

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HECTOR ROBLEDO

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ALLEGED VIOLATION OF UNDERGROUND  
FACILITY DAMAGE PREVENTION ACT

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CASE NO.  
2019-00448

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](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 23<sup>rd</sup> day of June 2020.



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Kent A. Chandler  
Executive Director  
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HECTOR ROBLEDO –	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2019-00448
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 12<sup>th</sup> day of June, 2020.



Candace H. Sacre  
Administrative Specialist III



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



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	
9:46:34 AM	Session Started	
9:46:35 AM	Chairman Schmitt Note: Sacre, Candace	The next case to be called is 2019-00448, Hector Robledo.
9:46:45 AM	Chairman Schmitt Note: Sacre, Candace	Is Mr. Robledo in the Hearing Room, or is anyone here on behalf of Mr. Robledo?
9:46:52 AM	Chairman Schmitt Note: Sacre, Candace	Apparently not. Mr. Robledo, it is alleged, damaged an underground natural gas pipeline owned and operated by Louisville Gas and Electric Company at 5241 South Preston Highway, Lebanon Junction, Kentucky, on or about March 17th, 2019. Is that correct, Ms. Frederick?
9:47:15 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, that is correct.
9:47:18 AM	Chairman Schmitt Note: Sacre, Candace	Has Mr. Robledo been served and, otherwise, notified of this proceeding?
9:47:25 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, Mr. Robledo was personally served with the Opening Order in this case on January 21st, 2020. The Scheduling Notice was subsequently mailed on the 27th of January.
9:47:41 AM	Chairman Schmitt Note: Sacre, Candace	All right. I guess - was it was mailed to the same address?
9:47:44 AM	Staff Atty Frederick PSC Note: Sacre, Candace	It was mailed to the same address where he was personally served.
9:47:46 AM	Chairman Schmitt Note: Sacre, Candace	So was it returned, or do we still -
9:47:49 AM	Staff Atty Frederick PSC Note: Sacre, Candace	It was not returned.
9:47:50 AM	Chairman Schmitt Note: Sacre, Candace	Not returned, all right. Mr. Robledo, apparently, has determined that he doesn't wish to appear and contest the allegations, so are you ready to move forward with presentation of evidence?
9:48:04 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, Your Honor, we are.
9:48:05 AM	Chairman Schmitt Note: Sacre, Candace	Please call your first witness.
9:48:07 AM	Staff Atty Frederick PSC Note: Sacre, Candace	The Division of Inspections calls Eric Tout.
9:48:17 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:48:25 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick?

9:48:26 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Mr. Tout, would you say your name for the record?

9:48:30 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And what is your current employment?

9:48:36 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And, as your role with the Commission, what part do you play in the Commission's program to enforce the Underground Facility Damage Prevention Act?

9:48:58 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 17th, 2019, at 5241 South Preston Highway, Lebanon Junction? That's in Bullitt County, Kentucky.

9:49:13 AM Staff Atty Frederick PSC  
Note: Sacre, Candace May I approach, Your Honor?

9:49:15 AM Chairman Schmitt  
Note: Sacre, Candace Yes, you may.

9:49:39 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Mr. Tout, does this appear to be a fair and accurate copy of you report of this incident?

9:49:46 AM Staff Atty Frederick PSC  
Note: Sacre, Candace Mr. Chairman, this has previously been filed, and I would ask that it be admitted as Division of Inspections Exhibit 1.

9:49:52 AM Chairman Schmitt  
Note: Sacre, Candace Sustained.

9:49:53 AM PSC DIVISION OF INSPECTIONS EXHIBIT 1  
Note: Sacre, Candace STAFF ATTY FREDERICK PSC - WITNESS TOUT  
Note: Sacre, Candace INCIDENT 31471 PIPELINE DAMAGE INVESTIGATION REPORT

9:49:57 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace According to your records and the investigation report that you have submitted involving this incident, did the underground facility involved in this incident contain natural gas that escaped into the atmosphere when the damage occurred?

9:50:15 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Can you describe your investigation and the results of the investigation?

9:50:46 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Approximately, how many attempts did you make to contact Mr. Robledo over the phone?

9:51:09 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And, after reviewing the operator report of this damage, what did you determine had occurred?

9:51:22 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Describe the damage to the underground facility.

9:51:34 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Had a call been made to 9-1-1?

9:51:42 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And, to the best of your knowledge, what was the cost to repair this damage?

9:51:52 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And what violation did you determine Mr. Robledo had committed?

9:52:02 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace And what are the requirements of that statute?

9:52:30 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace	And there was no recorded call to 8-1-1, the Call Center, before this excavation occurred?
9:52:40 AM	Staff Atty Frederick PSCs Note: Sacre, Candace	Thank you, Your Honor. The Division of Inspections has no further questions of Mr. Tout.
9:52:45 AM	Chairman Schmitt - witness Tout Note: Sacre, Candace	As far as your records indicate Mr. Tout, is this Mr. Robledo's first violation of the Act?
9:52:58 AM	Chairman Schmitt - witness Tout Note: Sacre, Candace	And there was natural gas present at the time?
9:53:06 AM	Chairman Schmitt Note: Sacre, Candace	I have no further questions. May this witness be excused?
9:53:09 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, he may.
9:53:10 AM	Chairman Schmitt Note: Sacre, Candace	You may be excused. Thank you.
9:53:13 AM	Chairman Schmitt Note: Sacre, Candace	Ms. Frederick, anything further?
9:53:14 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further. The Division of Inspections rests.
9:53:17 AM	Chairman Schmitt Note: Sacre, Candace	In that case, then this hearing is adjourned, and I understand that there are no more hearings scheduled for today. Is that correct?
9:53:28 AM	Staff Atty Frederick PSC Note: Sacre, Candace	That is correct.
9:53:29 AM	Chairman Schmitt Note: Sacre, Candace	Okay, thank you.
9:53:34 AM	Session Ended	



# Parties List Report

2019-00448 28Feb2020

Hector Robledo

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**Witness:**

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Full Name: Eric V. Tout

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## Exhibit List Report

2019-00448 28Feb2020

Hector Robledo

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

PSC Division of Inspections  
Exhibit 1

Incident 31471 Pipeline Damage Investigation Report

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout	<b>Incident ID</b> 31471
<b>Incident Date</b> 3/17/2019 2:17:00 PM	<b>Report Submitted</b> 4/16/2019 1:07:49 PM

## OPERATOR INFORMATION

<b>Operator</b> Louisville Gas and Electric Company <b>Phone</b> (502) 364-8281 <b>Incident Location</b> 5241 S Preston Hwy Lebanon Junction, KY 40150  Bullitt	<b>Reported By</b> Mike Jones <b>Email</b> Mike.Jones@lge-KU.com <b>Locate Ticket Number</b> n/a
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Robledo, Hector <b>Phone</b> 502-759-9856 <b>Excavator Address</b> 5241 S Preston Hwy Lebanon Junction, KY 40150	<b>Organization ID</b> <b>Email</b> <b>Locate Ticket Number</b>
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### INCIDENT

The Operator reports that the Excavator/Homeowner damaged a one inch service, with a Track Hoe, while excavating for a drainage repair and failed to contact the Protection Notification Center (811).  
**The Damage Report is include 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
None	No	N/A	N/A	03/17/19	N/A	N/A

#### Excavation Summary

Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
Yes	Mechanized / Track Hoe	\$1,164.00	\$0.00

### INVESTIGATION

On 09/12, 13, 16, 18 & 26/19 an attempt to contact the Homeowner, Hector Robledo (502 364-8281), resulted in a message being left.

On 09/30/19 an Accurint Comprehensive Report (45 pages) was obtained indicating Hector Sandoval Robledo resides at the above noted Incident Location with phone numbers 502 239-9271 and 502-807-7759.

On 10/01/19 the Operator, LG&E's Mike Jones, stated LG&E has no addition contact information for Mr. Robledo.

On 10/23/19 an attempt to contact Mr. Robledo at the telephone numbers provided by the Accurint report resulted in 502-239-9271 being disconnected and 502-807-7759 a voice message was received in Spanish, which was translated via the computer, to leave a message after the beep and a message was left.

On 11/05 & 06/19 an attempt to contact Mr. Robledo (502-807-7759) resulted in no return call as of today's date. .

**VIOLATION**

**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.

# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 4/16/2019 Incident ID: 31471

[Set back to Edit](#) | [Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31471\)](#)

### Reported By:

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

### Gas Line Incident Occured:

**Date:** 3/17/2019  
**Time:** 2:17 PM

### Details:

**Reported Date:** 4/16/2019 1:07 PM

### Incident Location Address:

**Location:**  
**Address:** 5241 S Preston Hwy  
**City:** Lebanon Junction  
**State:** KY  
**County:** Bullitt  
**Zip:** 40150  
**Confirm Code:** Y  
**Number of Customers out:** 1  
**Locate Request Ticket No.:** n/a  
**Excavator:** Home Owner

### Excavator Address:

**First Name:** Hector  
**Last Name:** Robledo  
**Phone:** 502-759-9856  
**Email:**  
**Address:** 5241 S Preston Hwy  
**City:** Lebanon Junction  
**State:** KY  
**Zip:** 40150  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One Call Center

**Description of Incident** ?Homeowner damaged service while excavating for drainage repair.

**Summary Information**

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4/16/2019

<b>Full details such as the cause</b>	Homeowner was digging with a small track hoe to fix a drainage problem. He did not know gas line was there and also claimed to not know to call 811 before you dig.
<b>Extent of the damage</b>	1" plastic service
<b>Cost of the damage</b>	\$1,164.00
<b>Steps taken to prevent re-occurrence</b>	Explained the 811 process to customer.
<b>Amount billed to excavator</b>	\$0.00

Hector Robledo  
5241 S. Preston Highway  
Lebanon Junction, KENTUCKY 40150

Hector Robledo  
7714 Heights Dr.  
Louisville, KENTUCKY 40291

Hector Robledo  
9608 Barb Ct.  
Louisville, KENTUCKY 40291