

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STEVE SNYDER

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ALLEGED VIOLATION OF UNDERGROUND  
FACILITY DAMAGE PREVENTION ACT

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CASE NO.  
2019-00450

OPENING ORDER

Steve Snyder (Mr. Snyder) 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).<sup>1</sup>

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 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,

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

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 Mr. Snyder for violation of the following provision of the Act:

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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Mr. Snyder 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:

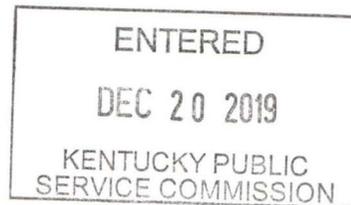
1. Mr. Snyder shall submit to the Commission, at 211 Sower Boulevard, Frankfort, Kentucky 40601, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.
2. Any partnership, corporation, or business entity (including a limited liability company) 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 31447 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 Mr. Snyder 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.

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2019-00450 DATED **DEC 20 2019**

FOUR PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 31447
<b>Incident Date</b> 4/6/2019 6:00:00 PM	<b>Report Submitted</b> 4/8/2019 9:25:11 AM

## OPERATOR INFORMATION

<b>Operator</b> Atmos Energy Corporation	<b>Reported By</b> Anthony Stallins
<b>Phone</b> (270) 779-4849	<b>Email</b> anthony.stallins@atmosenergy.
<b>Incident Location</b> 3093 Zion Church Rd, Fordsville, 3093 Zion Church Rd. Fordsville, KY 42343	<b>Locate Ticket Number</b> N/A
Ohio	

## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Snyder, Steve	<b>Organization ID</b>
<b>Phone</b> 270-316-0094	<b>Email</b> N/A
<b>Excavator Address</b> 3093 Zion Church Rd Fordsville, KY 42343	<b>Locate Ticket Number</b>

## INCIDENT

### Locate Ticket Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date )	Incident Date	# of Days Expired	Within Scope of Excavation
None	N/A	N/A	N/A	N/A	N/A	N/A

### Excavation Summary

Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	Non-mechanized	\$580.00	\$580.00

Steve Snyder, the home owner, installing a pole on his property, cut a 3/4" PE service line with his post hole diggers. Mr. Snyder did not have a locate ticket.

## INVESTIGATION

October 2, 2019 called the number listed above. The voice mailbox has not been set up.

October 7, 2019

- Had a report background search run on Mr. Snyder, used the results.
- Called 270.316.0094, same number as above, same result, v.m. box isn't set up yet.
- Called 270.363.3664 v.m. indicated it was for "Anthony," so I left a message indicating I was trying to get in touch with Steve Snyder.
- Called 270.929.5446 v.m. box isn't set up.

October 15, 2019

- Called 270.316.0094, v.m. box not set up yet.
- Called 270.929.5446, v.m. box not set up yet.

October 22, 2019

- Called 270.316.0094 v.m. box not set up yet.

## 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.

# Gas Excavation Damage Report

## Atmos Energy Corporation

Submitted 5/3/2019 Incident ID: 31447

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31447\)](#)

### Reported By:

**Name:** Anthony Stallins  
**Phone:** (270) 779-4849  
**Email:** anthony.stallins@atmosenergy.com

### Gas Line Incident Occured:

**Date:** 4/6/2019  
**Time:** 6:00 PM

### Details:

**Reported Date:** 4/8/2019 9:25 AM

### Incident Location Address:

**Location:** 3093 Zion Church Rd, Fordsville,  
**Address:** 3093 Zion Church Rd.  
**City:** Fordsville  
**State:** KY  
**County:** Ohio  
**Zip:** 42343

**Confirm Code:**

**Number of Customers out:** 0

**Locate Request Ticket No.:** N/A

**Excavator:** Home Owner

### Excavator Address:

**First Name:** Steve  
**Last Name:** Snyder  
**Phone:** 270-316-0094  
**Email:** N/A  
**Address:** 3093 Zion Church Rd  
**City:** Fordsville  
**State:** KY  
**Zip:** 42343

**Confirm Code:**

**Excavation Damage:** No notification made to the One  
Call Center

**Description of Incident** home owner hit 3/4" PE line with post hole digger, No locate ticket. No injuries.

## Summary Information

5/3/2019

<b>Full details such as the cause</b>	Steve Synder, the home owner, installing a pole on his property, cut a 3/4" PE service line with his post hole diggers. Mr. Synder did not have a locate ticket.
<b>Extent of the damage</b>	Damage PE was temporarily retired.
<b>Cost of the damage</b>	\$580.00
<b>Steps taken to prevent re-occurrence</b>	We will invite Mr. Synder to the next Atmos Energy Damage Prevention/KY 811 Dig Law Training in Owensboro.
<b>Amount billed to excavator</b>	\$580.00

Steve Snyder  
3093 Zion Church Road  
Fordsville, KENTUCKY 42343