

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

L & N UTILITIES, LLC)	
)	
_____)	CASE NO.
)	2021-00076
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

L & N Utilities, LLC (L & N) 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 L & N 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 L & N 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. L & N shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, 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 32413 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 L & N 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Andwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2021-00076

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00076 DATED MAR 01 2021

TWELVE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32413
Incident Date 1/18/2020 11:40:00 PM	Report Submitted 2/6/2020 1:11:42 PM

OPERATOR INFORMATION

Operator Columbia Gas of Kentucky, Inc.	Reported By Ryan Twait
Phone (859) 533-4022	Email rmtwait@nisource.com
Incident Location 1168 Colorado Rd Lexington, KY 40509 Fayette	Locate Ticket Number 2001080598

EXCAVATOR INFORMATION

Name of Excavator Melton, Shane	Organization ID
Phone 580-919-0905	Email
Excavator Address L and N Utilities 4162 W County Road 250 S Holton, IN 47023	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
2001080598	Yes	N/A	N/A	1/18/20	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$1161.00	\$1161.00

The operator reports that L&M Utilities was boring in an area with a locate ticket. L&M Utilities was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, L&M Utilities severed a plastic half-inch natural gas service line.

INVESTIGATION

October 7, 2020

- Received an email from Columbia that stated on this damage, they were called out to 1168 Colorado Rd on January 17 at 11:34 pm. The customer stated that they did not have gas pressure. Columbia showed up and determined that there was a damaged service line that was going to 1168. They then expanded their investigation and determined that there was also another line that was damaged at 1164 Colorado Rd.
- A review of the dig ticket indicates the correct company name is L and N Utilities.
- Called 580.919.0905, left a v.m. While leaving a v.m., received a call identified as coming from a Penny Sizemore. On a free reverse phone lookup website, her location was the city of Holton in Indiana. Called this back, went to same v.m.

October 14, 2020

- Spoke with Mr. Melton, he acknowledged his employees were responsible.

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

Columbia Gas of Kentucky, Inc.

Submitted 2/6/2020 Incident ID: 32413

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32413\)](#)

Reported By:

Name: Ryan Twait
Phone: (859) 533-4022
Email: rmtwait@nisource.com

Gas Line Incident Occured:

Date: 1/18/2020
Time: 11:40 PM

Details:

Reported Date: 2/6/2020 1:07 PM

Incident Location Address:

Location:
Address: 1168 Colorado Rd
City: Lexington
State: KY
County: Fayette
Zip: 40509
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere? *

3/2020

Locate Request Ticket No.: 2001080598

Excavator: Contractor

Excavator Address:

First Name: Shane
Last Name: Melton
Organization ID:
Company: L&M Utilities
Phone: 580-919-0905
Email:

Address: 4162 W County Road 250 S
City: Holton
State: IN
Zip: 47023
Confirm Code: Y
Excavation Damage: Failure to test-hole(pot hole)

Description of Incident L&M Utilities bored into a plastic half inch natural gas service line with mechanized equipment.

Summary Information

2/6/2020

Full details such as the cause L&M Utilities was boring in an area with a locate ticket. L&M Utilities was boring with mechanized equipment within the tolerance zone of a properly marked main line. While boring, L&M Utilities severed a plastic half inch natural gas service line.

Extent of the damage A plastic half inch service line was severed, and the service line was repaired.

Cost of the damage \$1,161.00

Steps taken to prevent re-occurrence While making repairs, CKY advised L&M Utilities of the KY 811 Dig Law and the proper methods to pot hole service lines prior to boring within the tolerance zone of a marked facility.

Amount billed to excavator \$1,161.00

NORMAL NOTICE

Ticket : 2001080598 Date: 01/08/2020 Time: 10:49 Oper: TCARNEY Chan:000

State: KY Cnty: FAYETTE City: LEXINGTON
Subdivision:

Address :

Street : COLORADO RD

Cross 1 : PLEASANT RIDGE DR

Location: STARTING AT THE NORTHEAST CORNER OF THE INTERSECTION, LOCATE GOING
WEST APPROX 300 FEET ON THE NORTH SIDE OF THE ROAD ENDING AT RED STONE DRIVE
:

Boundary: n 38.013047 s 38.011874 w -84.408645 e -84.406140

Work type : INSTALLING CONDUIT

Done for : BLUE JAY COMMUNICATIONS

Start date: 01/10/2020 Time: 11:00 Hours notice: 48/48 Priority: NORM

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

Duration : N/A Depth: 4 FEET

Company : L AND N UTILITIES LLC Type: CONT

Co addr : 4162 W CO RT 250 S

City : HOLTON State: IN Zip: 47023

Caller : SHANE MELTON Phone: (580)919-0905

Contact : SHANE MELTON - CELL Phone:

Mobile : (580)919-0905

Email : LANDNUTILITIES@GMAIL.COM

Submitted date: 01/08/2020 Time: 10:49

Members: 0200 0237 0326 0370 0700 2621 WINKY

Gowins, John E (PSC)

From: rmtwait@nisource.com
Sent: Wednesday, October 7, 2020 10:24 AM
To: Gowins, John E (PSC)
Subject: Re: Incident # 32413 & 32412

Hi John,

On this damage, we were called out to 1168 Colorado Rd on January 17 at 11:34 pm. The customer stated that they did not have gas pressure. We showed up and determined that there was a damaged service line that was going to 1168. We then expanded our investigation and determined that there was also another line that was damaged at 1164 Colorado Rd.

We made the situation safe, and repaired both lines on January 18. Here is the original "no gas" order we initially responded to, other facility damage report and pictures for 1168 (1164 pics and FDR are in the email I sent previously):

OPER ACTION ==> EXECUTE ORDER DETAIL 32 262

CUST NAME DUSTIN H ROSE PCID
SERV ADDR 1168 COLORADO RD
CITY LEXINGTON ST KY ZIP 405092408 NON

ORDER ORDER ORDER ORDER
SEQ 44 TYPE EI STATUS E CODE

LOCATION 2621 REQUESTED BY
SADC CODE B5 PRINT TERMNO DAY COUNT 0
METER READING 0000 FGA

SERVICE PERSON ORDER ENTRY
MICHAEL W PETTUS TERMNO MDT
OPERID MPETTUS

DATE SCHED 01-17-2020 ARR

SERVICE REMARKS CALL CUST ARR

12 MOS=00 PR/NO GAS MULTIPLE APPL AFFECTED FOR LAST 12
STIN H ROSE/THERE/(859) 979-2894/XST PLEASANT RIDGE RED
NIMALS/TOC 2334/U130353/MSHECKL/PA

DROPPED METER OPEN VLVE NO GAS PASSING CGI SL FOUND 40%

F1=HELP F2=WRK-FUN F3=QUIT F4=ORD-TAK F5=IN

F9=INQ-CTL F10=EX-CTL F11=TAK-CTL F12=INFO

OPER ACTION ==> _____

EXECUTE ORDER DETAIL
ADDITIONAL SERVICE REMARKS

TAP CIG MAIN FOUND 40 LEL 30 FT FROM TAP OVE ADVISED
OVER MAIN GRADE 2 + LEAK DRAWN UP TO BE FIXED TOMORRO
SUSPECTED LINE BREAK BORING WORK DONE EARLIER IN DAY

DAMAGE TO COMPANY FACILITIES REPORT

RMS JOB# _____ DATE: 1-14-20 LOCATION#: 2621
 AMAGE LOCATION: 1168 Colorado Rd
 CITY: Lexington STATE: KY ZIP CODE: 40509 MAP #: 624208H

*****RELATED JOBS*****					
JOB ORDER NUMBER	JOB TYPE	JOB ORDER NUMBER	JOB TYPE	JOB ORDER NUMBER	JOB TYPE
<u>20-772131800</u>	<u>2413</u>				
<u>500569781-44</u>	<u>E1</u>				

REGULAR HOURS:(1x) HRS _____ OVERTIME HOURS:(1.5x) HRS _____ OVERTIME HOURS:(2x) HRS _____

*****GENERAL INFORMATION*****
 YPE OF FACILITY: _____ LINE SIZE: 205
 1 - Plant Regulator CI - Cast Iron DEPTH OF COVER: 24 IN.
 2 - Main CU - Copper
 3 - Service Line OT - Other
 4 - Cust. Meter and/or Regulator P - Plastic YEAR INSTALLED: _____
 5 - Building PI - Plastic Insert
 6 - Other (Comments Required on Reverse) S - Steel GAS LOST: YES NO
 ST - Steel Treated
 WI - Wrought Iron

*****DAMAGE DETAILS*****
 PI NUMBER: _____ DAMAGE DATE: 1-17-20 DAMAGE TIME: 1600 HR: _____ MIN
 REPORTED BY: M. Pettus REPORTED DATE: 1-17-20 REPORTED TIME: 1600 HR: _____ MIN
 REPORTED TO: D. Gorrell TIME OF ARRIVAL: 07 HR: 40 MIN TIME MADE SAFE: 13 HR: 30 MIN
 NO. OF CUSTOMERS INTERRUPTED: 2 PERIOD OUT OF SVC: _____

*TYPE OF ACTIVITY: _____ *CAUSE OF DAMAGE: _____
 11 - Construction/Maint-Road 23 - Outside Force-Motor Vehicle Accident A - Excavation-Failed to Notify One-Call
 12 - Construction/Maint-Sewer 24 - Outside Force-Intentional/Vandalism B - Excavation-Locating Error
 13 - Construction/Maint-Utility 25 - Outside Force-Electrical Arcing C - Excavation-Excavator Error
 14 - Construction/Maint-Private Property 26 - Outside Force-Maritime Vessel Operations D - Excavation-Poor Records
 15 - Construction/Maint-Demolition 27 - Outside Force-Fire/Explosion (Non-Gas Related) (Comments Required on Reverse)
 18 - Natural Forces-Earth Movement 28 - Outside Force-Previous Damage E - Natural Forces
 19 - Natural Forces-Frost 29 - Outside Force-Sewer Clean Out F - Other Outside Force (Comments Required on Reverse)
 20 - Natural Forces-Lightning 31 - Unknown/Other (Comments Required on Reverse)
 21 - Natural Forces-Rain/Wind/Snow/Ice

*****LINE MARKINGS*****
 DATE REQUESTED: _____ FACILITY LOCATED: YES NO ONE CALL TICKET NUMBER: 2001080598
 1 - Yes, Via One-Call
 2 - Yes, Other Method
 3 - No, or N/A
 *HOW FACILITY MARKED: _____ MARKS/MARKERS IN TOLERANCE ZONE: YES NO
 1 - Exposed
 2 - Permanent Markers
 3 - Temp. Stakes or Paint
 4 - Oral
 5 - Other
 6 - N/A
 IF NO, MARKS HOW FAR OFF: _____ FT. _____ IN.
 DIST TO NEAREST MARK: _____ FT. _____ IN.
 CONTRACT LOCATOR NOTIFIED OF DAMAGE: YES NO

*****REPAIRS*****
 PAIR TYPE: _____ TEST FOR SECONDARY DAMAGE: YES NO PICTURES TAKEN: YES NO
 1 - Permanent PICTURES STORED NETWORK DRIVE: YES NO PICTURES TAKEN BY: RJL/awt
 2 - Temporary SKETCH ATTACHED: YES NO RECORDS CORRECTIONS SUBMITTED: YES NO N/A

*****DAMAGING PARTY*****
 RESPONSIBILITY: _____ COMPANY NAME: L+H ELECTRIC UTILITIES
 11 - Company Crew (1st Party)
 12 - Company Contractor (2nd Party) INDIVIDUAL NAME: SHANE MELTON VEH. LIC. PLATE NO. _____ STATE _____
 13 - Municipal/State Crew
 14 - Municipal/State Contractor LOCATED AT: 4162 WEST COUNTY 250 SOUTH
 15 - Other Utility Crew
 16 - Other Utility Contractor CITY: HOLTEN STATE: IN ZIP CODE: 47023
 17 - Private Individual
 18 - Private Contractor OFFICE/HOME PHONE: (____) _____ CELL PHONE: (502) 919 0905
 19 - Natural Forces
 20 - Unknown
 21 - Other E-MAIL ADDRESS: _____
 INSURANCE NAME: N/A
 INSURANCE ADDRESS: N/A

DAMAGE HOLE SIZE: 005 UNITS: DIAMETER (IN.) AREA (SQ. IN.) HOW LONG DID GAS BLOW? 2 HR. 3 MIN

LINE SIZE: 005 STABLE SUPPLY PRESSURE: 45 MAOP: 60

- *MATERIAL:
 CI - Cast Iron
 CU - Copper
 OT - Other
 P - Plastic
 PI - Plastic Insert
 S - Steel
 ST - Steel Treated

BLOWING OPEN: YES NO WAS GAS LOSS RESTRICTED: YES NO
IF YES, HOW: EFV

HOW LONG RESTRICTED: 2 HR. 3 MIN EXCESS FLOW VALVE: YES NO

IF MAIN, DISTANCE TO INTERSECTION OR MAPPABLE FEATURE: _____ FT. IF SERVICE, DISTANCE FROM DAMAGE TO MAIN: 3 FT.

ADDITIONAL FACTS OR COMMENTS:
Contractor bored through SL for AT&T. Failed to expose SL.

1st RESPONDER NAME: Randall Crawford 2nd RESPONDER NAME: _____
(PRINT) (PRINT)
[Signature] _____
(SIGNATURE) (SIGNATURE)

FIELD OPERATIONS LEADER (FOL) ON SITE: YES NO HRS/MINS ON SITE: 3 HR. _____ MIN FOL FACTS OR COMMENTS:

FIELD OPERATIONS LEADER NAME: _____ SIGNATURE: _____

FIELD ENGINEERING ON SITE: YES NO HRS/MINS ON SITE: _____ HR. _____ MIN FIELD ENGINEERING FACTS OR COMMENTS:

FIELD ENGINEERING NAME: _____ SIGNATURE: _____

COMPANY/CONTRACT LOCATOR ON SITE: YES NO COMPANY/CONTRACT LOCATOR COMMENTS:

NAME: _____

DAMAGING PARTY COMMENTS:
Stayed 24" from main. Spotted main. Thought they were under SL's

NAME: _____ TITLE: _____



Ryan Twait
Manager, Operations Compliance
Columbia Gas of Kentucky
Cell: 859-533-4022
Office: 859-288-0234



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Business Details

[Print Entity Details](#)

Business Name:	L & N UTILITIES, LLC	Business ID:	201910291353976
Entity Type:	Domestic Limited Liability Company	Business Status:	Active
Creation Date:	10/29/2019	Inactive Date:	
Principal Office Address:	4162 W. County Road 250 S, Holton, IN, 47023, USA	Expiration Date:	Perpetual
Jurisdiction of Formation:	Indiana	Business Entity Report Due Date:	10/31/2021
		Years Due:	

Principal Information

Title	Name	Address
Member	Shane Melton	4162 W. County Road 250 S., Holton, IN, 47023, USA

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Registered Agent Information

Type: **Individual**
 Name: **Shane Melton**
 Address: **4162 W. County Road 250 S., Holton, IN, 47023, USA**

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L & N Utilities LLC
4162 W County Road 250 S
Holton, INDIANA 48203

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