

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WATSON BUILDING INC.)	
)	
_____)	CASE NO.
)	2022-00074
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Watson Building Inc. (Watson Building) 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 Watson Building for violation of the following provisions 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.

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Watson Building 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. Watson Building 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 42953 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 Watson Building 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.**

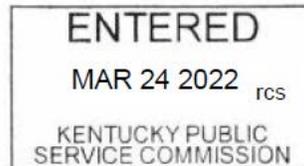
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION

Kent Ell
Chairman

Harold M. Hays
Vice Chairman

Commissioner



ATTEST:

Linda C. Bridwell
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00074 DATED MAR 24 2022

23 PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 42953
Incident Date 8/14/2020 4:50:00 PM	Report Submitted 9/8/2020 12:00:00 AM

OPERATOR INFORMATION

Operator Columbia Gas of Kentucky, Inc.	Reported By Ryan Twait
Phone (859) 533-4022	Email rmtwait@nisource.com
Incident Location 148 Winn Ave Winchester, KY 40391	Locate Ticket Number 1912191151
Clark	

EXCAVATOR INFORMATION

Name of Excavator Watson, Ray	Organization ID 0304080
Phone 859-745-4128	Email ray@watsonbuilding.com
Excavator Address Watson Building, Inc. 148 Winn Ave Winchester, KY 40391	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
1912191151	N/A	N/A	N/A	8/14/20	N/A	N/A

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
N/A	Yes	Yes	Mechanized	\$800.00	\$800.00

of Offences
(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +365 Days)
1 st	N/A	N/A	N/A

The operator reports that Watson Building was excavating with mechanized equipment on an expired locate ticket from back in December for another project. While excavating for a parking area with a skid steer, Watson Building damaged a plastic 1 ¼-inch natural gas service line.

INVESTIGATION

This would be the company's first violation.

Telephone number verified online.

July 2, 2021

- Called 859.745.4128, spoke to Anthony Clark, he acknowledged the company was responsible and will discuss the options with the owner and get back with me.
- Received a call back from Mr. Clark, the owner Ray Watson agreed to the reduced penalty and remedial measure.

VIOLATION

KRS 367.4911 (8) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues.

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Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 9/8/2020 Incident ID: 42953

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=42953\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 8/14/2020
Time: 4:50 PM

Details:

Reported Date: 8/31/2020 9:59 AM

Incident Location Address:

Location:

Address: 148 Winn Ave
City: Winchester
State: KY
County: Clark
Zip: 40391
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.: 1912191151

Excavator: Contractor

Excavator Address:

First Name: Ray
Last Name: Watson
Organization ID:
Company: Watson Building Inc.
Phone: 859-745-4128
Email: ray@watsonbuilding.com

Address: 148 Winn Ave
City: Winchester
State: KY
Zip: 40391
Confirm Code: Y
Excavation Damage: One Call notification practices not sufficient

Description of Incident Watson Building struck a plastic 1 ¼ inch natural gas service line with mechanized equipment.

Summary Information

9/8/2020

Full details such as the cause Watson Building was excavating with mechanized equipment on an expired locate ticket from back in December for another project. While excavating for a parking area with a skid steer, Watson Building damaged a plastic 1 ¼ inch natural gas service line.

Extent of the damage A plastic 1 ¼ inch natural gas service line was punctured, and the service line was repaired.

Cost of the damage \$800.00

Steps taken to prevent re-occurrence CKY employees advised Watson Building to always call 811 prior to any excavating activities.

Amount billed to excavator \$800.00

NORMAL NOTICE

Ticket : 1912191151 Date: 12/19/2019 Time: 15:22 Oper: ZPOYNTER Chan:000

State: KY Cnty: CLARK City: WINCHESTER
Subdivision:

Address : 154
Street : WINN AVE
Cross 1 : JACKSON ST
Location: LOCATE THE FRONT OF THE PROPERTY - TO INCLUDE THE ROADSIDE EASEMENT
:
Boundary: n 37.997916 s 37.996613 w -84.172852 e -84.168670

Work type : INSTALL FENCE
Done for : WATSON BUILDING INC
Start date: 12/23/2019 Time: 15:30 Hours notice: 96/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 2 FEET

Company : WATSON BUILDING INC Type: CONT
Co addr : 148 WINN AVE
City : WINCHESTER State: KY Zip: 40391
Caller : ANTHONY CLARK Phone: (859)621-8774
Contact : ANTHONY CLARK - CELL Phone:
Mobile : (859)621-8774
Fax : (859)745-2100
Email : WATSONBUILDING@HOTMAIL.COM

Submitted date: 12/19/2019 Time: 15:22
Members: 0023 0061 0139 0198 0326 2629



Kentucky Secretary of State

Michael G. Adams

WATSON BUILDING, INC.

[File Annual Report](#)
[File Statement of Change of Principal Office](#)
[File Statement of Change of registered Agent / Registered Address](#)
[Printable Forms](#)
[Additional Services](#)
[Certificates](#)

General Information

Organization Number	0304080
Name	WATSON BUILDING, INC.
Profit or Non-Profit	P - Profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	8/14/1992
Organization Date	8/14/1992
Last Annual Report	2/9/2021
Principal Office	148 WINN AVE. WINCHESTER, KY 40392
Registered Agent	DUEVILLE R. WATSON 110 VINE STREET WINCHESTER, KY 40391
Common No Par Shares	2000

Current Officers

President Ray Watson
Vice President Joyce Watson

Individuals / Entities listed at time of formation

Director DUEVILLE R WATSON
Incorporator JOHN H ROMPF JR

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	2/9/2021	1 page	PDF	
Annual Report	2/12/2020	1 page	PDF	
Annual Report	4/19/2019	1 page	PDF	
Annual Report	4/11/2018	1 page	PDF	
Principal Office Address Change	3/2/2017 9:44:23 AM	1 page	PDF	
Annual Report	3/2/2017	1 page	PDF	
Annual Report	3/9/2016	1 page	tiff	PDF
Annual Report	4/24/2015	1 page	tiff	PDF
Annual Report	6/16/2014	1 page	tiff	PDF
Annual Report	6/12/2013	1 page	tiff	PDF
Annual Report	3/7/2012	1 page	tiff	PDF
Certificate of Withdrawal of Assumed Name	1/4/2012	1 page	tiff	PDF
Annual Report	6/8/2011	1 page	tiff	PDF
Name Renewal	7/12/2010	1 page	tiff	PDF
Annual Report	3/10/2010	1 page	tiff	PDF
Annual Report	7/2/2009	1 page	tiff	PDF
Annual Report	3/7/2008	1 page	tiff	PDF
Annual Report	1/23/2007	1 page	tiff	PDF
Annual Report	3/24/2006	1 page	tiff	PDF
Name Renewal	3/2/2005	1 page	tiff	PDF
Annual Report	2/16/2005	1 page	tiff	PDF
Annual Report	4/15/2003	1 page	tiff	PDF
Annual Report	6/4/2002	1 page	tiff	PDF
Annual Report	5/30/2001	1 page	tiff	PDF
Statement of Change	4/23/2001	1 page	tiff	PDF
Certificate of Assumed Name	8/2/2000	2 pages	tiff	PDF
Annual Report	4/3/2000	1 page	tiff	PDF
Annual Report	4/21/1999	1 page	tiff	PDF
Annual Report	10/19/1998	1 page	tiff	PDF
Statement of Change	8/13/1997	1 page	tiff	PDF
Reinstatement	8/13/1997	2 pages	tiff	PDF

Administrative Dissolution	11/1/1994	1 page	tiff	PDF
Sixty Day Notice Return	11/1/1994	2 pages	tiff	PDF
Annual Report	7/1/1994	1 page	tiff	PDF
Annual Report	7/1/1993	1 page	tiff	PDF
Articles of Incorporation	8/14/1992	3 pages	tiff	PDF

Assumed Names

CODY COMMERCIAL PROPERTIES

Inactive

Activity History

Filing	File Date	Effective Date	Org. Referenced
Annual report	2/9/2021 3:18:24 PM	2/9/2021 3:18:24 PM	
Annual report	2/12/2020 10:49:02 AM	2/12/2020 10:49:02 AM	
Annual report	4/19/2019 9:29:48 AM	4/19/2019 9:29:48 AM	
Annual report	4/11/2018 9:12:11 AM	4/11/2018 9:12:11 AM	
Annual report	3/2/2017 9:49:21 AM	3/2/2017 9:49:21 AM	
Principal office change	3/2/2017 9:44:23 AM	3/2/2017 9:44:23 AM	
Annual report	3/9/2016 11:07:00 AM	3/9/2016	
Annual report	4/24/2015 10:02:26 AM	4/24/2015	
Annual report	6/16/2014 10:58:57 AM	6/16/2014	
Annual report	6/12/2013 2:34:36 PM	6/12/2013	
Annual report	3/7/2012 3:22:54 PM	3/7/2012	
Annual report	6/8/2011 1:25:44 PM	6/8/2011	
Annual report	3/10/2010 11:05:02 AM	3/10/2010	
Annual report	7/2/2009 10:35:56 AM	7/2/2009	
Annual report	3/7/2008 12:15:38 PM	3/7/2008	
Annual report	1/23/2007 12:35:40 PM	1/23/2007	
Annual report	3/24/2006 8:17:11 AM	3/24/2006	

Registered agent address change	4/23/2001 4:01:50 PM	4/23/2001	
Added assumed name	8/2/2000 12:44:46 PM	8/2/2000	CODY COMMERCIAL PROPERTIES
Principal office change	3/23/2000 2:31:32 PM	3/23/2000	
Sixty day notification	9/1/1998	9/1/1998	
Reinstatement	8/13/1997	8/13/1997	
Registered agent address change	8/13/1997	8/13/1997	
Principal office change	8/13/1997	8/13/1997	
Admin Dis. A. report not in	11/1/1994	11/1/1994	

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	2/14/2005	1 page
Annual Report	5/6/2004	1 page
Annual Report	4/15/2003	1 page
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Kentucky Unbridled Spirit

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	Contained	Released			
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of Offences
(Including this incident)

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Telephone number verified online.

July 2, 2021

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- Received a call back from Mr. Clark, the owner Ray Watson agreed to the reduced penalty and remedial measure.

November 17, 2021

- Requested additional documentation from Columbia, which is attached to this supplemental report.

VIOLATION

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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.

Gowins, John E (PSC)

From: JamesRice@nisource.com
Sent: Wednesday, November 17, 2021 8:17 AM
To: Gowins, John E (PSC)
Subject: Fw: Incident # 42953
Attachments: 148 Winn Av - Winchester - One call notification practices not sufficient.docx; IMG_0218.JPEG; IMG_0217.JPEG; IMG_0216.JPEG

Email is to big so you will receive part 2 shortly.

Thanks,

James Rice
Compliance Specialist
Columbia Gas of Kentucky
Cell: 859-537-2123
Office: 859-288-6328
Email: JamesRice@NiSource.com
----- Forwarded by James Rice/CKY/Enterprise on 11/17/2021 08:15 AM -----

From: James Rice/CKY/Enterprise
To: "Gowins, John E (PSC)" <john.gowins@ky.gov>
Date: 11/17/2021 08:08 AM
Subject: Re: Incident # 42953

Hi John,

As requested, see attached CKY PSC Gas Excavation Damage Report and pictures.

Thanks,

James Rice
Compliance Specialist
Columbia Gas of Kentucky
Cell: 859-537-2123
Office: 859-288-6328
Email: JamesRice@NiSource.com

From: "Gowins, John E (PSC)" <john.gowins@ky.gov>
To: "JamesRice@nisource.com" <JamesRice@nisource.com>
Date: 11/17/2021 06:10 AM
Subject: Incident # 42953

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

James,

This company has not complied with training, so it went to legal.

They are requesting any and all documentation that Columbia has on this incident.

I have included your (Ryan's) original report.

Thanks.

John E. Gowins

Consumer Complaints Investigator II

Division of Inspections

Kentucky Public Service Commission

502.782.2656 office

502.229.3058 cell

[attachment "Original_Columbia Report_42953.pdf" deleted by James Rice/CKY/Enterprise]



PEOPLES
EXCHANGE BANK

PO Box 4040
Winchester, Kentucky 40392-4040

CASHIER'S CHECK

73-858/421

No. 010661

DATE 09/23/2021

AMOUNT

\$ 250.00

PAY TO THE ORDER OF KENTUCKY STATE TREASURER

**** Two Hundred Fifty and 00/100****

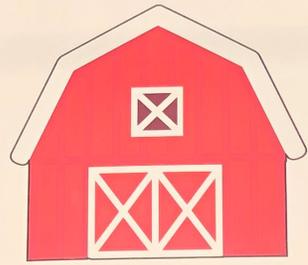
REMITTER WATSON BUILDING

MEMO # 42953

Mehina Saleh
Wigall Down

TWO SIGNATURES REQUIRED IF OVER \$1,000.00





THE OLE RED
BARN MALL
859-757-1257







Gowins, John E (PSC)

From: JamesRice@nisource.com
Sent: Wednesday, November 17, 2021 8:19 AM
To: Gowins, John E (PSC)
Subject: Fw: Incident # 42953
Attachments: IMG_0221.JPEG; IMG_0220.JPEG; IMG_0219.JPEG

Part 2

Thanks,

James Rice
Compliance Specialist
Columbia Gas of Kentucky
Cell: 859-537-2123
Office: 859-288-6328
Email: JamesRice@NiSource.com

----- Forwarded by James Rice/CKY/Enterprise on 11/17/2021 08:18 AM -----

From: James Rice/CKY/Enterprise
To: "Gowins, John E (PSC)" <john.gowins@ky.gov>
Date: 11/17/2021 08:08 AM
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To: "JamesRice@nisource.com" <JamesRice@nisource.com>
Date: 11/17/2021 06:10 AM
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Gowins, John E (PSC)

From: JamesRice@nisource.com
Sent: Wednesday, November 17, 2021 9:33 AM
To: Gowins, John E (PSC)
Subject: Fw: Incident # 42953

As requested, see below for description of each pic sent earlier.

IMG_0216 - Sign located in front of 148 Winn Av
IMG_0217 - Damaged gas line
IMG_0218 - Damaged gas line
IMG_0219 - Damaged gas line
IMG_0220 - Skid steer
IMG_0221 - Watson Building office

Thanks,

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Office: 859-288-6328
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----- Forwarded by James Rice/CKY/Enterprise on 11/17/2021 09:19 AM -----

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[attachment "148 Winn Av - Winchester - One call notification practices not sufficient.docx" deleted by James Rice/CKY/Enterprise]

[attachment "IMG_0218.JPEG" deleted by James Rice/CKY/Enterprise] [attachment "IMG_0217.JPEG" deleted by James Rice/CKY/Enterprise] [attachment "IMG_0216.JPEG" deleted by James Rice/CKY/Enterprise] [attachment "IMG_0221.JPEG" deleted by James Rice/CKY/Enterprise] [attachment "IMG_0220.JPEG" deleted by James Rice/CKY/Enterprise] [attachment "IMG_0219.JPEG" deleted by James Rice/CKY/Enterprise]

Thanks,

James Rice
Compliance Specialist
Columbia Gas of Kentucky
Cell: 859-537-2123
Office: 859-288-6328
Email: JamesRice@NiSource.com

From: "Gowins, John E (PSC)" <john.gowins@ky.gov>
To: "JamesRice@nisource.com" <JamesRice@nisource.com>
Date: 11/17/2021 06:10 AM
Subject: Incident # 42953

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*Watson Building, Inc.
148 Winn Ave
Winchester, KENTUCKY 40391