

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ESTEPP EXCAVATION, INC.)	
)	
_____)	CASE NO.
)	2021-00335
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Estopp Excavation, Inc. (Estopp) 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 Estopp for violation of the following provision of the Act:

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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Estopp 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. Estopp 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. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 32325 in the Appendix to this Order is made a part of the record in this case.

5. Please note that notice of a hearing to be held in this matter will be mailed to Estepp 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

ENTERED
SEP 15 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00335

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00335 DATED SEP 15 2021

SEVEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 32325
Incident Date 11/22/2019 10:20:00 AM	Report Submitted 12/17/2019 12:00:00 AM

OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc.	Reported By Mary Virginia Rupard
Phone 859-744-6171 ext. 1160	Email mvrupard@deltagas.com
Incident Location 2101 Wilmore Road 2101 Wilmore Rd Nicholasville, KY 40356	Locate Ticket Number
Jessamine	

EXCAVATOR INFORMATION

Name of Excavator Estepp, James	Organization ID 0463622
Phone	Email 859-333-6379
Excavator Address Estepp Excavation, Inc. 200 Beverly Ave Lexington, KY 40505	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
None	N/A	N/A	N/A	N/A	N/A	N/A

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
N/A	Mechanized	\$117.00	\$0.00

The operator reports that Chris Bell with Estepp Excavation was using a trackhoe to install a drainage pipe when he hit and punctured a two-inch plastic main line. Estepp Excavation employees did not call 811 to request a line location prior to excavating therefore they did not

know the location of the main line. Estopp Excavation was a subcontractor working for Landmark Sprinkler Inc., a fire protection service.

INVESTIGATION

This would be the company's first violation.

Found online phone number: 859.254.7496.

August 24, 2020

- Called 859.254.7496, busy signal.
- Tried again, busy signal again.
- Called 859.333.6379, left a v.m.

September 3, 2020

- Called 859.333.6379, spoke with Mr. Estopp, who agreed to the reduced penalty and remedial measure.

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

Delta Natural Gas Company, Inc.

Submitted 12/17/2019 Incident ID 32325

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32325\)](#)

Reported By:

Name	Mary Virginia Rupard
Phone	859-744-6171 ext. 1160
Email	mvrupard@deltagas.com

Gas Line Incident Occured:

Date	11/22/2019
Time	10:20 AM

Details:

Reported Date	12/13/2019 2:36 PM
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Incident Location Address:

Location	2101 Wilmore Road
Address	2101 Wilmore Rd
City	Nicholasville
State	KY
County	Jessamine
Zip	40356
Confirm Code	Y

Number of Customers out 0

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 Contractor

Excavator Address:

First Name	James
Last Name	Estep
Organization ID	
Company	Estep Excavation
Phone	
Email	859-333-6379

Address 200 Beverly Ave
City Lexington
State KY
Zip 40505
Confirm Code Y
Excavation Damage No notification made to the One Call Center

Description of Incident Chris Bell with Est Tepp Excavation was using a trackhoe to install a drainage pipe when he hit and punctured a two-inch plastic main line.

Summary Information

12/17/2019

Full details such as the cause Est Tepp Excavation employees did not call 811 to request a line location prior to excavating therefore they did not know the location of the main line. Est Tepp Excavation was a subcontractor working for Landmark Sprinkler Inc., a fire protection service.

Extent of the damage There were no injuries or property damage attributable to this incident. Delta employees replaced two feet of two-inch plastic pipe and installed two electrofusion couplings.

Cost of the damage \$117.00

Steps taken to prevent re-occurrence Est Tepp Excavation employees were advised that the law requires anyone that is going to do any type of excavation work to call 811 to 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-inches on either side), the law requires hand digging or using non-intrusive means to avoid damage to the pipeline.

Amount billed to excavator \$0.00

ESTEPP EXCAVATING, INC.**General Information**

Organization Number	0463622
Name	ESTEPP EXCAVATING, INC.
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	10/19/1998
Organization Date	10/19/1998
Last Annual Report	2/12/2020
Principal Office	200 BEVERLY AVE LEXINGTON, KY 40505
Registered Agent	JAMES S ESTEPP 200 BEVERLY AVE LEXINGTON, KY 40505
Authorized Shares	1000

Current Officers

Sole Officer	James S. Estep
Director	James S. Estep

Individuals / Entities listed at time of formation

Incorporator	JANET ESTEPP
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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	2/12/2020	1 page	PDF	
Annual Report	4/19/2019	1 page	PDF	
Annual Report	4/11/2018	1 page	PDF	
Annual Report	6/14/2017	1 page	PDF	
Annual Report	3/31/2016	1 page	tiff	PDF
Annual Report	3/31/2015	1 page	tiff	PDF
Annual Report	4/4/2014	1 page	tiff	PDF
Principal Office Address Change	11/20/2013	1 page	tiff	PDF
Registered Agent name/address change	11/20/2013	1 page	tiff	PDF
Annual Report	3/5/2013	1 page	tiff	PDF
Annual Report	2/23/2012	1 page	tiff	PDF
Annual Report	2/22/2011	1 page	tiff	PDF
Annual Report	4/7/2010	1 page	tiff	PDF
Annual Report	4/6/2009	1 page	tiff	PDF
Annual Report	3/4/2008	1 page	tiff	PDF
Annual Report	3/8/2007	1 page	tiff	PDF
Annual Report	4/24/2006	1 page	tiff	PDF
Annual Report	3/16/2005	1 page	tiff	PDF
Annual Report	7/23/2003	1 page	tiff	PDF
Statement of Change	5/6/2003	1 page	tiff	PDF
Annual Report	5/7/2002	1 page	tiff	PDF

Annual Report	7/2/2001	1 page	tiff	PDF
Annual Report	6/13/2000	1 page	tiff	PDF
Annual Report	6/1/1999	1 page	tiff	PDF
Articles of Incorporation	10/18/1998	4 pages	tiff	PDF

Assumed Names

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	2/12/2020 12:40:56 PM	2/12/2020 12:40:56 PM	
Annual report	4/19/2019 9:45:04 AM	4/19/2019 9:45:04 AM	
Annual report	4/11/2018 4:44:18 PM	4/11/2018 4:44:18 PM	
Annual report	6/14/2017 10:57:34 AM	6/14/2017 10:57:34 AM	
Annual report	3/31/2016 12:14:49 PM	3/31/2016	
Annual report	3/31/2015 11:09:14 AM	3/31/2015	
Annual report	4/4/2014 3:50:56 PM	4/4/2014	
Registered agent address change	11/20/2013 10:31:41 AM	11/20/2013	
Principal office change	11/20/2013 10:30:59 AM	11/20/2013	
Annual report	3/5/2013 4:03:06 PM	3/5/2013	
Annual report	2/23/2012 3:34:00 PM	2/23/2012	
Annual report	2/22/2011 4:06:42 PM	2/22/2011	
Annual report	4/7/2010 7:53:06 AM	4/7/2010	
Annual report	4/6/2009 8:15:18 AM	4/6/2009	
Annual report	3/4/2008 1:44:45 PM	3/4/2008	
Annual report	3/8/2007 12:38:14 PM	3/8/2007	
Annual report	4/24/2006 11:15:38 AM	4/24/2006	
Registered agent address change	5/6/2003 9:16:53 AM	5/6/2003	
Principal office change	4/23/2003 12:59:01 PM	4/23/2003	
Add	10/19/1998	10/19/1998	

Microfilmed Images

Microfilm images are not available online. They can be ordered by faxing a [Request For Corporate Documents](#) to the Corporate Records Branch at 502-564-5687.

Annual Report	3/1/2005	1 page
Annual Report	9/9/2004	1 page
Annual Report	7/23/2003	1 page
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