

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TRI-CITIES CONSTRUCTION LLC)	
)	
_____)	CASE NO.
)	2022-00090
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

INITIATING ORDER FOR ALLEGED 811 VIOLATION OF THE KENTUCKY
UNDERGROUND FACILITY DAMAGE PREVENTION ACT

Tri-Cities Construction LLC (Tri-Cities) 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 A hearing in this case shall take place on July 29, 2022.

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

¹ KRS 367.4901 through KRS 367.4917.

results in damage to an underground facility containing any flammable, toxic, corrosive, 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 Tri-Cities 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 Tri-Cities violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident shall be conducted.

IT IS THEREFORE ORDERED that:

1. Tri-Cities 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. Tri-Cities shall appear on July 29, 2022, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act.

3. The July 29, 2022 hearing shall be conducted via video conferencing.
4. Tri-Cities shall attend the hearing by using the following link: <https://global.gotomeeting.com/join/308551245>; information and instructions are attached to this Order in an Appendix.
5. Tri-Cities shall notify the Commission at least ten days prior to the hearing if Tri-Cities is unable to appear by video conferencing and will therefore appear in person.
6. **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.**
7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.
8. The Staff Incident Report 43199 in the Appendix to this Order is made a part of the record in this case.
9. The July 29, 2022 hearing shall be recorded by video only.
10. **Please note that notice of a hearing to be held in this matter will be mailed to Tri-Cities 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.**

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00090 DATED JUN 02 2022

TWENTY-NINE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43199 **Investigation** 8165
Incident Date 11/6/2020 9:30:00 AM **Report Submitted** 11/23/2020

Operator Information

Operator Columbia Gas of Kentucky, Inc. **Reported By** James Rice
Phone (859) 537-2123 **Email** JamesRice@NiSource.com

Incident Location 1292 Mitchell St **Locate Ticket Number** N/A
 Catlettsburg KY 41129

County Boyd

Excavator Information

Excavator Cody Gussler **Organization ID** 1143505
 Tri-Cities Construction, L.L.C.
Phone 606-465-9186 **Email**
Address 2710 Crawford St **Locate Ticket Number** N/A
 Ashland KY 41101

Damage Report (DR) Summary

Excavation Within18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to 811	No	Yes	Mechanized/Not specified	\$1,000.00	\$1,000.00

The Operator reports the Excavator damaged three-inch gas main and a service tee with mechanized equipment and failed to contact the KY Contact Center (811). More specifically, the Excavator stated they contacted 811, but were not issued a Locate Ticket (LT) due to an invalid address, however the Operator states that the Excavator was able to obtain an emergency LT after the damage occurred. **The DR is included as Attachment 1.**

INVESTIGATION

On 11/04/21:

- The Excavator, Tri-Cities Construction's Cody Gussler, stated that research was warranted and would call back on 11/08/21.
- 811, Jill Gast, provided two Emergency LTs, ...0516 & ...0613, obtained on the incident date, one obtained by the Excavator to report the damage and the other obtained by the Operator to repair the damage.

Locate Ticket (LT) Summary

Ticket #	Obtained By	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2011060516 Emergency	Tri-Cities Construction	11/06/20 09:15	N/A - Obtained after damage reporting the damage	11/06/20 09:30	0	Yes
2011060613 Emergency	Columbia Gas	11/06/20 09:39	N/A - Obtained after damage to repair the damage			

The Locate Ticket(s) is/are included as Attachment 2.

PIPELINE DAMAGE INVESTIGATION REPORT

On 11/08/21 a follow up call to Mr. Gussler resulted in a message indicating the voicemail box is full.

On 11/10/21 a follow up call to Mr. Gussler resulted in a message being left with the receptionist.

On 11/15/21 a follow up call to Mr. Gussler resulted in a message indicating the voicemail box is full.

Due to the difficulties in making contact with the Mr. Gussler a Demand Letter offering the reduced penalty of \$250.00 and the required attendance to the Damage Prevention Course will be sent.

VIOLATIONS

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.

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

Attachment 1

Gas Excavation Damage Report

Columbia Gas of Kentucky, Inc.

Submitted 11/23/2020 Incident ID: 43199

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43199\)](#)

Reported By:

Name: James Rice
Phone: (859) 537-2123
Email: JamesRice@NiSource.com

Gas Line Incident Occured:

Date: 11/6/2020
Time: 9:30 AM

Details:

Reported Date: 11/16/2020 4:15 PM

Incident Location Address:

Location:

Address: 1292 Mitchell St
City: Catlettsburg
State: KY
County: Boyd
Zip: 41129
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.: N/A

Excavator: Contractor

Excavator Address:

First Name: Cody
Last Name: Gussler
Organization ID:
Company: Tri-Cities Construction
Phone: 606-465-9186
Email:

Address: 2710 Crawford St
City: Ashland
State: KY
Zip: 41101
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee with mechanized equipment.

Summary Information

11/23/2020

Full details such as the cause Tri-Cities Construction was excavating an area without a locate ticket. While excavating with mechanized equipment, Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee. Tri-Cities Construction stated they contacted 811 but were not issued a dig ticket due to invalid address. However, Tri-Cities Construction was able to obtain an emergency locate ticket after the pipe was damaged.

Extent of the damage A steel three inch natural gas service main was damaged and the service tee was severed. A portion of the main was abandoned along with the unused service line.

Cost of the damage \$1,000.00

Steps taken to prevent re-occurrence CKY employees advised Tri-Cities Construction to always call 811 prior to any excavating activities.

Amount billed to excavator \$1,000.00

Attachment 2

Tout, Eric V (PSC)

From: Ticket Research <ticketresearch2@usa811.org>
Sent: Thursday, November 4, 2021 3:37 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 43199
Attachments: 2011060613-Boyd-MitchellSt.pdf; 2011060516-Boyd-MitchellSt.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hi Eric,
The 2 tickets found are attached.
Have a good one!
Thank you,

Jill Gast, Ticket Research

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

Know what's below. 811 before you dig.

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Thu, Nov 4, 2021 at 12:40 PM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

| Please provide locate ticket for:

Incident Date: 11/6/2020
Operator: Columbia Gas
Incident Location: 1292 Mitchell St.
County: Boyd
Excavator: Tri-Cities Construction

The Excavator stated they contacted 811, but were not issued a LT due to an invalid address. If there is a record of this provided.

The Operator states that the Excavator was able to obtain an emergency LT after the damage occurred. Please provided all emergency tickets called in for this incident date and location.

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

DAMAGE SEE REMARKS

Ticket : 2011060516 Date: 11/06/2020 Time: 09:15 Oper: JWIMSATT Chan:000

State: KY Cnty: BOYD City: CATLETTSBURG
Subdivision:

Address : 1292
Street : MITCHELL ST
Cross 1 : WATKINS ST
Location: LOCATE THE ENTIRE FRONT OF THE PROPERTY
:
Boundary: n 38.435595 s 38.432863 w -82.611096 e -82.607009

Work type : NEW DRIVEWAY AND FOOTER FOR A PORCH
Done for : ROBERT GARLOCK
Start date: 11/06/2020 Time: 09:19 Hours notice: 0/0 Priority: EMER
Ug/Oh/Both: U Blasting: NO Emergency: Y
Duration : N/A Depth: 4 FEET

Company : TRICITIES CONSTRUCTION Type: CONT
Co addr : 612 POLLARD RD
City : ASHLAND State: KY Zip: 41101
Caller : CODY GUSSLER Phone: (606)465-9186
Contact : CODY GUSSLER - OFFICE Phone:
Mobile : (606)465-9186
Email : TRICITIESCONSTRUCTION1@GMAIL.COM

Remarks : DAMAGED COLUMBIA GAS LINE IN FRONT OF THE PROPERTY - CAN HEAR GAS, CAN
SMELL GAS - CREW ON SITE - ADVISED TO CALL 911 AND ADVISED TO CALL UTILITY
COMPANY TO REPORT THE DAMAGE -- NO PREVIOUS TICKET NUMBER
:

Submitted date: 11/06/2020 Time: 09:15
Members: 0023 0052 0173 0177 0367 0521

* Responses are current as of 11/04/2021 03:33 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Damage Contact</u>	<u>Positive Response</u>
TIME WARNER CABLE 0023	COMMUNICATIONS	TIME WARNER CABLE DAMAGE (800) 892-2253	No Conflict
SPRINT 0052	FIBER OPTIC		
CITY OF ASHLAND 0173	SEWER, WATER		
COLUMBIA GAS (SOUTH ASHLAND) 0177	PIPELINE	COLUMBIA GAS DAMAGE (877) 242-8642	
KENTUCKY POWER - AEP 0367	ELECTRIC		
HOUSING AUTHORITY OF CATLETTSBURG 0521	MASTER METER		

EMERGENCY SEE REMARKS

Ticket : 2011060613 Date: 11/06/2020 Time: 09:39 Oper: JWEBER Chan:000

State: KY Cnty: BOYD City: CATLETTSBURG
Subdivision:

Address :

Street : MITCHELL ST

Cross 1 : WADKINS ST

Location: STARTING AT THE ADDRESS OF 1292 MITCHELL STREET - LOCATE THE ENTIRE
PROPERTY TO INCLUDE THE STREET EXTENDING NORTH AND SOUTH FOR 100 FEET FROM THE
PROPERTY

:

Boundary: n 38.435644 s 38.432793 w -82.611152 e -82.606980

Work type : REPAIRING DAMAGED GAS MAIN LINE

Done for : COLUMBIA GAS

Start date: 11/06/2020 Time: 09:40 Hours notice: 0/0 Priority: EMER

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

Duration : N/A Depth: UNKNOWN

Company : COLUMBIA GAS LOGISTIC CENTER Type: MEMB

Co addr : 290 NATIONWIDE BOULEVARD

City : COLUMBUS State: OH Zip: 43215

Caller : LIZ MAURICE Phone: (614)460-6261

Contact : CALEB WHEELER - CELL Phone:

Mobile : (606)254-7876

Email : EMAURICE@NISOURCE.COM

Remarks : CREW IS ENROUTE

:

Submitted date: 11/06/2020 Time: 09:39

Members: 0023 0052 0173 0177 0367 0521

* Responses are current as of 11/04/2021 03:35 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
TIME WARNER CABLE 0023	COMMUNICATIONS	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	No Conflict
SPRINT 0052	FIBER OPTIC		
CITY OF ASHLAND 0173	SEWER, WATER		
COLUMBIA GAS (SOUTH ASHLAND) 0177	PIPELINE	COLUMBIA GAS CUSTOMER SERVICE (800) 432-9345	Does conflict, underground facilities have been marked.
KENTUCKY POWER - AEP 0367	ELECTRIC	KENTUCKY POWER - AEP CUSTOMER SERVICE (800) 956-4237	
HOUSING AUTHORITY OF CATLETTSBURG 0521	MASTER METER		

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43199 **Investigation** 8165
Incident Date 11/6/2020 9:30:00 AM **Report Submitted** 11/23/2020

Operator Information

Operator Columbia Gas of Kentucky, Inc.
Phone (859) 537-2123 **Reported By** James Rice
Email JamesRice@NiSource.com

Incident Location 1292 Mitchell St
Catlettsburg KY 41129 **Locate Ticket Number** N/A

County Boyd

Excavator Information

Excavator Cody Gussler **Organization ID** 1143505
Tri-Cities Construction, L.L.C.
Phone 606-465-9186 **Email**
Address 2710 Crawford St **Locate Ticket Number** N/A
Ashland KY 41101

INVESTIGATION

On 01/11/22 a 30 Days Past Due & No Attendance Remedial Measure/Training letter was sent to the Excavator. The certified mail hard copy receipt indicates that said letter was delivered on 01/08/22 to the address of 2710 Crawford St.

The letter and receipt are included as Attachment 3.

On 01/14/22, via email, the Operator, Columbia's James Rice, stated that the Excavator has not paid for the damage and Mr. Rice provided the following documents:

- PSC Gas Excavation Damage Report: Which have been outlined in Attachment 1 and the DR Summary.
- Two Photographs: One depicting the damage location and the other of a vehicle door with the Excavator's business logo.
- Invoice: Indicating the Excavator was billed \$1,965.09 for the damage.

Columbia's documents are include as Attachment 4.

Attachment 3



Andy Beshear
Governor

Kent A. Chandler
Chairman

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Amy D. Cabbage
Vice Chairman

Marianne Butler
Commissioner

January 11, 2022

Cody Gussler
Tri-Cities Construction, L.L.C.
2710 Crawford St.
Ashland KY 41101

Dakota Gussler, Registered Agent
704 Bellefonte Princess Rd.
Ashland, KY 41101

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 43199

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Gussler:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 **has not been paid** and **no representative** has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative of Tri-Cities Construction shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **43199** and this key **8165** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel
General Counsel

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy)

\$

3.05

Return Receipt (electronic)

\$

Certified Mail Restricted Delivery

\$

Adult Signature Required

\$

Adult Signature Restricted Delivery

\$

Postage

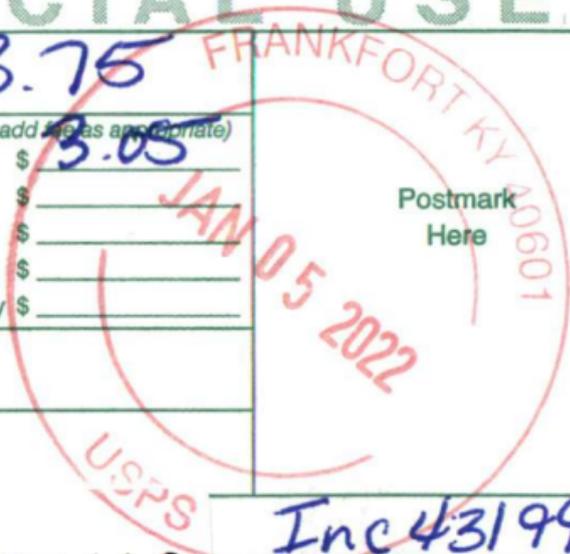
\$

0.73

Total Postage and Fees

\$

7.53



Postmark
Here

Cody Gussler
Tri-Cities Construction, L.L.C.
2710 Crawford St.
Ashland KY 41101

Inc 43199

FRANKFORD, KY 40601

Certified mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy)

\$ 3.05

Return Receipt (electronic)

\$

Certified Mail Restricted Delivery

\$

Adult Signature Required

\$

Adult Signature Restricted Delivery

\$

Postage

\$

0.73

Total Postage and Fees

\$

7.53

Postmark
Here

FRANKFORT KY 40601
JAN 05 2022
USPS
Inc. 43199

Dakota Gussler, Registered Agent

704 Bellefonte Princess Rd.

Ashland, KY 41101

1101 2022 JAN 05 09:10 AM FRANKFORT KY 40601

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- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

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- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. *Ino 43199*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Number

Cody Gussler
 Tri-Cities Construction, L.L.C.
 2710 Crawford St.
 Ashland KY 41101



9590 9402 6901 1104 3986 35

2. Article Number

7020 3160 0001 8129 6501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature] Agent Addressee

B. Received by (Printed Name)

[Handwritten Signature]

C. Date of Delivery

1/8/22
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

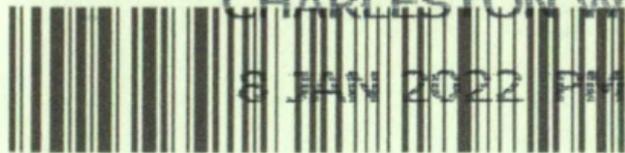
 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery

Mail

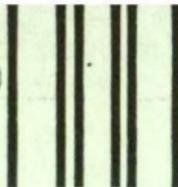
 Insured Mail Restricted Delivery (over \$500) Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Signature Confirmation™ Signature Confirmation Restricted Delivery

USPS TRACKING #

CHARLESTON WV 250



8 JAN 2022 PM 2 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

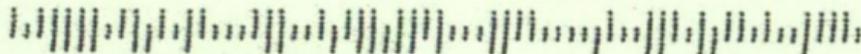
9590 9402 6901 1104 3986 35

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

**KENTUCKY PUBLIC SERVICE COMMISSION
211 SOWER BLVD
FRANKFORT KY 40602**

-829411



Attachment 4

Tout, Eric V (PSC)

From: JamesRice@nisource.com
Sent: Friday, January 14, 2022 2:23 PM
To: Tout, Eric V (PSC)
Subject: Re: 43199, 11/6/2020, 1292 Mitchell St., Catlettsburg, Tri-Cities Construction
Attachments: 1292 Mitchell St - Cattlettsburg - No notification made to 811.pdf; KY20-1168, 20-8587908-00_Redacted.pdf; IMG_1852.jpg; IMG_1844.jpg

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hi Eric,

My apologies for the delay. See attached info as requested. The invoice has not been paid to date.

Thanks,

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

From: "Tout, Eric V (PSC)" <ericv.tout@ky.gov>
To: "JamesRice@nisource.com" <JamesRice@nisource.com>
Date: 01/14/2022 06:30 AM
Subject: 43199, 11/6/2020, 1292 Mitchell St., Catlettsburg, Tri-Cities Construction

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.

Hello James,

Please send repots, photos, invoices and payment info (copy of check) if paid.

*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*



PSC Gas Excavation Damage Report

Excavation Damage Occurred

Date: 11/06/2020

Time: 9:30 AM

JO #: 20-8587908-00

Incident Location

Address: 1292 Mitchell St

City: Cattletsburg

County: Boyd

Zip: 41129

Cust. Lost: 0

Was gas released into the atmosphere? Y

Locate Request Ticket Number: N/A

Excavator Information

Excavator Type: Contractor

First Name: Cody

Last Name: Gussler

Company: Tri-Cities Construction

Phone: 606-465-9186

Email: Unknown

Address: 2710 Crawford St

City: Ashland

State: KY

Zip: 41101



Incident Details

KY PSC - Cause of Damage: No notification made to the One Call Center

Columbia DIMP Root Cause: Failure to call one call center

Description of Incident: Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee with mechanized equipment.

Full details such as the cause: Tri-Cities Construction was excavating an area without a locate ticket. While excavating with mechanized equipment, Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee. Tri-Cities Construction stated they contacted 811 but were not issued a dig ticket due to invalid address. However, Tri-Cities Construction was able to obtain an emergency locate ticket after the pipe was damaged.

Extent of the damage: A steel three inch natural gas service main was damaged and the service tee was severed. A portion of the main was abandoned along with the unused service line.

Cost of the damage: \$1,000

Steps taken to prevent re-occurrence: CKY employees advised Tri-Cities Construction to always call 811 prior to any excavating activities.

Amount billed to excavator: \$1,000



**TRI-CITIES
CONSTRUCTION, LLC**



606-465-9186

Columbia Gas/NiSource
INVOICE

CLAIM NO.: [REDACTED]

JOB ORDER NO.: [REDACTED]

DATE: January 14, 2021

MRA ACCOUNT NUMBER: [REDACTED]

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Tri Cities Construction, LLC
2710 Crawford St
Ashland, Kentucky 41102

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE
\$1,965.09

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 11/06/2020 in the vicinity of 1292 Mitchell St, Catlettsburg, Kentucky 41129.

ITEMS	AMOUNT
Labor	[REDACTED]
Materials	
Equipment	
Gas Loss	
Contracted Fees	
Taxes	
TOTAL EXPENSE	\$1,965.09

Notes:

If you have any questions regarding this bill, please contact [REDACTED]
Facility Damage Coordinator, at [REDACTED]



Know what's below.
Call before you dig.

Columbia Gas/NiSource
INVOICE

CLAIM NO.: [REDACTED]

JOB ORDER NO.: [REDACTED]

DATE: January 14, 2021

*Dakota Gussler
Tri-Cities Construction LLC
704 Bellefonte Princess Rd.
Ashland, KENTUCKY 41101

*Cody Gussler
Tri-Cities Construction LLC
2710 Crawford Street
Ashland, KENTUCKY 41101