

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RON ROSS )

\_\_\_\_\_ )

ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO.  
2020-00045

NOTICE OF FILING

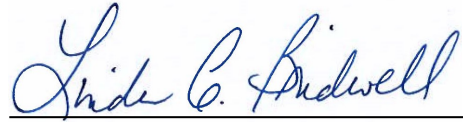
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on April 23, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on April 23, 2021 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 April 23, 2021.

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 at <https://youtu.be/Pg4CSqbu52A>.

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 6<sup>th</sup> day of May 2021.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a large initial "L".

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Linda C. Bridwell  
Executive Director  
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

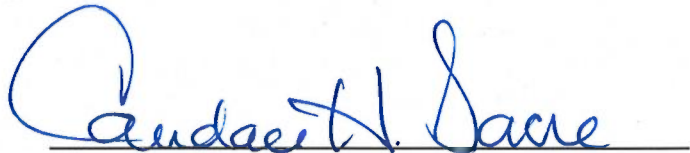
RON ROSS –	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2020-00045
FACILITY DAMAGE PREVENTION ACT	)	

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on April 23, 2021. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on April 23, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of April 23, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of April 23, 2021, and the time at which each occurred.

Signed this 25<sup>th</sup> day of April, 2021.



Candace H. Sacre  
Administrative Specialist III



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



Date:	Type:	Location:	Department:
4/23/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Eric Tout  
 Judge: Kent Chandler; Talina Mathews; Michael Schmitt  
 Clerk: Candace Sacre

Event Time	Log Event
9:51:15 AM	Session Started
9:51:41 AM	Chairman Schmitt Note: Sacre, Candace
	Next case is Case No. 2020-00045, Ron Ross, alleged violation of underground facility damage prevention act, specifically KRS 367.4911(1)(a), reading. (Click on link for further comments.)
9:52:30 AM	Chairman Schmitt Note: Sacre, Candace
	Anyone present on behalf of Ron Ross?
9:52:40 AM	Chairman Schmitt Note: Sacre, Candace
	Appears Ross not present, no one appeared on behalf.
9:52:48 AM	Chairman Schmitt Note: Sacre, Candace
	Counsel identify herself and witnesses present on behalf of Division?
9:53:03 AM	Staff Atty Frederick PSC Note: Sacre, Candace
	Tina Frederick, DOI calls Eric Tout.
9:53:11 AM	Chairman Schmitt Note: Sacre, Candace
	Confirm Ron Ross service by process?
9:53:26 AM	Staff Atty Frederick PSC Note: Sacre, Candace
	Served on Feb 4 2021, evidence filed.
9:53:35 AM	Chairman Schmitt Note: Sacre, Candace
	Witness is sworn.
9:53:47 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Direct Examination. Name?
9:53:54 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Where employed?
9:53:58 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Job?
9:54:03 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Familiar with damage natural gas facility took place April 8 2019 at 5939 North 44th Street, Louisville, Kentucky?
9:54:15 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Investigate?
9:54:25 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Investigation Report 31512, 10-page document, true copy of investigation?
9:55:01 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Describe contents?
9:55:50 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace
	Summarize contents?
9:55:54 AM	Staff Atty Frederick PSC Note: Sacre, Candace
	Move marked/filed DOI Exhibit 1.
9:56:00 AM	Chairman Schmitt Note: Sacre, Candace
	Sustained.

9:56:01 AM DIVISION OF INSPECTION EXHIBIT 1  
Note: Sacre, Candace INVESTIGATION REPORT 31512  
Note: Sacre, Candace STAFF ATTORNEY FREDERICK PSC - WITNESS TOUT

9:56:02 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Describe investigation?

9:56:28 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Owner of property?

9:56:50 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Who operator?

9:56:55 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Reported Ross homeowner?

9:57:00 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Ross present on scene?

9:57:21 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Report of LG&E indicate Ross present at time?

9:57:41 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Appear LG&E officials spoke to Ross?

9:58:03 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Report uses pronoun they?

9:58:06 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Dig Ticket investigation, appear LG&E directly spoke with Ross?

9:58:29 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Report provided by LG&E?

9:58:37 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Signed by anyone?

9:58:50 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Job title for Miller?

9:59:00 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Facility contained natural gas?

9:59:05 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Yes, we know and did contain?

9:59:10 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Did you speak with Ross?

9:59:24 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace How many attempts?

9:59:36 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Speak with homeowner?

9:59:40 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Describe conversation?

10:00:28 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Demand letter issued?

10:00:32 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace To whom issued?

10:00:36 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Result?

10:00:42 AM Staff Atty Frederick PSC - witness Tout  
Note: Sacre, Candace Why cite Ross and not homeowner?

10:01:30 AM Staff Atty Frederick PSC  
Note: Sacre, Candace No further.

10:01:33 AM Chairman Schmitt  
Note: Sacre, Candace Questions?

10:01:39 AM Chairman Schmitt - witness Tout  
Note: Sacre, Candace Examination. Have information whether Ross first violation?

10:02:15 AM	Chairman Schmitt Note: Sacre, Candace	Anything further?
10:02:17 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further.
10:02:20 AM	Chairman Schmitt Note: Sacre, Candace	Ask one more time, Ross present or attorney present on behalf?
10:02:40 AM	Chairman Schmitt Note: Sacre, Candace	No one present.
10:02:47 AM	Chairman Schmitt Note: Sacre, Candace	Hearing adjourned.
10:03:22 AM	Session Ended	



## Exhibit List Report

2020-00045 23Apr2021

Ron Ross

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**Name:**

**Description:**

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Division of Inspections Exhibit 1      Investigative Report 31512

**PIPELINE DAMAGE INVESTIGATION REPORT**  
Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout	<b>Incident ID</b> 31512
<b>Incident Date</b> 4/8/2019 4:30:00 PM	<b>Report Submitted</b> 4/24/2019 12:04:02 PM

**OPERATOR INFORMATION**

<b>Operator</b> Louisville Gas and Electric Company <b>Phone</b> (502) 364-8281 <b>Incident Location</b> 539 N 44th St Louisville, KY 40212  Jefferson	<b>Reported By</b> Mike Jones <b>Email</b> Mike.Jones@lge-KU.com <b>Locate Ticket Number</b> NA
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**EXCAVATOR INFORMATION**

<b>Name of Excavator</b> Ross, Ron <b>Phone</b> 502-224-3094 <b>Excavator Address</b> 1014 Woodway Ln Louisville, KY 40211	<b>Organization ID</b> <b>Email</b> <b>Locate Ticket Number</b>
--	---

**INCIDENT**

The Operator reports that the Excavator/Homeowner's relative was removing a driveway, sidewalk and porch with a mini track hoe when a half inch service was damaged and the Homeowner failed to contact the Protection Notification Center (811).

**The Damage Report is include as Attachment 1.**

**Locate Ticket Summary**

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

**Excavation Summary**

<b>Excavation Within Tolerance Zone</b>	<b>Type Of Equipment Used</b>	<b>Cost of Damage</b> (Per Operator)	<b>Amount Billed</b> (Excavator)
Yes	Mechanized / Track Hoe	\$349.00	\$0.00

**INVESTIGATION**

On 10/14, 21 & 22/19 a voice messages was left for the Homeowner, Ron Ross at 502-224-3094.

On 11/04/19 an attempt to contact Mr. Ross at 502-224-3094 resulted in the wrong number.

On 11/05/19 the Operator, LG&E's Mike Jones, stated LG&E has no additional contact information for Mr. Ross.

On 11/13/19 an attempt to contact Mr. Ross resulted in telephone numbers 502-377-7614 and 502-776-2672 not being in services and 502-294-2776 resulted in a message stating that calls are not being received at this time.

**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

## Louisville Gas and Electric Company

Submitted 4/24/2019 Incident ID: 31512

[Set back to Edit](#) [Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31512\)](#)

### Reported By:

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

### Gas Line Incident Occured:

**Date:** 4/8/2019  
**Time:** 4:30 PM

### Details:

**Reported Date:** 4/24/2019 12:04 PM

### Incident Location Address:

**Location:**  
**Address:** 539 N 44th St  
**City:** Louisville  
**State:** KY  
**County:** Jefferson  
**Zip:** 40212  
**Confirm Code:** Y  
**Number of Customers out:** 1  
**Locate Request Ticket No.:** NA  
**Excavator:** Contractor

### Excavator Address:

**First Name:** Ron  
**Last Name:** Ross  
**Organization ID:**  
**Company:**  
**Phone:** 502-224-3094  
**Email:**  
**Address:** 1014 Woodway Ln  
**City:** Louisville  
**State:** KY  
**Zip:** 40211

Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident ?Excavator hit gas service while demoing concrete.

Summary Information

4/24/2019

<b>Full details such as the cause</b>	Relative of homeowner using mini track hoe tearing out driveway, sidewalk and porch hit 1/2" plastic gas service. No one made a locate request. They stated that they did not know they needed to call.
<b>Extent of the damage</b>	1/2" plastic service
<b>Cost of the damage</b>	\$349.00
<b>Steps taken to prevent re-occurrence</b>	Explained the Dig Law and left them an 811 brochure
<b>Amount billed to excavator</b>	\$0.00

**SUPPLEMENTAL PIPELINE DAMAGE  
INVESTIGATION REPORT  
Investigation Information**

<b>KY PSC Investigator(s)</b> Eric V. Tout	<b>Incident ID</b> 31512
<b>Incident Date</b> 4/8/2019 4:30:00 PM	<b>Report Submitted</b> 4/24/2019 12:04:02 PM

**OPERATOR INFORMATION**

<b>Operator</b> Louisville Gas and Electric Company	<b>Reported By</b> Mike Jones
<b>Phone</b> (502) 364-8281	<b>Email</b> Mike.Jones@lge-KU.com
<b>Incident Location</b> 539 N 44th St Louisville, KY 40212	<b>Locate Ticket Number</b> NA
Jefferson	

**EXCAVATOR INFORMATION**

<b>Name of Excavator</b> Ross, Ron	<b>Organization ID</b>
<b>Phone</b> 502-224-3094	<b>Email</b>
<b>Excavator Address</b> 1014 Woodway Ln Louisville, KY 40211	<b>Locate Ticket Number</b>

**Supplemental Report**

The Jefferson Co. PVA list the owner of the property located at 539 N 44th St., Louisville as Preston Jr. & Sarah L. Richie.

On 12/16/19 directory assistance provide no telephone listing for 539 N. 44th St. or the Richies and an Accurint report was requested.

On 01/10/20 Accurint report provided a number for Sarah Richie 502-749-7402.

On 01/13/20 Ms. Richie of the above noted incident address stated that she was unaware if work had occurred and by whom at said address, but she stated the porch, sidewalk and drive appeared to be new. Ms. Richie stated that she has resided at that address well before the incident date. Ms. Richie noted this investigators name and number, stated she would research and call back if she discovered some information.

On 02/10/20 the Operator, LG&E's Mike Jones, provided a LG&E invoice dated 04/19/19 indicting Mr. Ross was billed \$348.85 for the damage and Mr. Jones stated no payment has been received. Mr. Jones also included a Facts-Based Investigation with photographs indicating Mr. Ross was digging with a mini track hoe resulting in the damage to the service.

**Email, LG&E invoice & Facts-Based Investigation are include as Attachment 2.**

# Attachment 2

**Tout, Eric V (PSC)**

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**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Monday, February 10, 2020 8:44 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 31512, 4/8/2019, 539 N 44th St Louisville, Ron Ross  
**Attachments:** SQLT05308CM20020710240.pdf; 31512 - 539 N. 44th Street.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Here is the invoice. It has not been paid.

Our damage report also.

---

**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Wednesday, February 05, 2020 9:39 AM  
**To:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Subject:** 31512, 4/8/2019, 539 N 44th St Louisville, Ron Ross

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

Mike,

Looks like this one might go the a hearing. Need all reports, photos an copies of the damage invoice and payment.

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

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### Facts-Based Investigation

Internal Claim #: INC-20190408-014 Customer Claim #: \_\_\_\_\_

Site Investigator: Neal Miller Date Notified: 04/08/19 16:30:00

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

Damage Location: 539 S 44th st Louisville KY 40212

Date of damage: 04/08/19 16:00:00

Original Ticket #: None found Locator: \_\_\_\_\_

Due Date: \_\_\_\_\_ Date Located: \_\_\_\_\_

Photos taken before damage? N

Photos taken of damage site? Y

Type and size of damaged utility: Service/Drop 0.5

Depth: < 18" (0.5m) Below Grade

Description and extent of damage: Relative of the homeowner was digging with a mini track hoe when they hit a .5" plastic gas service. No bud ticket for their work.

Equipment used: \_\_\_\_\_

Damaging Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Contact name: \_\_\_\_\_

Working for: \_\_\_\_\_

Contractor assisting in the repair of damaged facility: \_\_\_\_\_

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

Explain: \_\_\_\_\_

Was Locate requested?: N Facilities located?: N

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

Were marks visible at time of damage: N

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: Ron Ross

Give reasons why this party is responsible: Hit with mini track hoe. He didn't know he needed to call 811

Date of Investigation: 04/08/19 Total Investigation Time (Hours): \_\_\_\_\_

Site Investigator's Name: Neal Miller Phone: \_\_\_\_\_

Site Investigator's Signature: Neal Miller Date: 04/08/2019

**(OFFICE USE ONLY)**

**DOCUMENTS ENCLOSED**

Other: \_\_\_\_\_ Other: \_\_\_\_\_

Damage Status: One Call Notification Issue Cause Code: No notifications made to One-Call Center / 811

Damage Claims Manager: \_\_\_\_\_



**Facts-Based Investigation**







Invoice  
Louisville Gas and Electric Company  
820 West Broadway  
Louisville, KY 40202  
Attn: Remittance and Collection  
800-928-1340

INVOICE DATE: 04/19/2019

REFERENCE: OTPD419  
NO.:  
DTS INVOICE: 2019041004  
NO.:

AMOUNT DUE: \$348.85  
DUE DATE: 05/19/2019

ROSS, RON  
1014 WOODWAY LANE  
LOUISVILLE KY 40211

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT  
PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR: Damaged Customer Gas Service	
DAMAGE DATE: 04/08/2019	
DAMAGE LOCATION: 539 N 44th St Louisville, KY 40212	
LABOR HOURS: 5.00	
LABOR COST:	\$292.79
MATERIAL COST:	\$21.16
TRANSPORTATION/EQUIPMENT COST:	\$34.90
CONTRACTOR COST:	\$0.00
OTHER DAMAGE COSTS:	\$0.00
<b>TOTAL DUE:</b>	<b>\$348.85</b>

Louisville Gas and Electric Company · Remittance and Collection · 820 West Broadway · Louisville, KY 40202

Ron Ross  
1014 Woodway Lane  
Louisville, KENTUCKY 40211