COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:		
L & N UTILITIES LLC)	
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)))	CASE NO. 2021-00076

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/Pg4CSgbu52A.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 6th day of May 2021.

Linda C. Bridwell Executive Director

Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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

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;
- 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 25th day of April, 2021.

Candace H. Sacre

Administrative Specialist III

Stephanie Schweighardt Notary Public State at Large

Commission Expires: January 14, 2023

ID#: 614400



Session Report - Detail

2021-00076 23Apr2021

L & N Utilities (L & N)

Date:	Туре:	Location:	Department:	
4/23/2021	Public Hearing\Public Comments	Hearing Room 1	Public Hearing	

Witness: John Gowins

Judge: Kent Chandler; Talina Mathews; Michael Schmitt

Clerk: Candace Sacre

Event Time	Log Event	
11:03:03 AM	Session Started	
11:03:10 AM	Chairman Schmitt	
	Note: Sacre, Candace	Back on record, L&N Utilities, LLC, Case 2021-00076, alleged violation of the underground facility damage prevention act, KRS 367.4911(10), reading. (Click on link for further comments.)
11:03:47 AM	Chairman Schmitt	
	Note: Sacre, Candace	Anyone present on behalf of L&N?
11:03:55 AM	Chairman Schmitt	
	Note: Sacre, Candace	No response.
11:04:00 AM	Chairman Schmitt	
	Note: Sacre, Candace	Counsel for DOI identify herself and witness.
11:04:09 AM	Staff Atty Frederick PSC	
	Note: Sacre, Candace	Tina Frederick, witness John Gowins.
11:04:17 AM	Chairman Schmitt	
	Note: Sacre, Candace	Confirm L&N served and service filed?
11:04:33 AM	Staff Atty Frederick PSC	
	Note: Sacre, Candace	Served and evidence filed.
11:04:41 AM	Chairman Schmitt	
	Note: Sacre, Candace	Witness is sworn.
11:04:51 AM	Staff Atty Frederick PSC - witness	
	Note: Sacre, Candace	Direct Examination. Name?
11:04:55 AM	Staff Atty Frederick PSC - witness	
	Note: Sacre, Candace	By whom employed?
11:05:03 AM	Staff Atty Frederick PSC - witness	
	Note: Sacre, Candace	Job duties?
11:05:09 AM	Staff Atty Frederick PSC - witness	
	Note: Sacre, Candace	Incident of damage to natural gas facility on Jan 18 2020 at 1168 Colorado Road, Lexington, Kentucky?
11:05:23 AM	Staff Atty Frederick PSC - witness	Gowins
	Note: Sacre, Candace	Investigate?
11:05:26 AM	Staff Atty Frederick PSC - witness	Gowins
	Note: Sacre, Candace	Investigation Report 32413, 12-page document, true copy of report?
11:06:00 AM	Staff Atty Frederick PSC - witness	Gowins
	Note: Sacre, Candace	Describe contents?
11:06:02 AM	DIVISION OF INSPECTION EXHIB	SIT 1
	Note: Sacre, Candace	STAFF ATTY FREDERICK PSC - WITNESS GOWINS
	Note: Sacre, Candace	INVESTIGATION REPORT 32413
11:06:39 AM	Staff Atty Frederick PSC - witness	Gowins
	Note: Sacre, Candace	Describe investigation?
11:06:57 AM	Staff Atty Frederick PSC - witness	
	Note: Sacre, Candace	Tolerance zone?

11:07:03 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Continue?
11:07:53 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Who is Melton?
11:08:00 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Other damage incidences involving Melton or L&N?
11:08:17 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	What type of facility damaged?
11:08:30 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Did line contain natural gas?
11:08:36 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Dig ticket obtained valid at time?
11:08:45 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	How line damaged?
11:08:57 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Boring equipment mechanized equipment?
11:09:04 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Demand letter issued?
11:09:14 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	Result?
11:09:35 AM	Staff Atty Frederick PSC - witness	s Gowins
	Note: Sacre, Candace	January 22 2021?
11:09:40 AM	Staff Atty Frederick PSC	
	Note: Sacre, Candace	No further.
11:09:44 AM	Chairman Schmitt	
	Note: Sacre, Candace	No questions.
11:09:51 AM	Chairman Schmitt	
	Note: Sacre, Candace	Witness excused.
11:09:54 AM	Chairman Schmitt	
	Note: Sacre, Candace	Another witness?
11:09:57 AM	Staff Atty Frederick PSC	
44 40 00 444	Note: Sacre, Candace	No.
11:10:00 AM	Chairman Schmitt	A I CALIFERY
11.10.11 AM	Note: Sacre, Candace	Ask again, L&N Utilities present?
11:10:11 AM	Chairman Schmitt	1001 de ided oet ettended enden onemend eerstelstels #2.000
	Note: Sacre, Candace	L&N decided not attended, order prepared. second violation \$2,000 fine.
11:10:36 AM	Chairman Schmitt	
	Note: Sacre, Candace	Procedural discussion. (Click on link for further comments.)
11:11:10 AM	Chairman Schmitt	(
	Note: Sacre, Candace	Hearing adjourned.
11:11:22 AM	Session Ended	



Exhibit List Report

2021-00076 23Apr2021

L & N Utilities (L & N)

Name: Description:

Division of Inspections Exhibit Investigative Report 32413

-

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

Locate Ticket Number 2001080598

Fayette

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

		Loc	cate Ticket Sum	mary		
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.

bmitted 2/6/2020 I Set back to Edit	Staff Edit	1			Print (PDFForm.aspx?l	Rpt=GasInvestigation&IG=3241
	F	Reported By:				_
		Name:	Ryan Twait			
		Phone:	(859) 533-4022			
		Email:	rmtwait@nisource.com			
	C	Gas Line Incident Oc	cured:			
		Date:	1/18/2020			
		Time:	11:40 PM			
	0	Details:				
	-	Reported Date:	2/6/2020 1:07 PM	A Secretary		_
		Incident Location Ad	ddress:			
		Location:				
		Address:	1168 Colorado Rd			
		City:	Lexington			
		State:	KY			
		County:	Fayette			
		Zip:	40509			
		Confirm Code:	Υ			
		Number of Customers out	t: 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			
		E				

Address:

4162 W County Road 250 S

City:

Holton

47023

Zip:

Confirm Code:

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

cause

L&M Utilities was boring in an area with a locate ticket. L&M Utilities was Full details such as the 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. A plastic half inch service line was severed, and the service line was

Extent of the damage

repaired. \$1,161.00

Cost of the damage

Steps taken to prevent re-occurance

Amount billed to

excavator

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.

\$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

Uq/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 ST KY ZIP 405092408 NON CITY LEXINGTON 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 ORDER ENTRY SERVICE PERSON TERMNO MDT MICHAEL W PETTUS OPERID MPETTUS DATE SCHED 01-17-2020 SERVICE REMARKS CALL CUST ARE 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 JO#			DAT	E: /	14-	10	LOCATION	2621	
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Ryan Twait Manager, Operations Compliance Columbia Gas of Kentucky Cell: 859-533-4022



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(https://inbiz.in.gov)



Business Details

Print Entity Details

Name:

Business L & N UTILITIES, LLC

Business ID: 201910291353976

Entity Type:

Domestic Limited Liability Company Business Status: Active

Creation Date: 10/29/2019

Inactive Date:

Principal 4162 W. County Road Office 250 S, Holton, IN,

Date:

Expiration Perpetual

Address: 47023, USA

Business

Jurisdiction of Indiana Formation:

Entity Report 10/31/2021

Due Date:

Years Due:

Principal Information

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

Page 1 of 1, records 1 to 1 of 1

Registered Agent Information

Type: Individual

Name: Shane Melton

Address: 4162 W. County Road 250 S., Holton, IN, 47023, USA

Back

Filing History

Name History

Assumed Name History

Return to Search

Certified Copies Request

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

L & N Utilities LLC - Northwest Registered Agen 212 N 2nd St, Ste 100 Richmond, KENTUCKY 40475