

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBBIE PUCKETT

\_\_\_\_\_  
ALLEGED VIOLATION OF UNDERGROUND  
FACILITY DAMAGE PREVENTION ACT

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CASE NO.  
2021-00164

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 June 18, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on June 18, 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 June 18, 2021.

A copy of this Notice, the certification of the digital video record, hearing log, exhibit list, and exhibits 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://www.youtube.com/watch?v=4-ArXRzHOwM>.

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 23<sup>rd</sup> day of June 2021.

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

Linda C. Bridwell, PE  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

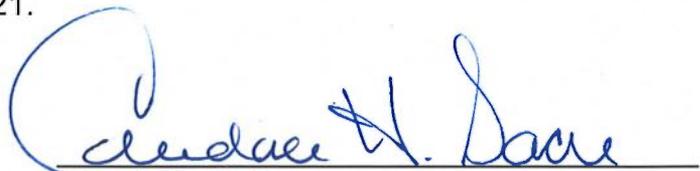
ROBBIE PUCKETT –	)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND	)	2021-00164
FACILITY DAMAGE PREVENTION ACT	)	

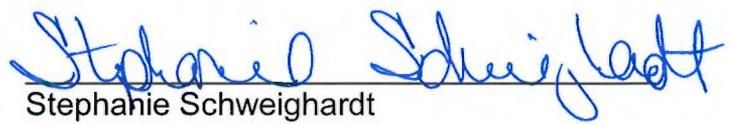
CERTIFICATION

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 June 18, 2021. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on June 18, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of June 18, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of June 18, 2021, and the time at which each occurred.

Signed this 23<sup>rd</sup> day of June, 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:
6/18/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Eric Tout  
 Judge: Michael Schmitt  
 Clerk: Candace Sacre

Event Time	Log Event	
9:02:40 AM	Session Started	
9:02:55 AM	Chairman Schmitt Note: Sacre, Candace	Good morning. This is the Kentucky Public Service Commission. My name of Michael Schmitt. I am Chairman of the Commission and, this morning, serving as Hearing Officer. Other member of the Commission who will be reviewing the record in this case and assisting in making a decision are Vice Chairman Kent Chandler and Dr. Talina Mathews.
9:03:21 AM	Chairman Schmitt Note: Sacre, Candace	Today's hearing is for purpose of taking evidence in a case where the Investigation Division of the Public Service Commission has issued a civil penalty assessment against an individual alleging violations of the Kentucky Underground Facility Damage Prevention Act.
9:03:42 AM	Chairman Schmitt Note: Sacre, Candace	The Public Service Commission has been a uthorized by KRS 367.4917(6) to enforce and assess civil penalties provided for in the Act and to seek injunctive relief for any violation that results in damage to an underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws, 49 U.S.C. Section 60101, et seq.
9:04:14 AM	Chairman Schmitt Note: Sacre, Candace	This morning, we are here for the purpose of holding a hearing in Case No. 2021-00164, an alleged violation of the Underground Facility Damage Prevention Act by Robbie Puckett. It is alleged that Mr. Puckett violated KRS 367.4911(1)(a) and KRS 367.4911(2) which provide that each excavator or person responsible for an excavation, planning excavation or demolition work shall, not less than two full working days nor more than ten 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, and locate requests are valid for 21 calendar days from the day of the initial request.
9:05:30 AM	Chairman Schmitt Note: Sacre, Candace	At this time, ask whether or not Mr. Puckett available on line or in the hearing room? I can see there is no one in hearing room at this time. If available or present, please identify yourself?
9:05:58 AM	Chairman Schmitt Note: Sacre, Candace	Having called the case, counsel for DOI please identify herself, her client and witnesses?
9:06:10 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Tina Frederick, Division of Inspections, and will be calling Eric Tout.

9:06:18 AM	Chairman Schmitt Note: Sacre, Candace	At this time, call your witness.
9:06:23 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Call Eric Tout.
9:06:36 AM	Chairman Schmitt Note: Sacre, Candace	Checked record, appeared Mr. Puckett served and notified of hearing, correct?
9:06:51 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Yes, proof of service filed June 5.
9:07:00 AM	Chairman Schmitt Note: Sacre, Candace	Have not heard from Mr. Puckett since served?
9:07:04 AM	Staff Atty Frederick PSC Note: Sacre, Candace	No.
9:07:19 AM	Chairman Schmitt Note: Sacre, Candace	Witness is sworn.
9:07:25 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Direct Examination. Name?
9:07:30 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Where employed?
9:07:39 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Explain job duties and responsibilities?
9:07:54 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Familiar with incident of damage to an underground natural gas facility took place April 18, 2020, at 190 Old Wallaceton Road, Berea, Kentucky?
9:08:09 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Investigate this incident?
9:08:13 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Investigation Report, Incident 32562, appears to be four-page document with incident number just recited, appear to be true and accurate copy investigation of incident?
9:08:51 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Ask be admitted as DOI Exhibit 1.
9:08:56 AM	Chairman Schmitt Note: Sacre, Candace	Sustained.
9:08:57 AM	DIVISION OF INSPECTIONS EXHIBIT 1 Note: Sacre, Candace Note: Sacre, Candace	PIPELINE DAMAGE INVESTIGATION REPORT INCIDENT 32562 STAFF ATTY FREDERICK PSC - WITNESS TOUT
9:08:59 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Describe investigation and results?
9:09:33 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Facility damaged two-inch gas main, did contain natural gas at time?
9:09:46 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout DOI aware of other instances of damage involving Mr. Puckett?
9:10:00 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout What penalty assessed?
9:10:18 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Penalty not reduced, what would have been?
9:10:25 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout Why reduced?
9:10:57 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout In course of investigation, speak to Mr. Puckett?
9:11:03 AM	Staff Atty Frederick PSC - witness Note: Sacre, Candace	Tout What reaction to news of investigation?

9:11:35 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace	How long locate tickets valid?
9:11:42 AM	Staff Atty Frederick PSC - witness Tout Note: Sacre, Candace	Ticket Mr. Puckett called in for this expired how long?
9:12:04 AM	Staff Atty Frederick PSC Note: Sacre, Candace	No further.
9:12:09 AM	Chairman Schmitt Note: Sacre, Candace	Questions?
9:12:17 AM	Chairman Schmitt Note: Sacre, Candace	Witness excused.
9:12:21 AM	Chairman Schmitt Note: Sacre, Candace	Anything further?
9:12:23 AM	Staff Atty Frederick PSC Note: Sacre, Candace	Nothing further.
9:12:25 AM	Chairman Schmitt Note: Sacre, Candace	Hearing adjourned.
9:12:39 AM	Session Ended	



## Exhibit List Report

2021-00164 18Jun2021

Damage Prevention Robbie  
Puckett

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**Name:****Description:**

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Division of Inspections Hearing Pipeline Damage Investigation Report Incident 32562  
Exhibit 1

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 4/18/2020 5:30:00 PM	<b>Incident ID</b> 32562 <b>Report Submitted</b> 4/28/2020 1:50:34 PM
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## OPERATOR INFORMATION

<b>Operator</b> Delta Natural Gas Company, Inc. <b>Phone</b> 859-744-6171 Ext. 1124 <b>Incident Location</b> 190 Old Wallaceton Road 190 Old Wallaceton Rd Berea, KY 40403 Madison	<b>Reported By</b> Craig Mitchell <b>Email</b> cmitchell@deltagas.com <b>Locate Ticket Number</b>
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Puckett, Robbie <b>Phone</b> 859-661-9690 <b>Excavator Address</b> 190 Old Wallaceton Rd Berea, KY 40403	<b>Organization ID</b> <b>Email</b> robbiepuckett1998@gmail.com <b>Locate Ticket Number</b>
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### INCIDENT

The Operator reports that the Excavator/Homeowner damaged a two-inch gas main with a mini-excavator and failed to call the KY Contact Center (811).

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

### Excavation Summary

Excavation Within 18" <small>(Approximate Location)</small>	Type Of Equipment Used	Cost of Damage <small>(Per Operator)</small>	Amount Billed <small>(Excavator)</small>
No call to 811	Mechanized / Mini-excavator	\$336.00	\$336.00

### INVESTIGATION

On 01/06/21 an attempt to contact the Excavator at 859-661-9690 resulted in a message stating the mailbox is full.

On 01/07/20 the Homeowner, Robbie Puckett, stated that a Locate Ticket (LT) was obtained about a month prior to the incident date, but no valid LT was held when the damage occurred. Mr. Puckett was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$100.00.

### 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.

**(2)** Locate requests are valid for twenty-one (21) calendar days from the day of the initial request.

#### # of Offences

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Last Offence Resolved Date
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Delta Natural Gas Company, Inc.

Submitted 4/28/2020 Incident ID: 32562

[Set back to Edit](#) [Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32562\)](#)

### Reported By:

Name: Craig Mitchell  
Phone: 859-744-6171 Ext. 1124  
Email: cmitchell@deltagas.com

### Gas Line Incident Occured:

Date: 4/18/2020  
Time: 5:30 PM

### Details:

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Reported Date: 4/23/2020 4:41 PM

### Incident Location Address:

Location: 190 Old Wallaceton Road  
Address: 190 Old Wallaceton Rd  
City: Berea  
State: KY  
County: Madison  
Zip: 40403  
Confirm Code: Y

Number of Customers out: 3

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.:

Excavator: Home Owner

### Excavator Address:

First Name: Robbie  
Last Name: Puckett  
Phone: 859-661-9690  
Email: robbiepuckett1998@gmail.com  
Address: 190 Old Wallaceton Rd  
City: Berea

State: KY  
 Zip: 40403  
 Confirm Code: Y  
 Excavation Damage: No notification made to the One Call Center

**Description of Incident** Home owner Robbie Puckett was using a mini-excavator to dig a ditch on his property when he hit and severed a 2" plastic natural gas main line.

**Summary Information**

4/28/2020

**Full details such as the cause** Mr. Puckett did not call 811 to request a line location prior to the excavation activities and therefore he did not know the location of the 2" plastic natural gas main line which ultimately resulted in him completely severing the line with a mini-excavator.

**Extent of the damage** There were no injuries or property damage attributable to this incident. Delta employees replaced approximately 2' of 2" plastic main line piping and installed (2) 2" electrofusion couplings.

**Cost of the damage** \$336.00

**Steps taken to prevent re-occurrence** Robbie Puckett was informed that anyone that is going to do any type of excavation work is required by law to call KY811 and request a line location at least two working days prior to starting work and, when excavation is necessary within the approximate location of the pipeline (18" on either side), the law requires hand digging or the use of a non intrusive means to avoid damage to the pipeline.

**Amount billed to excavator** \$336.00

Robbie Puckett  
190 Old Wallaceton Rd.  
Berea, KENTUCKY 40403