

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HIGHLAND PLUMBING, LLC)	
)	
_____)	CASE NO.
)	2019-00452
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Highland Plumbing, LLC, (Highland Plumbing) 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 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,

¹ 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 Highland Plumbing for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Highland Plumbing 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. Highland Plumbing 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 31547 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 Highland Plumbing 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. 2019-00452 DATED **DEC 20 2019**

ELEVEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31547
Incident Date 4/15/2019 3:19:00 PM	Report Submitted 5/8/2019 1:10:00 PM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company	Reported By Mike Jones
Phone (502) 364-8281	Email Mike.Jones@lge-KU.com
Incident Location 2538 Saratoga Dr Louisville, KY 40205	Locate Ticket Number 1904011850
Jefferson	

EXCAVATOR INFORMATION

Name of Excavator Brown, Shaun	Organization ID 0866012
Phone 502-741-4152	Email
Excavator Address Highland Plumbing, LLC 5201 Michael Edward Ct Louisville, KY 40291	Locate Ticket Number

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
1904011850	Yes	4/1/19	4/22/19	4/15/19	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$389.00	\$00.0

The operator reports that the excavator was digging to replace the sewer line when they hit a 1 inch plastic gas service. The gas service was marked accurately with paint and flags. The yard had a lot of rocks in the ground and the contractor was scratching with his backhoe bucket when

he damaged the service. They did not spot the gas service with hand tools while within 18 inches of the marks.

INVESTIGATION

This would be the company's first violation.

October 17, 2019 spoke with Caitlyn Floyd, she will research and get back with me.

October 25, 2019 called and left a v.m. for Caitlyn.

November 6, 2019 called and left a v.m. for Caitlyn.

November 13, 2019 called and left a v.m. stating that I would be sending a demand letter with a \$1250 civil penalty for violations of the statute, and if she had any questions she could contact me.

VIOLATION

KRS 367.4911 (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 5/8/2019 Incident ID: 31547

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31547\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 4/15/2019
Time: 3:19 PM

Details:

Reported Date: 5/8/2019 1:10 PM

Incident Location Address:

Location:
Address: 2538 Saratoga Dr
City: Louisville
State: KY
County: Jefferson
Zip: 40205
Confirm Code: Y
Number of Customers out: 1
Locate Request Ticket No.: 1904011850
Excavator: Contractor

Excavator Address:

First Name: Shaun
Last Name: Brown
Organization ID:
Company: Highland Plumbing
Phone: 502-741-4152
Email:
Address: 5201 Michael Edward Ct
City: Louisville
State: KY
Zip: 40291

Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident ?Excavator using backhoe in rocky soil damaged service.

Summary Information

5/8/2019

Full details such as the cause	Excavator was digging to replace the sewer line when they hit a 1 inch plastic gas service. The gas service was marked accurately with paint and flags. The yard had a lot of rocks in the ground and the contractor was scratching with his backhoe bucket when he damaged the service. They did not spot the gas service with hand tools while within 18 inches of the marks.
Extent of the damage	1" service
Cost of the damage	\$389.00
Steps taken to prevent re-occurrence	Explained dig law to foreman on site; scheduled a tailgate to discuss safe digging practices
Amount billed to excavator	\$0.00

HIGHLAND PLUMBING, LLC

General Information

Organization Number 0866012
Name HIGHLAND PLUMBING, LLC
Profit or Non-Profit P - Profit
Company Type KLC - Kentucky Limited Liability Company
Status A - Active
Standing G - Good
State KY
File Date 8/30/2013
Organization Date 8/30/2013
Last Annual Report 6/11/2019
Principal Office 5201 MICHAEL EDWARD COURT
LOUISVILLE, KY 40291
Managed By Managers
Registered Agent GREGORY FLOYD
5201 MICHAEL EDWARD COURT
LOUISVILLE, KY 40291

Current Officers

Manager [GREG FLOYD](#)

Individuals / Entities listed at time of formation

Organizer [GREGORY FLOYD](#)

Images available online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

Annual Report	6/11/2019	1 page	tiff	PDF
Annual Report	6/13/2018	1 page	tiff	PDF
Annual Report	9/25/2017	1 page	tiff	PDF
Annual Report	7/5/2016	1 page	tiff	PDF
Reinstatement Certificate of Existence	12/7/2015 2:02:55 PM	2 pages	PDF	
Reinstatement	12/7/2015 2:02:49 PM	2 pages	PDF	
Administrative Dissolution	9/12/2015	1 page	PDF	
Annual Report	7/1/2014	1 page	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	6/11/2019 3:40:01 PM	6/11/2019	
Annual report	6/13/2018 9:28:16 AM	6/13/2018	
Annual report	9/25/2017 2:27:07 PM	9/25/2017	
Annual report	7/5/2016 3:59:11 PM	7/5/2016	
Reinstatement	12/7/2015 2:02:52 PM	12/7/2015	
Admin Dis. A. report not in	9/12/2015	9/12/2015	
Annual report	7/1/2014 2:46:45 PM	7/1/2014	
Add	8/30/2013 1:36:56 PM	8/30/2013	

Microfilmed Images

NORMAL NOTICE

Ticket : 1904011850 Date: 04/01/2019 Time: 15:37 Oper: KUPIANONYMOUS Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address : 2538

Street : SARATOGA DR

Cross 1 : ASHWOOD DR

Location: ENTIRE LOT

:

Boundary: n 38.218179 s 38.214071 w -85.701656 e -85.698815

Work type : SEWER AND WATER LINE REPAIR

Done for : HIGHLAND PLUMBING

Start date: 04/03/2019 Time: 16:00 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 6 FEET

Company : GREG FLOYD Type: CONT

Co addr : 5201 MICHAEL EDWARD COURT

City : LOUISVILLE State: KY Zip: 40291

Caller : HIGHLAND PLUMBING Phone: (502)741-4152

Email : HIGHLANDPLUMBING12@GMAIL.COM

Submitted date: 04/01/2019 Time: 15:37

Members: 0002 0004 0006 0007 0139 0299 0697



Facts-Based Investigation

Internal Claim #: INC-20190415-003 Customer Claim #: _____

Site Investigator: Neal Miller Date Notified: 04/15/19 15:30:00

Notified By: (Name & #) Gas Operations Dispatch 5025891444

Damage Location: 2538 Saratoga Dr Louisville KY 40205

Date of damage: 04/15/19 15:00:00

Original Ticket #: 1904011850 Locator: ELM Locating

Due Date: 04/03/19 16:00:00 Date Located: 04/02/19 10:30:05

Photos taken before damage? N

Photos taken of damage site? Y

Type and size of damaged utility: Service/Drop 1

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

Description and extent of damage: Contractor was digging to replace the sewer line when they hit a 1 inch plastic gas service. The gas service was marked accurately with paint and flags. The yard had a lot of rocks in the ground and the contractor was scratching with his backhoe bucket when he damaged the service. They did not spot the gas service with handtools while within 18 inches of the marks. Highland Plumbing is responsible for the damage.

Equipment used: _____

Damaging Company Name: GREG FLOYD

Company Address: 5201 MICHAEL EDWARD COURT LOUISVILLE, KY 40291

Telephone #: (502)741-4152 Contact name: HIGHLAND PLUMBING

Working for: HIGHLAND PLUMBING

Contractor assisting in the repair of damaged facility: LG&E

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

Explain: Contractor damaged a 1" plastic gas 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?: Y



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: Highland Plumbing

Give reasons why this party is responsible: _____

Date of Investigation: 04/15/19 Total Investigation Time (Hours): _____

Site Investigator's Name: Neal Miller Phone: _____

Site Investigator's Signature: Neal Miller Date: 04/15/2019

(OFFICE USE ONLY)

DOCUMENTS ENCLOSED

Other: _____

Other: _____

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

Damage Claims Manager: _____

Facts-Based Investigation





Facts-Based Investigation



*Gregory Floyd
5201 Michael Edward Ct.
Louisville, KENTUCKY 40291