

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

STREIBLE PLUMBING, LLC)	
)	
_____)	CASE NO.
)	2022-00177
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

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

Streible Plumbing, LLC (Streible Plumbing) 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 Appendix A. In its Incident Report, Staff cites Streible Plumbing for violation of the following provision 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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Streible Plumbing 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. Streible Plumbing 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. Streible Plumbing 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. Streible Plumbing shall attend the hearing by using the following link: <https://global.gotomeeting.com/join/308551245>; information and instructions are attached to this Order as Appendix B.

5. Streible Plumbing shall notify the Commission at least ten days prior to the hearing if Streible Plumbing 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 43464, attached to this Order as Appendix A, 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 Streible Plumbing 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 A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00177 DATED JUN 16 2022

THIRTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43464 **Investigation** 8421
Incident Date 3/2/2021 4:30:00 PM **Report Submitted** 3/29/2021

Operator Information

Operator Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 3623 Highway 44 E **Locate Ticket Number** 2102251387
 Shepherdsville KY 40165

County Bullitt

Excavator Information

Excavator Mike Streible **Organization ID** 0741321
 Streible Plumbing, LLC
Phone 502-797-0718 **Email**
Address 3623 Highway 44 E **Locate Ticket Number** 2102251387
 Shepherdsville KY 40165

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Not specified	\$854.00	\$0.00

The Operator reports that the Excavator/Homeowner damaged a properly marked ½ inch gas service and the Excavator's employee denies causing the damage. More specifically the Operator was notified of an outage and discovered damage near the meter where recent excavation occurred. *Note:* The DR is not clear as to whether the damage was caused from the cutting of the hard surface/pavement or digging the trench and the DR does not specify the type of equipment being utilized to dig the trench.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date <small>(21 calendar days from initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
2102251387	Yes	02/25/21	03/18/21	03/02/21	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 02/16/22 the Operator, LG&E's Mike Jones, provided the following documents.

- Facts-Based Investigation & Incident Field Investigation Report: Which have been outlined in Attachment 1 and the DR Summary. *Note:* The Facts-Based Investigation indicates a Backhoe / Track Hoe was being utilized.
- Invoice & copy of check: The invoice and check indicate the excavator was billed and paid \$853.60 for the damage repair.
- 12 Photographs: Depicting the incident location. *Note:* The photographs of the damage pipe is not consistent with a saw cut.

PIPELINE DAMAGE INVESTIGATION REPORT

On 02/17/22 the Excavator, Streible Plumbing's Mike Streible, stated that he would not contest LG&E's account. Mr. Streible was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS¹

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.

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	N/A	N/A	N/A

¹ A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

Attachment 1

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 3/29/2021 Incident ID: 43464

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43464\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 3/2/2021
Time: 4:30 PM

Details:

Reported Date: 3/29/2021 1:39 PM

Incident Location Address:

Location:
Address: 3623 Highway 44 E
City: Shepherdsville
State: KY
County: Bullitt
Zip: 40165
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.: 2102251387

Excavator: Home Owner

Excavator Address:

First Name: Mike
Last Name: Streble
Phone: 502-797-0718
Email:
Address: 3623 Highway 44 E
City: Shepherdsville

State: KY
 Zip: 40165
 Confirm Code: Y
 Excavation Damage: Other

Description of Incident ?Underground houseline installation.

Summary Information

3/29/2021

Full details such as the cause LG&E called out for gas outage. Found service was damaged near meter from recent signs of excavation. Plumbing contractor saw cut the pavement and dug a trench from gas meter on side of bldg back to detached outbuilding for private gas line. Michael Streble said he was not on site but one of his employees was. He said employee claims he did not damage anything but Mr. Streble wasn't denying that it happened. Post-locate photos show the service was marked accurately. LG&E Damage Prevention not notified at time of damage.

Extent of the damage Broken 1/2" plastic service

Cost of the damage \$854.00

Steps taken to prevent re-occurrence I advised Mr Streibel of the Dig Law and PSC involvement.

Amount billed to excavator \$0.00

Attachment 2

NORMAL NOTICE

Ticket : 2102251387 Date: 02/25/2021 Time: 15:48 Oper: JHURT Chan:000

State: KY Cnty: BULLITT City: SHEPHERDSVILLE
Subdivision:

Address : 3623

Street : KY RT 44

Cross 1 : WATERGATE DR

Location: LOCATE THE ENTIRE LEFT SIDE OF THE PROPERTY AS YOU ARE FACING THE
PROPERTY FROM THE ROAD

:

Boundary: n 38.011583 s 38.009864 w -85.662930 e -85.657406

Work type : INSTALL GAS LINE

Done for : JOE STANLEY

Start date: 03/01/2021 Time: 16:00 Hours notice: 96/47 Priority: NORM

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

Duration : N/A Depth: 2 FEET

Company : STREIBLE PLUMBING Type: CONT

Co addr : 230 MEADOWBROOK CT

City : SHEPHERDSVILLE State: KY Zip: 40165

Caller : MICHAEL STREIBLE Phone: (502)797-0718

Contact : MICHAEL STREIBLE - CELL Phone:

Mobile : (502)797-0718

Email : STREIBLEPLUMBING@LIVE.COM

Submitted date: 02/25/2021 Time: 15:48

Members: 0002 0007 0641 WINKY

* Responses are current as of 02/03/2022 08:53 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	Clear - No conflict
SALT RIVER RECC 0641	ELECTRIC		
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

Attachment 3

Tout, Eric V (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Wednesday, February 16, 2022 8:45 AM
To: Tout, Eric V (PSC)
Subject: RE: 43464, 3/2/2021, 3623 Highway 44 E., Shepherdsville, Mike Streble
Attachments: 3623 Highway 44.pdf; digitix_attachments_1645014311.zip; DigTix_Incident_Report (26).pdf; 2021030509.pdf

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

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Monday, February 14, 2022 7:43 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: 43464, 3/2/2021, 3623 Highway 44 E., Shepherdsville, Mike Streble

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Mike,

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or

taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



Facts-Based Investigation

Internal Claim ID: INC-20210310-003 Customer Claim ID: _____
Site Investigator: Tracy Reesor Notified At: 03/10/21 15:28:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 3623 KY Hwy 44 Shepherdsville KY 40165
Incident Time: 03/02/21 16:30:00

Original Locate Request: 2102251387 Assigned Locator: ELM Locating
Locate Request Due: 03/01/21 15:54:15 Locate Request Completed: 02/26/21 11:45:06
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 0.5
Depth: 18" to < 36" (0.5 to < 1m)
Description and Extent of Damage: LG&E called out for gas outage. Found service was damaged near meter from recent signs of excavation. Plumbing contractor saw cut the pavement and dug a trench from gas meter on side of bldg back to detached outbldg for private gas line. Michael Striebel said he was not on site but one of his employees was. He said employee claims he did not damage anything but Mr Striebel wasn't denying that it happened. Post-locate photos show the service was marked accurately. LG&E Damage Prevention not notified at time of damage.

Equipment Used: Backhoe/Trackhoe
Excavation Company Name: STREIBLE PLUMBING
Company Address: 230 MEADOWBROOK CT, Shepherdsville, KY 40165
Phone: 5027970718 Contact Name: MICHAEL STREIBLE
Working For: _____
Repair Company: LG&E
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____
Was Locate requested?: Y Locate Request Completed?: Y
Locate Accurate (Within Tolerance Zone): Y If No, Distance Markings Off: N/A
Marks Visible at Time of Damage: Y Damage Within Scope of Ticket: Y



Facts-Based Investigation

Repair Contact Name: George Kok Phone: _____

Repair Comments: Crew found damage to service. Spliced line

Witness: _____ Phone: _____

Comments: _____

Witness: _____ Phone: _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Streibel Plumbing

Responsible Party Comments: _____

Date of Investigation: 03/10/21 Investigation Time (Hours): _____

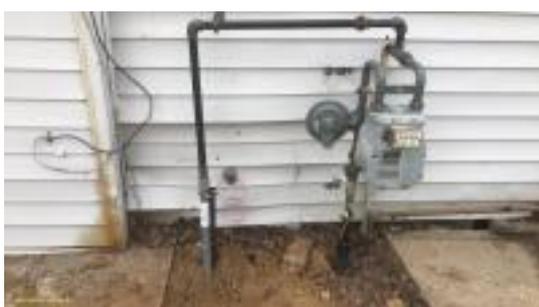
Site Investigator's Name: Tracy Reesor Phone: 5022694079

Site Investigator's Signature: Tracy Reesor Date: 03/17/2021

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

Damage Claims Manager: _____





Incident Field Investigation Report — Gas



Damage report # _____

Is this related to a capital project? Yes No

Project/task OTPD419/MAINT

G# _____

Resp. ctr. _____

Damage to company facilities

Date of incident 3-2-21 Time _____ a.m. p.m. Police report # _____

Address/location of damage 3623 Hwy 44 ZIP code _____

Subdivision name _____

Time dispatched 4:30 a.m. p.m. Time of completion 10:30 a.m. p.m.

Who caused damage? Mike Strebble
(Name of contractor, utility, individual, etc.)

Address of party causing damage _____
(Street) (City) (State) (ZIP)

Phone number of party causing damage (502) 797-0718
(Area code) (Number)

Was party causing damage still on the job? Yes No If yes, who was in charge? _____

If no, how did you obtain name of party causing damage? Customer

What was damaged? Company main Customer service Company service Other _____

What type of work was being performed? Underground Houseline Installation

Party's explanation for damage _____

What repairs were made? Yes

Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 1

Possible damage to others

Date of incident _____ Time _____ a.m. p.m.

What was damaged? _____

What was LG&E doing at this location? _____

Description of damage _____

Owner of property _____ Phone (_____) _____
(Area code) (Number)

Owner's address _____
(Street) (City) (State) (ZIP)

To whom was damage reported? _____

Was an LG&E contractor notified? Yes No If yes, name of contractor _____

Is the LG&E contractor responsible for the damage? Yes No

Were photos taken? Yes No If yes, from whom can the photos be obtained? _____

Were there any injuries? Yes No If yes, name of injured party _____

Were there any witnesses to the incident? Yes No

Name	Address	Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name _____

Were facilities marked? Yes No Did excavator agree? Yes No

If yes, were facilities properly marked? Yes No Did excavator agree? Yes No

If no, how were they mislabeled? (be specific) _____

Was line locating contractor on the job? Yes No

3-2-21 (Date of report) _____ (Signature of Employee) E028317 (Employee number)

Approved [Signature] Date 3-9-21

Put any additional comments on back

Comments _____

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
George Kirk	EO28317	5	1		4922	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Jackson Power	EO29682	5	1		4922	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
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						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.

3623

Damage

MAIN

Hwy 44

Material Used		
Qty.	Material	IIN#
3	ft. Pipe PE 2406: 1/2" IPS	1170051
	ft. Pipe PE 2406: 1" CTS	1170078
	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
ea.	1/2" IPS Permasert coupling	0394943
ea.	1" CTS Permasert coupling	0394935
ea.	2" IPS Electrofusion CPL	0394894
ea.	4" IPS Electrofusion CPL	0394901
ea.	1" Prefab Meterloop w/reg.	0532951
ea.	Flex Riser 1" male by 1/2" IPS	0530927
ea.	Flex Riser 1" male by 1" CTS	0530935
ea.	Farm tap (w/o regulator)	ARM WR 5695012
ea.	Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
2	1/2" IPS Socket Fusion CPL	



Invoice
 Louisville Gas and Electric Company
 820 West Broadway
 Louisville, KY 40202
 Attn: Remittance and Collection
 800-928-1340

INVOICE DATE: 04/02/2021

REFERENCE NO.: OTPD419
 DTS INVOICE NO.: 2021030509

AMOUNT DUE: \$853.60
 DUE DATE: 05/02/2021

STREBLE PLUMBING
 230 MEADOWBROOK COURT
 SHEPHERDSVILLE KY 40165

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
 PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR: Damaged Customer Gas Service
 DAMAGE DATE: 03/02/2021
 DAMAGE LOCATION: 3623 Highway 44
 Shepherdsville, KY 40165

LABOR HOURS: 12.00

LABOR COST: \$771.87

MATERIAL COST: \$3.25

TRANSPORTATION/EQUIPMENT COST: \$78.48

CONTRACTOR COST: \$0.00

OTHER DAMAGE COSTS: \$0.00

TOTAL DUE: \$853.60

Louisville Gas and Electric Company · Remittance and Collection · 820 West Broadway · Louisville, KY 40202

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Strelble Plumbing, LLC
230 MEADOWBROOK CT
SHEPHERDSVILLE
502-797-0718

Park Community CU, Inc.
Louisville, KY 40229
21-7947/2830

5196

6/28/2021

PAY TO THE ORDER OF LG & E

\$ **853.60

Eight Hundred Fifty-Three and 60/100***** DOLLARS

PROTECTED AGAINST FRAUD



LG & E
ATTN: Cash Remittance
820 West Broadway
Louisville, KY 40202



MEMO

Invoice 2021030509

Lisa B. Strelble

Details on Back Intuitive CheckLock™ Secure Check

2021030509





2021-09-10 15:35:07



2021-03-18 15:35:19







2021-03-18 15:35:48



2021-03-10 15:35:50



2021-03-10 15:35:59



2021-03-10 15:36:11



2021-03-10 15:36:18



2021-03-10 15:36:27



2021-03-10 15:36:36

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00177 DATED JUN 16 2022

TWO PAGES TO FOLLOW

Information and Instructions for Hearing

You are required to attend a formal hearing with the Kentucky Public Service Commission. Please note the hearing is scheduled in the **Eastern Time Zone**, and the hearing date and time are on the Order that accompanied these instructions.

You are **strongly encouraged** to download the GoToMeeting app now and be ready for your hearing. If you cannot appear via video using this app, at least ten days prior to your scheduled hearing you must call the Commission's offices at the number provided below. You will receive instructions on appearing in person in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky at the time and date of your scheduled hearing.

Please direct any questions to Ashley Rhodes, Commission Division of Inspections. AshleyB.Rhodes@ky.gov or 502-782-2578.

To download the GoToMeeting app go to:

<https://global.gotomeeting.com/install/258846301>

On the day of your hearing using your computer, tablet, or video enabled smartphone. **Access the proceeding at:**

<https://global.gotomeeting.com/join/308551245>

More information about using GoToMeeting can be found at:

GoToMeeting - Attendee Quick Start

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - How to Join a Meeting

https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Technical Requirements for Using GoToMeeting

Operating System:

Windows 7 – Windows 10

Mac OS X 10.9 (Mavericks) – mac OS Big Sur (11)

Linux/Ubuntu (Web App only)

Google Chrome OS (Web App only)

iOS 11 – iOS 13

Android OS 5 (Lollipop) – Android 10

Web Browser: (Applies to Web App only)

Google Chrome v72 or newer

Microsoft Edge v77 or newer

Internet Connection:

Computer: 1 Mbps or better (broadband recommended)

Mobile device and Chromebook: 3G or better (WiFi recommended for VoIP)

Software:

GoToMeeting desktop app (JavaScript enabled)

GoToMeeting app from the Apple Store, Google Play Store, or Windows Store

Hardware:

2GB of RAM (minimum), 4GB or more of RAM (recommended)

Webcam device*

Microphone and speakers** (USB headset recommended)

Mobile Device:

iPhone 5 or newer

iPad 3rd gen or newer

Note: * You MUST have a camera on your device or connected to your device to appear at the hearing.

** Most devices have built-in speakers, but you will get better audio quality while connected via VoIP if you use a headset

*Streible Plumbing, LLC
230 Meadowbrook Court
Shepherdsville, KENTUCKY 40165