2019. The Scheduling Order was then mailed on January 21, 2020, to the same address.
9:30:53 AM	Chairman Schmitt Note: Sacre, Candace	I notice Obeniel apparently is a Missouri corporation or LLC, so, presumably, they're working here for somebody.
9:31:03 AM	Chairman Schmitt Note: Sacre, Candace	In any event, Obeniel Construction, LLC is not present, but apparently they're before the Public Service Commission by service of process and have been notified of the hearing.
9:31:17 AM	Chairman Schmitt Note: Sacre, Candace	Are you prepared to move forward, Ms. Frederick, with your case?
9:31:19 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, I am.
9:31:20 AM	Chairman Schmitt Note: Sacre, Candace	You may call your first witness.
9:31:22 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Division of Inspections calls Eric Tout.
9:31:32 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:31:40 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, you may ask.

9:31:42 AM Staff Atty Frederick PSC
Note: Sacre, Candace Thank you, Your Honor.

9:31:43 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Will you state your name for the record, please?

9:31:46 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace And, Mr. Tout, what is your current employment?

9:31:58 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace And what is your role in administering the Commission's program to enforce the Underground Facility Damage Prevention Act?

9:32:17 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Are you familiar with an incident of damage to an underground natural gas facility that took place on March the 21st, 2019, on or about 5503 Phoenix Hill Court in Louisville, Kentucky?

9:32:31 AM Staff Atty Frederick PSC
Note: Sacre, Candace Your Honor, may I approach?

9:32:33 AM Chairman Schmitt
Note: Sacre, Candace Yes, you may.

9:33:00 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Mr. Tout, does that appear to be a fair and accurate copy of your report of this incident, complete with the original report from Louisville Gas & Electric and including all evidence obtained during your investigation?

9:33:17 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace And, according to your records and the information that you obtained, did the underground facility involved in this incident contain natural gas that escaped into the atmosphere when this damage occurred?

9:33:30 AM Staff Atty Frederick PSC
Note: Sacre, Candace Your Honor, this report has previously been filed, and the Division of Inspections would ask that it be admitted as Exhibit 1.

9:33:38 AM Chairman Schmitt
Note: Sacre, Candace Sustained.

9:33:39 AM Staff Atty Frederick PSC
Note: Sacre, Candace Thank you.

9:33:39 AM PSC DIVISION OF INSPECTIONS EXHIBIT 1
Note: Sacre, Candace INCIDENT 31479 PIPELINE DAMAGE INVESTIGATION REPORT AND LG&E GAS EXCAVATION DAMAGE REPORT
Note: Sacre, Candace STAFF ATTY FREDERICK PSC - WITNESS TOUT

9:33:41 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Mr. Tout, can you describe your investigation and the results?

9:34:35 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Could you explore that a little bit more and explain that to us, what you mean by outside the scope?

9:35:24 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Where did the damage occur?

9:35:39 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace A particular location?

9:35:48 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace And that would be an odd location?

9:35:54 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace Is there a photograph or a particular piece of evidence in your report that illustrates this the best?

9:36:20 AM Staff Atty Frederick PSC - witness Tout
Note: Sacre, Candace That's fine. Take your time.

9:37:02 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout I'd like to direct your attention to Attachment 7 of your report. Can you describe this photograph to us and what it shows us?
9:38:04 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout So 5504, the driveway in front of that address?
9:38:29 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout So that would have been why you cited the violation that you did?
9:38:52 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And who did you speak to with the J. I. Obeniel Company in regards to this?
9:39:14 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And what, if any, parts of your report did you receive from him?
9:39:32 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And those are Attachments 8 and Attachments 9 and 11?
9:39:40 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And the photograph that we were just referencing that's Attachment 7, what was the source of this photograph?
9:40:07 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And, as a result of this investigation, did you send a demand letter to J. I. Obeniel?
9:40:15 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And what was the result of that?
9:40:43 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Okay, so you mailed the demand letter to two separate addresses?
9:40:47 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And one has not been returned to the Commission, but one has?
9:40:54 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And has the Division of Inspections received any penalty at all in relation to this incident?
9:41:00 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout And, to the best of your knowledge, what was the cost for LG&E to repair this damage?
9:41:20 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout I direct your attention to Attachment 1 to your investigation report.
9:41:35 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, I have no further questions of Mr. Tout.
9:41:40 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout Was this incident Obeniel's first violation of the Act as far as you know?
9:42:29 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, do you know? Is there anything in the record to indicate whether this is a first violation or a second or a third or -
9:42:38 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Your Honor, this would have been the second incident involving J. I. Obeniel, but the first incident was investigated and was determined to not be their fault, so they were involved in another incident of damage, but that damage was not found to be anything that they would have been responsible for.
9:42:56 AM	Chairman Schmitt Note: Sacre, Candace	So this is a first offense, at least the first incident where they've been determined to be responsible, is that correct?
9:43:07 AM	Chairman Schmitt - witness Note: Sacre, Candace	Tout And there was natural gas in the line at the time of the damage?

9:43:13 AM	Chairman Schmitt - witness Tout Note: Sacre, Candace	When you spoke to this gentleman at Obeniel, did he deny responsibility? Did he deny that Obeniel was responsible for causing the damage and for violating the Act?
9:43:50 AM	Chairman Schmitt - witness Tout Note: Sacre, Candace	In the photographs that he sent and the photographs that Louisville Gas & Electric sent, was - the area that was marked by Louisville Gas & Electric as the line location, was that shown in the photographs?
9:44:34 AM	Chairman Schmitt - witness Tout Note: Sacre, Candace	Okay, so the line was marked, and the line was where it was marked, but the damage occurred outside the area defined by the locate request ticket, is that correct?
9:44:50 AM	Chairman Schmitt Note: Sacre, Candace	I have no further questions. Anything further?
9:44:53 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further, Your Honor.
9:44:54 AM	Chairman Schmitt Note: Sacre, Candace	May this witness be excused?
9:44:56 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes.
9:44:56 AM	Chairman Schmitt Note: Sacre, Candace	You may step down, Mr. Tout.
9:44:58 AM	Chairman Schmitt Note: Sacre, Candace	Any other witnesses, Ms. Frederick?
9:45:01 AM	Staff Atty Frederick PSC Note: Sacre, Candace	No, Your Honor.
9:45:03 AM	Chairman Schmitt Note: Sacre, Candace	Then that is the case for the Division of Inspections?
9:45:07 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, that is the case for the Division of Inspections, and we rest.
9:45:10 AM	Chairman Schmitt Note: Sacre, Candace	We'll get an opinion out, hopefully, next week, and this case is hereby adjourned.
9:45:22 AM	Session Ended	



Parties List Report

2019-00447 28Feb2020

J. I. Obeniel Construction, LLC

Witness:

Full Name: Eric V. Tout



Exhibit List Report

2019-00447 28Feb2020

J. I. Obeniel Construction, LLC

Name:**Description:**

PSC Division of Inspections
Exhibit 1

Incident 31479 Pipeline Damage Investigative Report

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) Eric V. Tout	Incident ID 31479
Incident Date 3/21/2019 12:05:00 PM	Report Submitted 4/18/2019 1:23:35 PM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company Phone (502) 364-8281 Incident Location 5503 Phoenix Hill Ct Louisville, KY 40207 Jefferson	Reported By Mike Jones Email Mike.Jones@lge-KU.com Locate Ticket Number 1903080959
---	---

EXCAVATOR INFORMATION

Name of Excavator Giron, Rigo Phone 980-313-2054 Excavator Address J.I. Obeniel Construction LLC 9521 E Clarksboro Dr. Liberty, MO 64068	Organization ID LC001458684 Active Email Locate Ticket Number
--	--

Incident

The Operator reports that the Excavator bored into a gas main outside the scope of the locate request. More specifically the Excavator was boring under the street when a 2" main was damaged causing a leak. The above noted Locate Ticket requests locates in the front of the address on the street to the rear, not both sides of the street. There were no locates in the road indicating the main. It was not marked by the locator because it was outside of the scope of work requested on the ticket.

The Operator's Damage Report is included as Attachment 1.

Locate Ticket Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from Initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
1903080959	Yes	03/08/19	03/28/19	03/21/19	0	No

The Locate Ticket is included as Attachment 2.

Excavation Summary

Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
Yes	Mechanized / Boring Machine	\$8,794.00	\$0.00

Investigation

On 08/20/19 the Excavator, J.I. Obeniel Construction's Forman/Supervisor Ringo Giron (980-313-2054), stated that the street design of the incident location is different than most streets and the locate request was correct. Mr. Giron stated that LG&E's locate company did not mark the entire street per the locate request. Mr. Giron stated that he would attempt to locate photographs and an incident report.

A review of Google Maps of Phoenix Hill Ct. from 5501 to 5509 indicates the street is straight with a slight veer at 5503 and 5505 and the street dead ends midway in front of 5503.

A copy of Google Map is included as Attachment 3.

A review of the above noted Locate Ticket reveals that the locate was documented as:

Street: Phoenix Hill Ct., Cross 1: Phoenix Hill Dr., Location: Locate in front of 5509, 5507, 5505, 5503, and 5501, also locate between houses 5503 and 5505 all the way to the rear of the houses.

On 08/21/19 the Operator, LG&E's Mike Jones, provide via email a Facts-Based Investigation with photographs attached, five photographs and a map indicating the location of the main gas line. The Facts-Based Investigation indicates that the damage occurred outside the scope of the above noted Locate Ticket. The photographs attached with the Fact-Based Investigation reveals the damage occurred in the street closer to the even numbered side of the street under the roadway. The photographs, provide with the email, indicate where the locate marks were placed and the map, which is in the body of the email, indicates the gas main is on the even number side of the street. **Note:** The locate ticket request is for the addresses on the odd numbered side of the street, to locate in front of 5501 thru 5509 and to locate between house 5503 and 5505 all the way to the rear of the houses. Said ticket does not include the street or the homes on the even side of the street.

The LG&E Map is include as Attachment 4.

The LG&E Facts-Based Investigation with photos is include as Attachment 5.

The LG&E Five Photographs are include as Attachment 6.

Mr. Jones provided an addition photograph that display marks where the damage occurred closer to the even side of the street under the pavement in front of the driveway of 5504.

The Photo in front of 5504 is included as Attachment 7.

On 08/21/19 Mr. Giron provided a J.I. Obeniel Incident Report with photographs attached and additional photographs. The report indicated the damage occurred to a gas line which was not marked. The photographs attached to the report indicate the damage occurred on the even side of the street under the roadway in front of driveway of 5504. The additional photographs indicate the same information as the photographs attached to the Incident Report.

J.I. Obeniel Incident Report with photos are include as Attachment 8.

J.I. Obeniel Additional Photos are include as Attachments 9-11.

Violation

KRS 367.4911(3) - Each excavator shall provide each applicable protection notification center with adequate information regarding:

- **KRS 367.4911(c)** The excavation or demolition site location or locations, each of which shall not exceed two thousand (2,000) feet in length unless the excavator and operator agree to a larger area, the city or community, county and street address, including the nearest cross street.
- **KRS 367.4911(d)** The type and extent of excavation or demolition to be performed.

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 4/18/2019 Incident ID: 31479

[Set back to Edit](#) | [Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31479\)](#)**Reported By:**

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 3/21/2019
Time: 12:05 PM

Details:

Reported Date: 4/18/2019 1:23 PM

Incident Location Address:

Location:
Address: 5503 Phoenix Hill Ct
City: Louisville
State: KY
County: Jefferson
Zip: 40207
Confirm Code: Y
Number of Customers out: 8
Locate Request Ticket No.: 1903080959
Excavator: Contractor

Excavator Address:

First Name: Rigo
Last Name: Giron
Organization ID:
Company: J I Obeniel
Phone: 980-313-2054
Email:
Address: 9521 E Clarksboro Dr
City: Liberty
State: MO
Zip: 64068

Confirm Code: Y

Excavation Damage: Wrong information provided to One
Call Center

Description of Incident ?Excavator bored into gas main outside the scope of the locate request

Summary Information

4/18/2019

Full details such as the cause	Excavator was punching under the street when the tool hit a 2" steel main causing leak. The locate request called for locates in the front of the address on the street to the rear, not both sides of the street. There were no locates in the road indicating the main. It was not marked by the locator because it was outside of the scope of work requested on the ticket. Contractor worked outside of the scope of work.
Extent of the damage	2" steel main
Cost of the damage	\$8,794.00
Steps taken to prevent re-occurrence	Conversation with the excavator about working outside the scope of the locate request; letter from LG&E to be sent.
Amount billed to excavator	\$0.00

Attachment 2

NORMAL NOTICE REMARK

Ticket : 1903080959 Date: 03/08/2019 Time: 13:52 Oper: JOSE.INOCENTE.KY Chan:000
Old Tkt: 1902201461 Date: 02/20/2019 Time: 22:02 Oper: JOSE.INOCENTE.KY Rev: 00A

State: KY Cnty: JEFFERSON City: LOUISVILLE

Subdivision:

Address :

Street : PHOENIX HILL CT

Cross 1 : PHOENIX HILL DR

Location: LOCATE IN FRONT OF 5509,5507,5505,5503,5501, ALSO LOCATE BETWEEN
HOUSES 5503 AND 5505 ALL THE WAY TO THE REAR OF THE HOUSES

:

Boundary: n 38.289849 s 38.287945 w -85.651377 e -85.648761

Work type : INSTALLING FIBER

Done for : ATT

Start date: 03/12/2019 Time: 14:00 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 5 FEET

Company : JI OBENIEL CONSTRUCTION LLC Type: CONT

Co addr : 7003 NW CORONADO ST

City : KANSAS CITY State: MO Zip: 64152

Caller : JOSE INOCENTE Phone: (443)990-4061

Contact : RIGO Phone:

Mobile : (980)313-2054

Email : TICKETS.JIOBENIELCONSTRUCTION@GMAIL.COM

Remarks : REMARKS

:

Submitted date: 03/08/2019 Time: 13:52

Members: 0002 0004 0006 0007 0139

Attachment 3



Map data © OpenStreetMap contributors, Imagery © Mapbox

Send directions to your phone

Details

Via Phoenix Hill Ct 1 mile

Ornaments

- 5501 Phoenix Hill Ct Louisville, KY 4020
- 5503 Phoenix Hill Ct Louisville, KY 4020
- 5505 Phoenix Hill Ct Louisville, KY 4020

Map data © OpenStreetMap contributors, Imagery © Mapbox



Map data © OpenStreetMap contributors, Imagery © Mapbox

Send directions to your phone

Details

Via Phoenix Hill Ct 1 mile

Ornaments

- 5501 Phoenix Hill Ct Louisville, KY 4020
- 5503 Phoenix Hill Ct Louisville, KY 4020
- 5505 Phoenix Hill Ct Louisville, KY 4020

Map data © OpenStreetMap contributors, Imagery © Mapbox

Attachment 4

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Wednesday, August 21, 2019 10:28 AM
To: Tout, Eric V (PSC)
Subject: RE: 31479, 5503 Phoenix Hill Ct, Louisville, J.I. Obeniel Construction
Attachments: 5503 Phoenix Hill Ct..pdf; DigTix Ticket 1903080959 2019-03-12 11_11_14.451.jpg; DigTix Ticket 1903080959 2019-03-12 11_16_32.879.jpg; DigTix Ticket 1903080959 2019-03-12 11_13_46.103.jpg; DigTix Ticket 1903080959 2019-03-12 11_09_07.099.jpg; DigTix Ticket 1903080959 2019-03-12 11_07_44.930.jpg

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Our damage investigation and photos are attached in the pdf.

A view from our GIS:

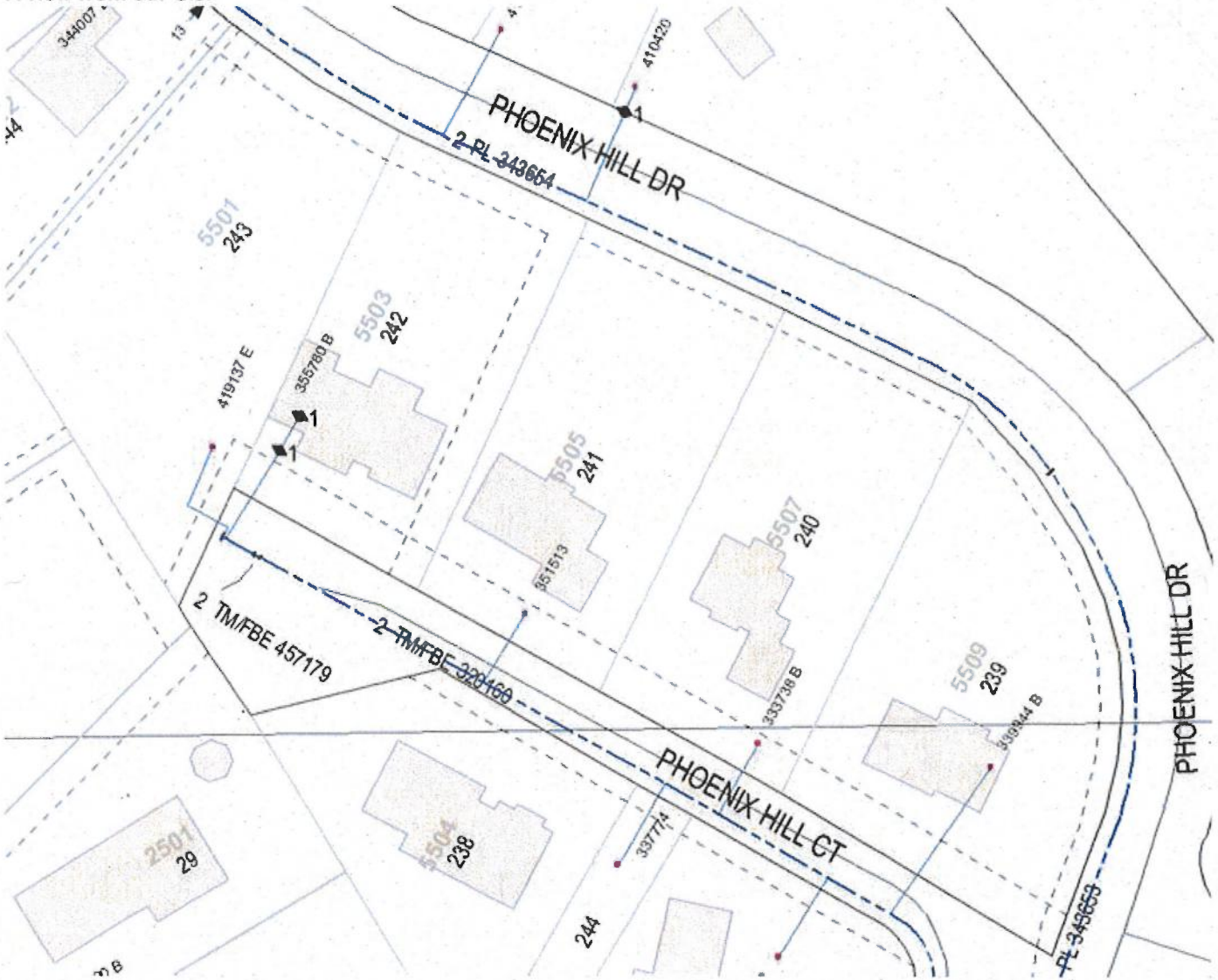


Photo 11_07_44.930 = service to 5501
Photo 11_09_07.099 = service to 5503
Photo 11_11_14.451 = service to 5505
Photo 11_13_46.103 = service to 5507
Photo 11_16_32.879 = service to 5509

There are no photos of main locates because the damaged main is outside the scope of the request.

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, August 21, 2019 9:38 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 31479, 5503 Phoenix Hill Ct, Louisville, J.I. Obeniel Construction

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Morning Mike,

Please send all photos, incident reports and drawings/maps that would indicate where the main is located from 5503 to 5509 Phoenix Hill Ct.

*Thanks,
Eric V. Tout, Investigator
Division of Inspections
Kentucky Public Services Commission
211 Sower Blvd.
Frankfort, KY 40601
Ph: 502-782-2622
Fax: 502-564-1582*

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Attachment 5



Facts-Based Investigation

Internal Claim #: INC-20190321-002 Customer Claim #: _____

Site Investigator: Neal Miller Date Notified: 03/21/19 12:15:00

Notified By: (Name & #) Yes notification system 5022692298

Damage Location: 5503 Phoenix Hill ct Louisville KY 40207

Date of damage: 03/21/19 11:45:00

Original Ticket #: 1903080959 Locator: Utility Resource Group

Due Date: 03/12/19 14:00:00 Date Located: 03/12/19 11:36:15

Photos taken before damage? N

Photos taken of damage site? Y

Type and size of damaged utility: Distribution 2

Depth: 18" to < 36" (0.5 to < 1m)

Description and extent of damage: Contractor was punching the missile and the street when it hit a 2" st main causing leak. There were no locates in the road indicating the main. It was not marked by the locator because it was outside of the scope of work on the ticket. The bud request called for locates in the front of the address on the street and to the rear, not both sides of the street. Contractor worked outside of the scope of work.

Equipment used: _____

Damaging Company Name: JI OBENIEL CONSTRUCTION LLC

Company Address: 7003 NW CORONADO ST KANSAS CITY, MO 64152

Telephone #: (443)990-4061 Contact name: JOSE INOCENTE

Working for: ATT

Contractor assisting in the repair of damaged facility: _____

Personal Injury: N 3rd Party Property Damage: Y Evacuations: N Other: Y

Explain: 8 customers lost service

Was Locate requested?: Y Facilities located?: Y

Locate accurate (Within tolerance zone)?: N If No, Distance markings off?: _____

Were marks visible at time of damage: Y

Were damaged facilities within scope of ticket?: N



Facts-Based Investigation

Name of util. Mgr/Rpr Tech on site: _____ Tel. #: _____

Comments: _____

Witness: _____ Tel. #: _____

Comments: _____

Witness: _____ Tel. #: _____

Comments: _____

Investigator Findings: _____

Name the responsible party: Jl Obeniel

Give reasons why this party is responsible: contractor thought they would have marked the main

Date of Investigation: 03/21/19 Total Investigation Time (Hours): _____

Site Investigator's Name: Neal Miller Phone: _____

Site Investigator's Signature: Neal Miller Date: 03/21/2019

(OFFICE USE ONLY)

DOCUMENTS ENCLOSED

Other: _____ Other: _____

Damage Status: Excavation Issue Cause Code: Excavator dug outside area described on ticket

Damage Claims Manager: _____

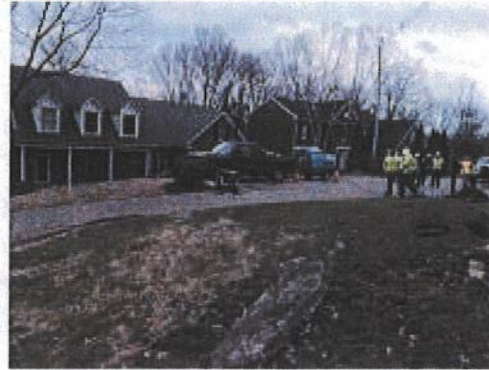


Facts-Based Investigation





Facts-Based Investigation



Attachment 6







PHOTOGRAPH BY
M. J. WOODRUFF, JR. 4465906

Attachment 7



Attachment 8

Incident No. 36748
Status Closed
Company/Location STC:SC660 - SC660 - Louisville, KY - Light
Incident Type Subcontractor Incident (No Employee Involvement)
Date of Occurrence 21 Mar, 2019
Employee Name (Involved):
Supervisor Collins, Joel
Address/Location of Incident 5501 Phoenix Hill Ct

Near Miss? No
Time 12 HH17 MPPM

State KY **City** Louisville **Latitude example:** 39.563748 **Longitude example:** 79.284723
GPS 38.289272 **GPS** - 85.650825

Description: Provide a complete summary of the incident.

Subcontractor J.I. Obeneil was placing conduit for fiber optic cable using a missile. The missile hit an unmarked gas utility line. Valid locate ticket. Ticket # 1903080959. JOB # 85V40470N/AO161444. Utility was not marked. No one was hurt and no equipment was damaged.

List PPE in Use hard hat, vest

Reported By Kennedy, Riley
Reported To Morris, Hubert
Date Reported 21 Mar, 2019

Option to send email notification to others:
 Recipients List

Associated Documents

Click to View	Document Name	
	03 21 2019 5501 Phoenix Hill Ct Louisville KY Photos.zip	<input type="checkbox"/>
	03 21 2019 5501 Phoenix Hill Ct Louisville KY.pdf	<input type="checkbox"/>

1. Sub-Incidents Associated with this Incident Report:

View/Edit	Type	Employee/Contact Name	Status	Select Deselect
38103	Property Damage Form	N/A	Closed	<input type="checkbox"/>

4. Incident Report Summary and Closing Details:

Target Close Date 28 Mar, 2019

EHS Coordinator's Comments: sub-Contractors damages / Turned over to our claims department

Root Cause Investigation Required GL-Subcon. Responsibility
Yes

Person Responsible Riggs, Michelle **Target Date** 29 Mar, 2019

3. Incident Report Investigation Details:

Fill out the details of the investigation below:

Employee Feedback

2. Corrective/Preventive Actions associated with this Incident Report:

Use the buttons below to add or remove a Corrective/Preventive Action relating to this Incident Report:

View/Edit	Root Cause Correction Type	Action Required	Person Responsible	Target Date	Completion Date	Completion Notes	Select Deselect
No Data Returned							

Investigation Completion

Please ensure sub-incidents have been closed before closing the incident. To close the incident enter comments below, and specify the Date Closed.

SUB JI OBENIEL STRUCK AND DAMAGED UNMARKED GAS LINE. SUB TO HANDLE ANY CLAIMS.

Investigated By Riggs, Michelle **Investigation Completed** 29 Mar, 2019

EHS Coordinator - Final Review and Closing

Please review this incident report and determine whether an incident investigation is required, then fill in the details below

Closed By Morris, Hubert **Date Closed** 29 Mar, 2018

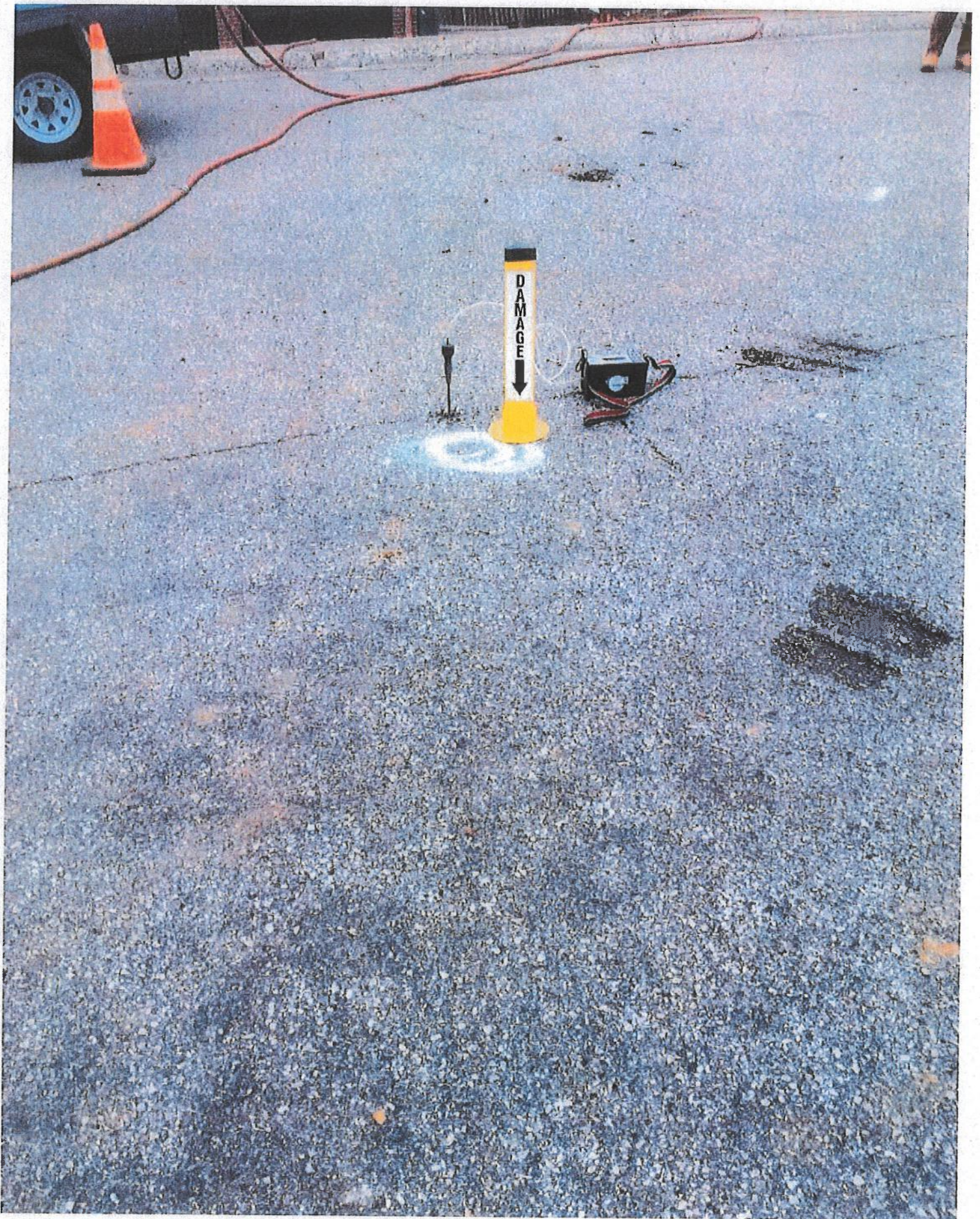
 **Associated Notifications**

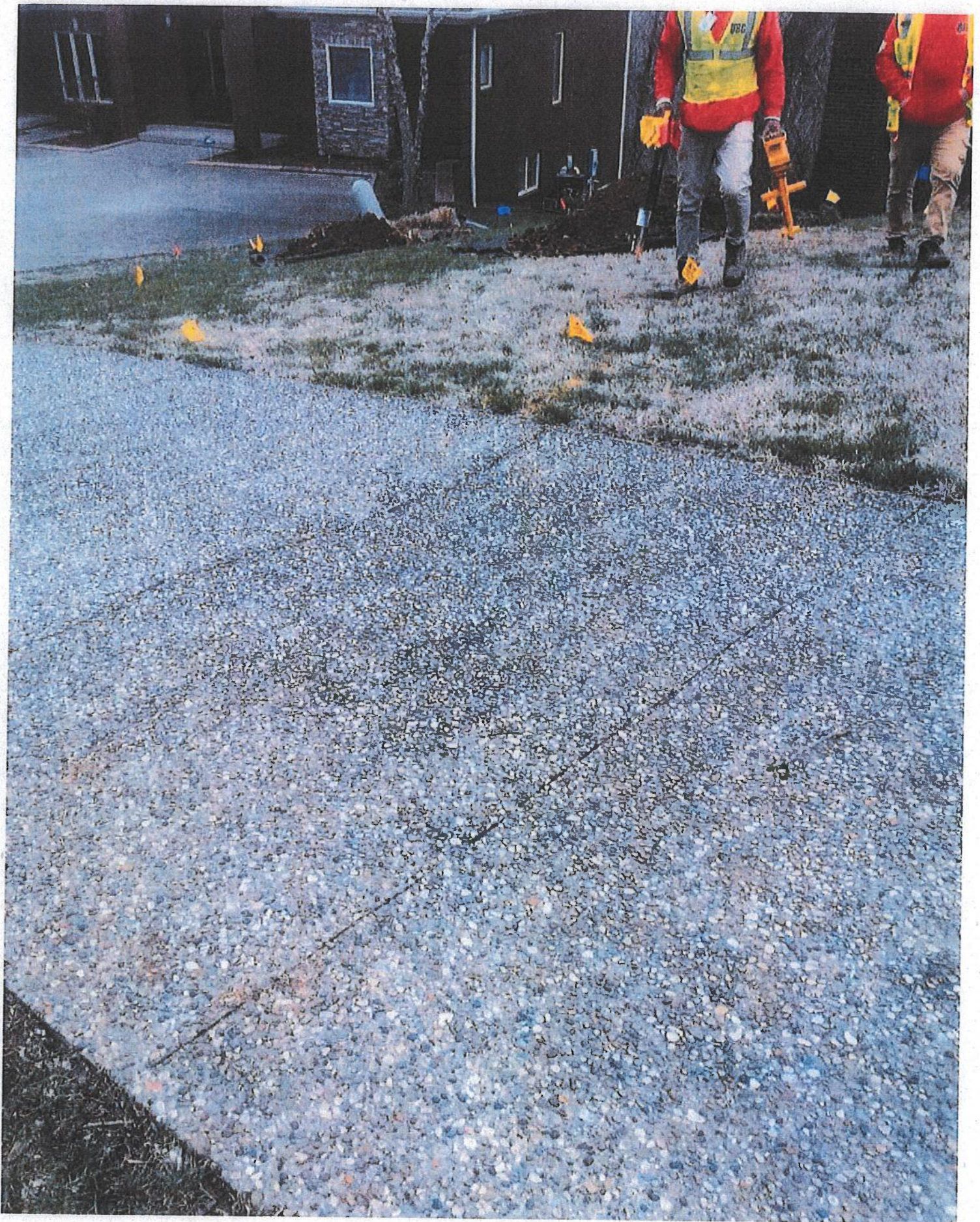
Use the buttons to add or remove a Notifications relating to this Incident Report:

View	Date Entered	Entered By	Notification Sent to	Comments	Date Sent	Select Deselect
No Data Returned						

Message Center

Creator	Title / Subject	Message Task	Replies Pending Recipient	Date Sent
No Data Returned				





5.54 KF TO PFP

5503 PHOENIX HILL DR
TO C.O. 2511
D.O.P
UE
301' (R) - 845C
+24' DOWN POLE

17.2 845C WE=B TERM QTY=2
17.3 845C WE=A PCOIL QTY=2

15' (R) - 822C
164' (R) - 822C
164' (R) - 85C
PB #48188
ATT +22' UP P

Handwritten in red:
03-21-2009
12:17 PM
LOOSE TICKET # 1903080958
UNMARKED
GAS MAIN LINE
DAMAGED UNDER STREET
CONTRACTOR T. I. O BENEVE
LOCATE MARK 7#
1903080958

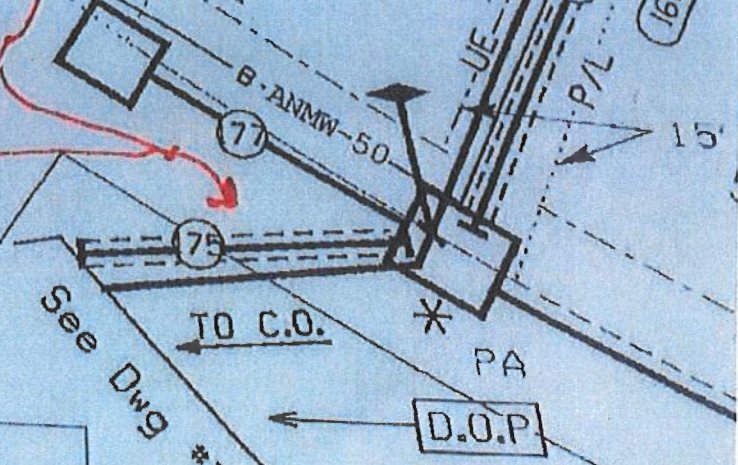
5' TO ELEC. BOX
7' TO CTV PED
8645C
HH1.1
HANDHOLE 10X15

15.9 8645C WE=B
PLAC
ORD=1 REC=1

Handwritten in red:
ATT PROTECTIVE
85V 40476N/A016144
PRINT 74 of 84 @
ADDRESS 5501 PHOENIX HILL CT

PLAT
PB. 36, PG. 52
50' R/W
UE VARIES

4C
HH1
HHOLE 17X30X30
2' TO PA
7' TO EOP

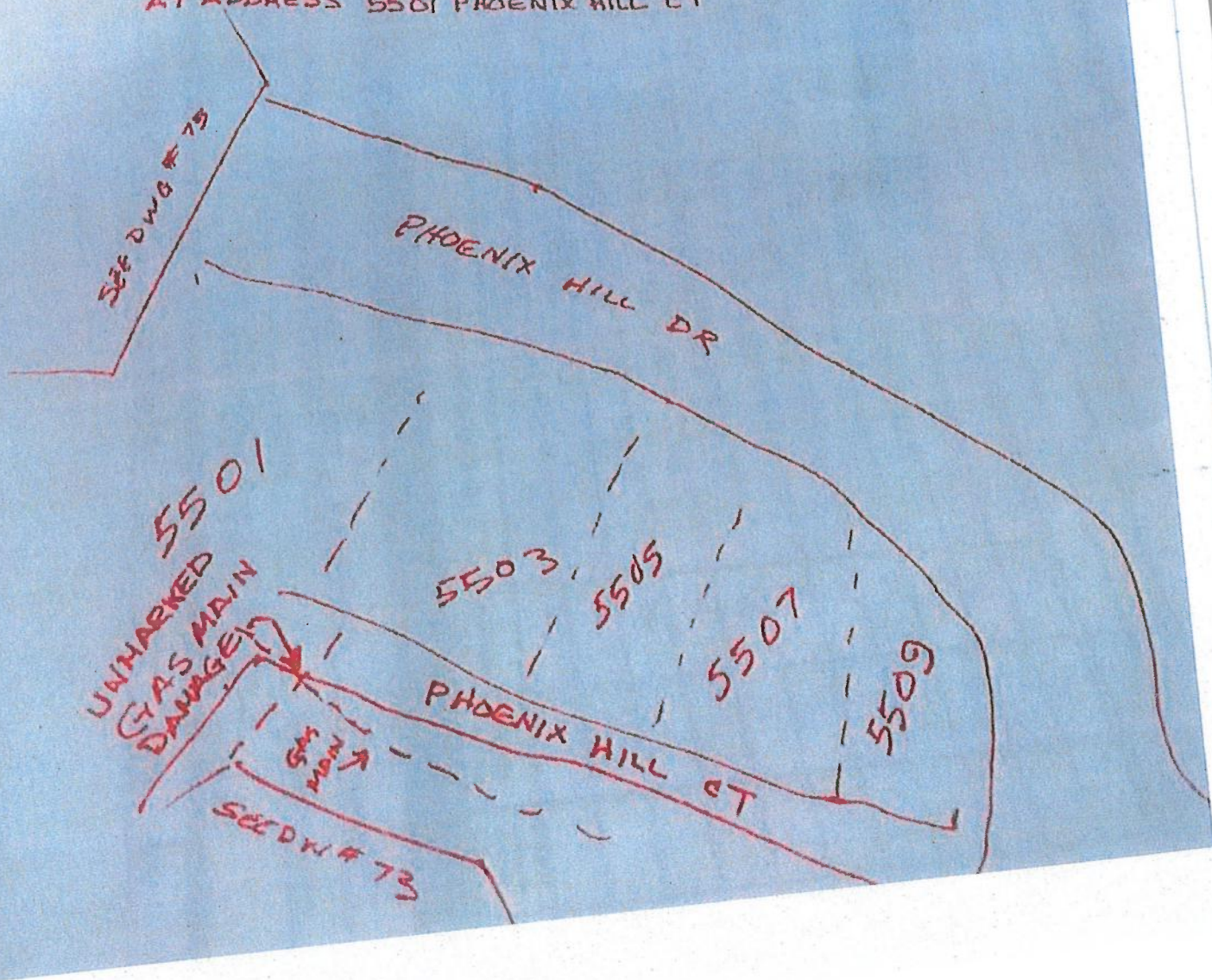








03-21-219 (A) APPROXIMATELY 12:17 PM
J. I. OBBEHL, CONSTRUCTION
LOCATE TICKET # 1903680959
DAMAGE TO UNMARKED GAS MAINLINE
ATT PROJ # 85V40470N/A016144
PRINT 74 of 84 AT CENTER OF STREET
AT ADDRESS 5501 PHOENIX HILL CT





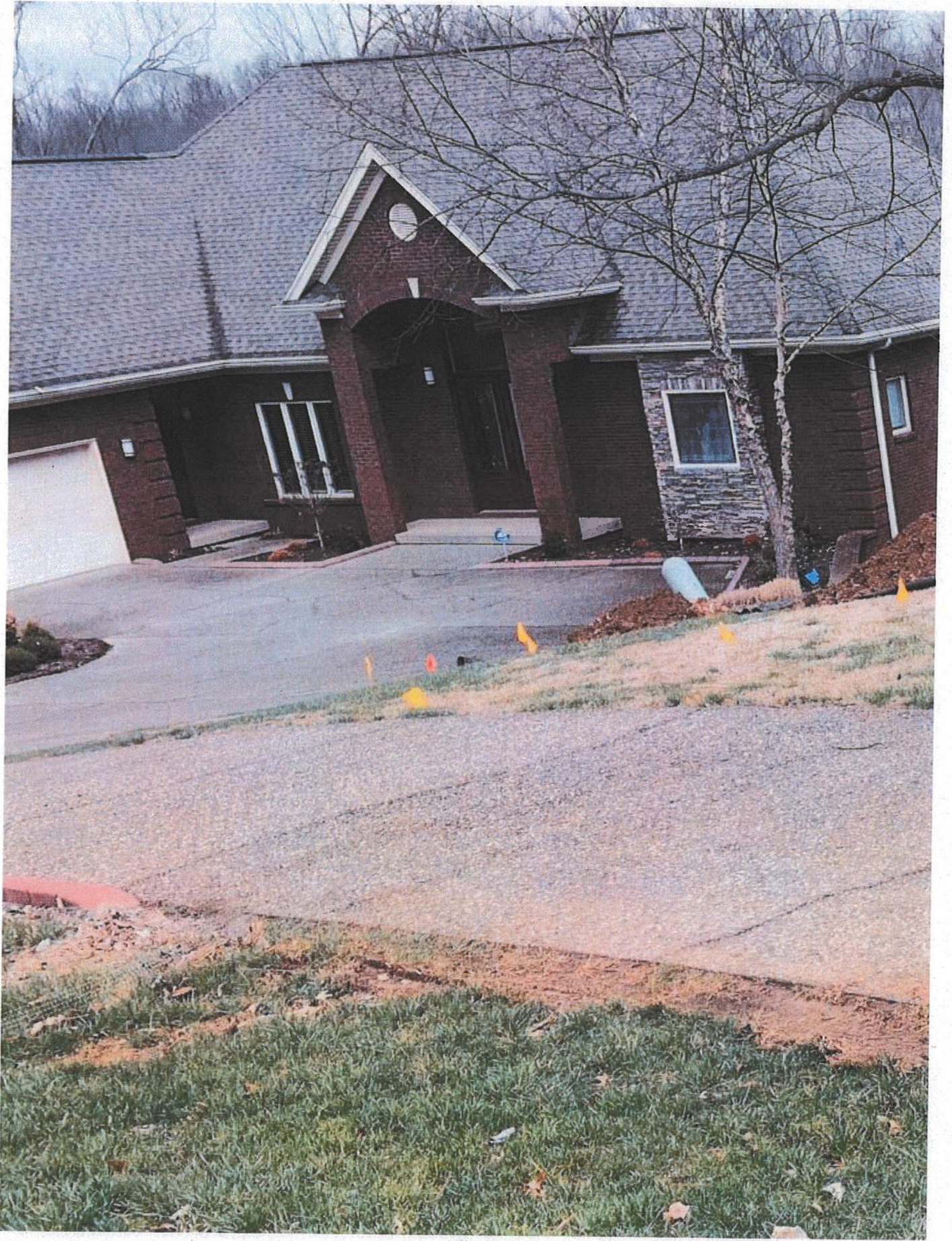


Attachment 9

Tout, Eric V (PSC)

From: Rigo Giron <rigo.giron8@icloud.com>
Sent: Wednesday, August 21, 2019 12:18 PM
To: Tout, Eric V (PSC)
Subject: Phoenix hill ct Gas incident





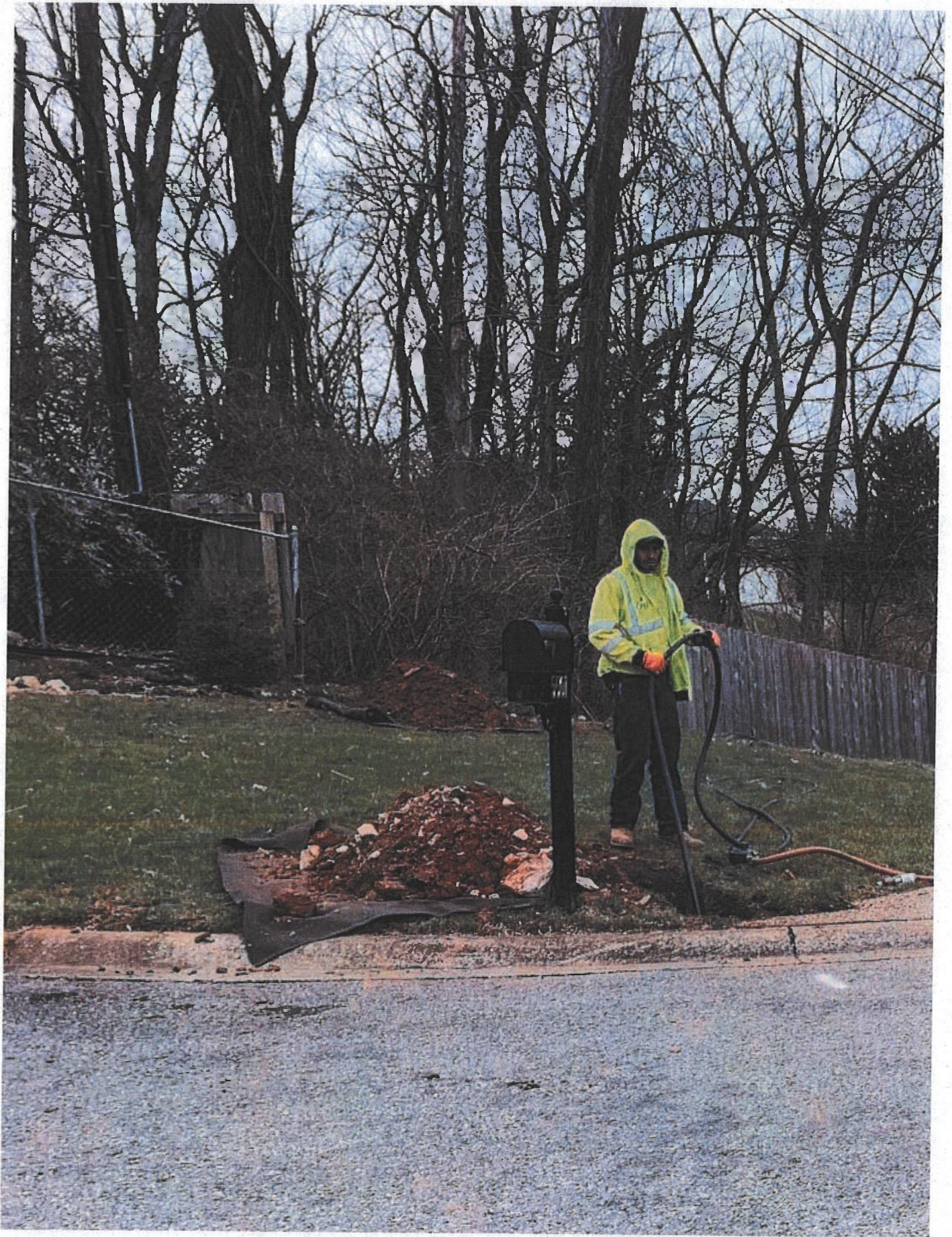


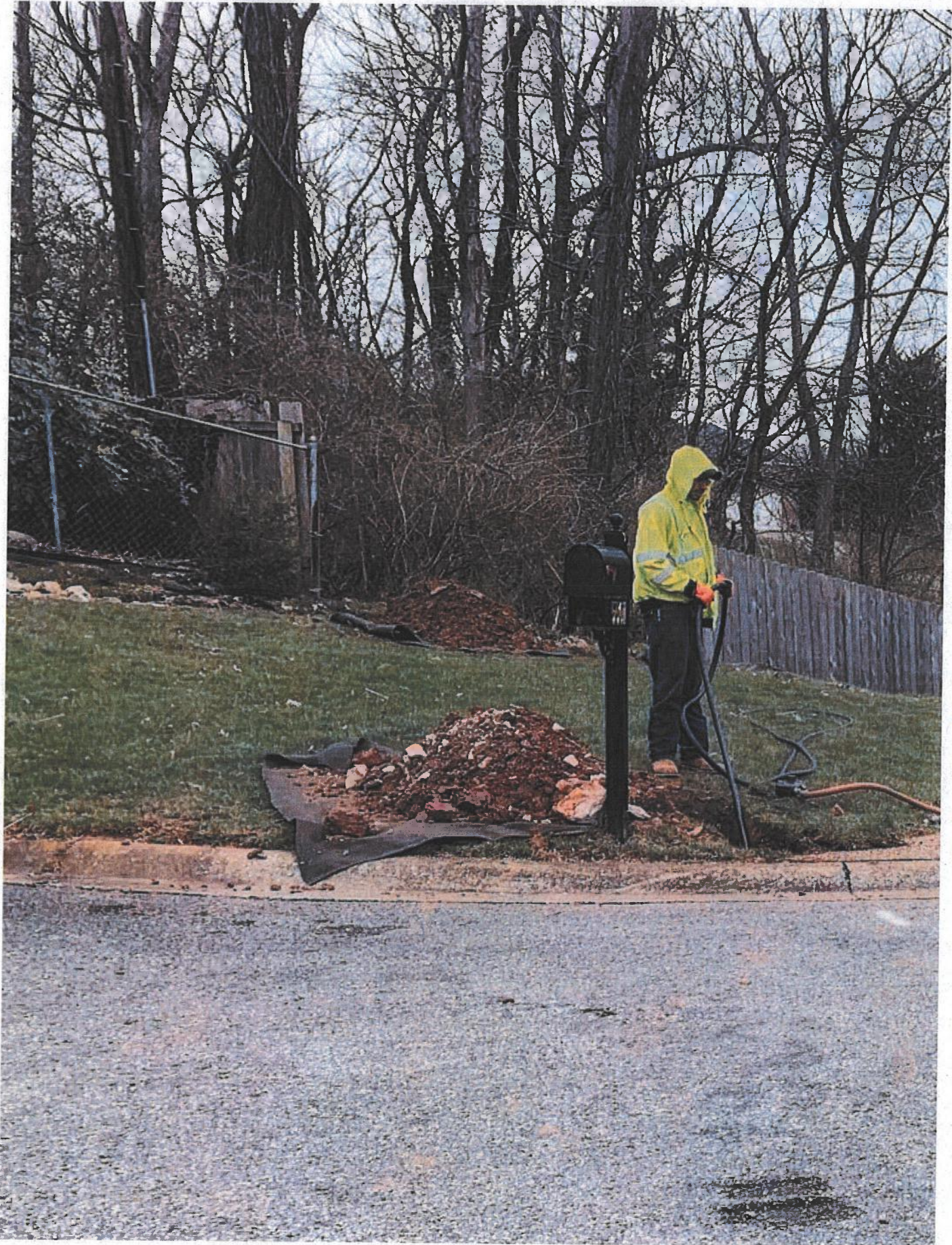
Sent from my iPhone

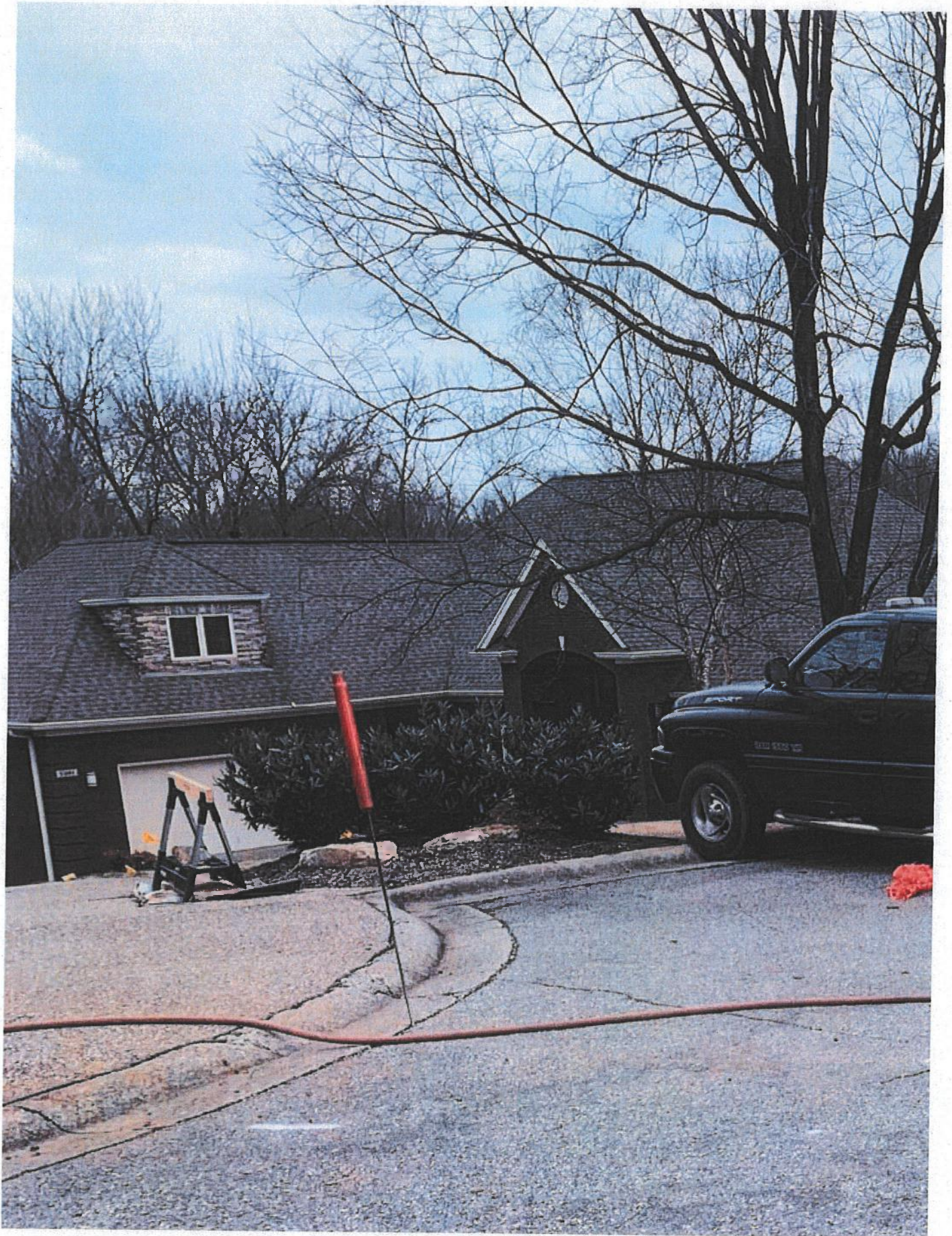
Attachment 10

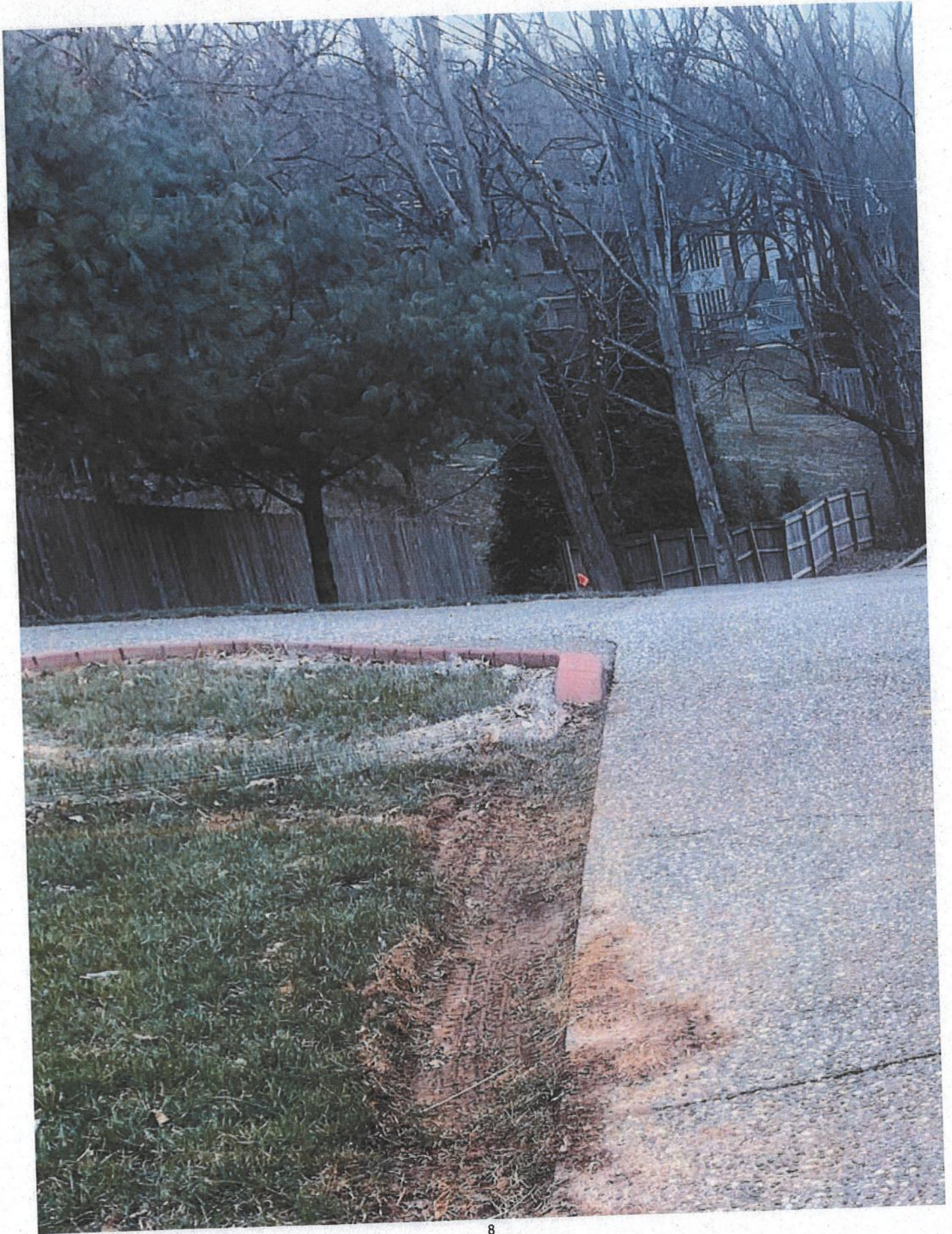
Tout, Eric V (PSC)

From: Rigo Giron <rigo.giron8@icloud.com>
Sent: Wednesday, August 21, 2019 12:20 PM
To: Tout, Eric V (PSC)
Subject: Phoenix hill ct Gas incident













Sent from my iPhone

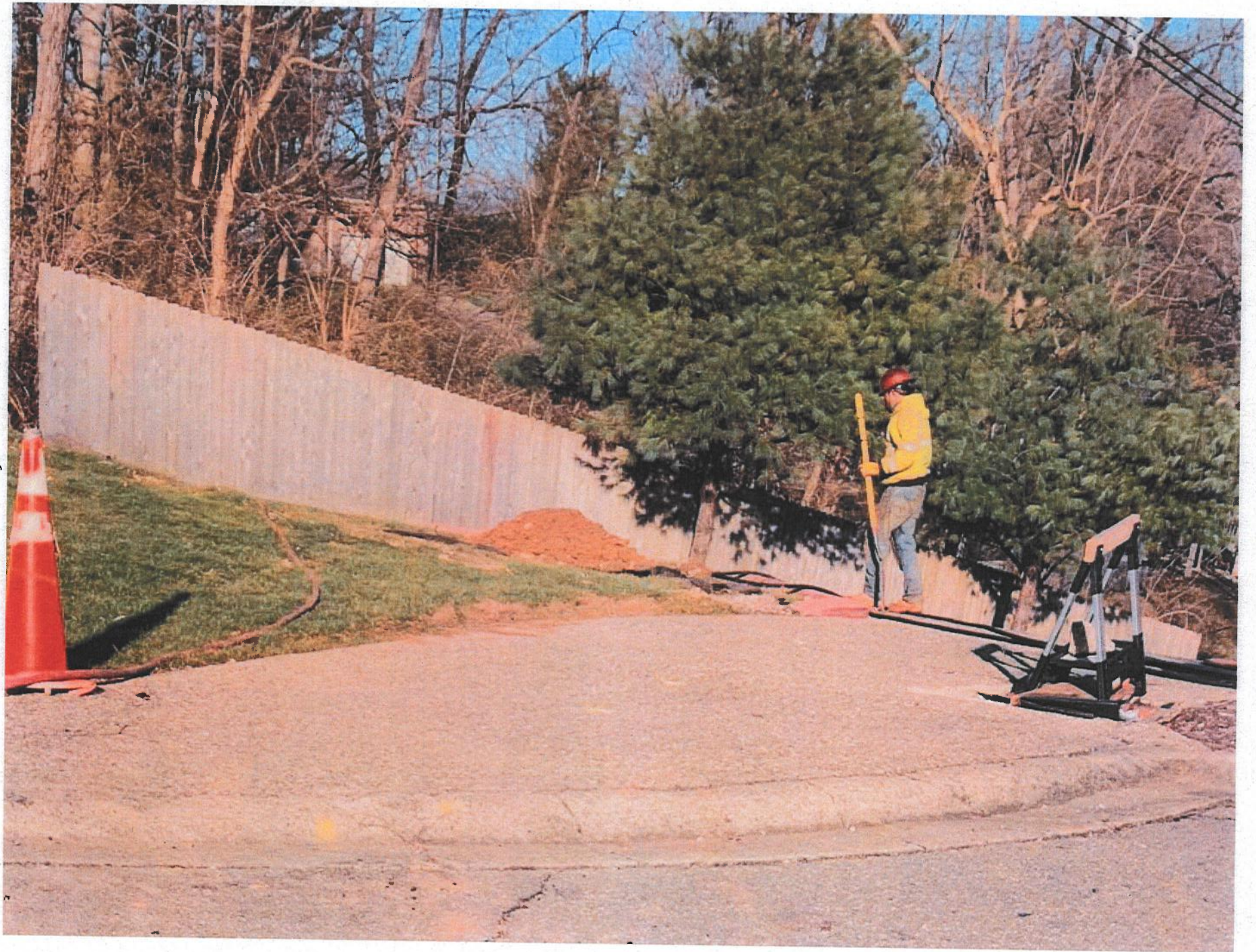
Attachment 11

Tout, Eric V (PSC)

From: Rigo Giron <rigo.giron8@icloud.com>
Sent: Wednesday, August 21, 2019 12:21 PM
To: Tout, Eric V (PSC)
Subject: Phoenix hill ct Gas incident







Jose Inocente
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Liberty, MISSOURI 64068