

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LARRY BOEHMAN)	
)	
_____)	CASE NO.
)	2022-00254
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

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

Larry Boehman (Mr. Boehman) 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 September 30, 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 Mr. Boehman 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 Mr. Boehman 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. Mr. Boehman 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. Mr. Boehman shall appear on September 30, 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 September 30, 2022 hearing shall be conducted via video conferencing.

4. Mr. Boehman 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. Mr. Boehman shall notify the Commission at least ten days prior to the hearing if Mr. Boehman 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 43526, attached to this Order as Appendix A, is made a part of the record in this case.

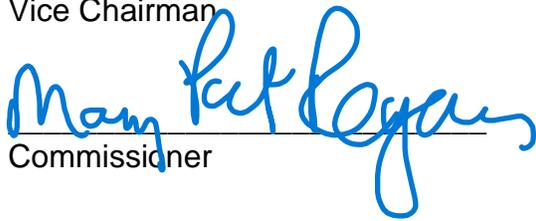
9. The September 30, 2022 hearing shall be recorded by video only.

10. Please note 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. 2022-00254 DATED AUG 18 2022

SIXTY-SEVEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 43526 **Investigation** 8529
Incident Date 4/16/2021 3:30:00 PM **Report Submitted** 5/13/2021

Operator Information

Operator Atmos Energy Corporation **Reported By** Anthony Stallins
Phone 270-779-4849 **Email** anthony.stallins@atmosenergy.com

Incident Location 301 Country Ct **Locate Ticket Number** 2104142176
 Hardinsburg KY 40143
 301 Country Ct Hardinsburg
County Breckinridge

Excavator Information

Excavator Larry Boehman **Organization ID**
Phone 270-993-4487 **Email**
Address 301 Country Ct **Locate Ticket Number** 2104142176
 Hardinsburg KY 40143

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	Mechanized / Mini-Excavator	\$814.00	\$814.00

The Operator reports that the Excavator/Homeowner damaged a properly marked ½ inch gas service with a mini-excavator replacing a water line.

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
2104142176	Yes	04/14/21	05/05/21	04/16/21	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 03/09/22 the Excavator/Homeowner, Larry Boehman, stated that the damage occurred next to a water meter and the marks were off by 12 feet and no photographs were taken by him or the Operator.

On 03/16/22 the Operator, Atmos's Jonathan Bledsoe provided the following documents:

- Gas Excavation Damage Report, Leak Found Report & Third Party Damage Form: Which have been outlined in the DR Summary and Attachment 1.
- Invoice, Claims Letter & Payment History Screen Shot: Indicating the Excavator/Homeowner has not paid the Operator \$813.82 for the damage repair.
- Locate Photographs: Indicating the incident location was marked on 04/15/21.
- Damage Photographs: Indicating the damage occurred within the approximate location/"tolerance zone" of 18 inches.

PIPELINE DAMAGE INVESTIGATION REPORT

- LT...2176 w/Positive Response and Photographs: The LT has been outlined in the LT Summary/Attachment 2, the Positive Response indicates that there is a conflict in the excavation area and the photos have been outlined above in bullet point 3.

Atmos's documents are included as Attachment 3.

On 03/17/21 the above information was conveyed to Mr. Boehman and he was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$100.00.

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	See above	04/16/21	04/17/22

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

Atmos Energy Corporation

Submitted 5/13/2021 Incident ID: 43526

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43526\)](#)

Reported By:

Name: Anthony Stallins
Phone: 270-779-4849
Email: anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date: 4/16/2021
Time: 3:30 PM

Details:

Reported Date: 4/20/2021 2:09 PM

Incident Location Address:

Location: 301 Country Ct Hardinsburg
Address: 301 Country Ct
City: Hardinsburg
State: KY
County: Breckinridge
Zip: 40143
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.: 2104142176

Excavator: Home Owner

Excavator Address:

First Name: Larry
Last Name: Boehman
Phone: 270-993-4487
Email:
Address: 301 Country Ct
City: Hardinsburg

State: KY
 Zip: 40143
 Confirm Code: Y
 Excavation Damage: Failure to use hand tools where required

Description of Incident Cut 1/2" PE service. Locate ticket. No customers off. No injuries.

Summary Information

5/13/2021

Full details such as the cause Larry Boehman, homeowner, replacing a water line, cut a 1/2" PE service line with a Mini-X-Excavator. Mr. Boehman had a locate ticket and the line was correctly marked. Damage was due to Mr. Boehman using mechanized equipment (Mini-X-Excavator) inside the 18" approximate location (tolerance zone). Mr Boehman would advise Atmos First Responder Zac Farrell that "I was just going to take one more bite when I hit the line."

Extent of the damage The damage PE was repaired and service restored.

Cost of the damage \$814.00

Steps taken to prevent re-occurrence Mr. Boehman was advised of the need to use hand tools inside the 18" approximate location (tolerance zone).

Amount billed to excavator \$814.00

Attachment 2

NORMAL NOTICE

Ticket : 2104142176 Date: 04/14/2021 Time: 19:11 Oper: KENTUCKY811 Chan:000

State: KY Cnty: BRECKINRIDGE City: HARDINSBURG
Subdivision:

Address : 301
Street : COUNTRY CT
Cross 1 : COUNTRY MEADOW DR
Location: LOCATE THE FRONT OF THE PROPERTY
:
Boundary: n 37.770599 s 37.769211 w -86.436942 e -86.435208

Work type : REPLACING WATER LINE
Done for : LARRY BOEHMAN
Start date: 04/19/2021 Time: 07:00 Hours notice: 108/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 3 FT

Company : LARRY BOEHMAN Type: HOME
Co addr : 301 COUNTRY CT
City : HARDINSBURG State: KY Zip: 40143
Caller : LARRY BOEHMAN Phone: (270)993-4487
Contact : LARRY BOEHMAN - CELL Phone:
Mobile : (270)993-4487

Submitted date: 04/14/2021 Time: 19:11
Members: 0132 0139

* Responses are current as of 03/09/2022 07:07 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
ATMOS ENERGY 0132	PIPELINE	ATMOS ENERGY CUSTOMER SERVICE (888) 954-4321	
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	

Attachment 3

Tout, Eric V (PSC)

From: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Sent: Wednesday, March 16, 2022 3:20 PM
To: Tout, Eric V (PSC)
Cc: Stanley, Bill E; Stallins, Anthony A
Subject: RE: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Eric,

After reviewing this damage I edited some photos for you that should help (originals included). Marks present and on the Positive Response for the locate it advised a service was in conflict with the dig site. Marks were only 1 day old when the damage occurred.

Give me a call and I would be happy to discuss the photos with you.

<https://ae.watchdox.com/ngdox/workspaces/451168/43526%2C%204.16.2021%2C%20301%20Country%20Ct.%2C%20Hardinsburg%2C%20%20Larry%20Boehman>

Google Chrome is best for using the link above.

Thank you,

Jonathon Bledsoe

From: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Sent: Wednesday, March 16, 2022 7:47 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>; Stanley, Bill E <Bill.Stanley@atmosenergy.com>
Subject: RE: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Good morning Eric,

I was on vacation last week and Monday and I'm in Paducah with your folks for an Audit this week. I sent Jonathon and Bill and email yesterday asking if they would look into this one for me while I'm out. If they have questions, I will be back Friday afternoon or Monday morning.

Thanks, Anthony

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, March 16, 2022 7:22 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: [EXT] FW: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Anthony,

Doing follow up.

Thanks,
Eric

From: Tout, Eric V (PSC)
Sent: Wednesday, March 9, 2022 10:20 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Hello Anthony,

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

The Excavator stated that the damage occurred next to a water meter and the marks were off by 12 feet and no photographs were taken by him or the Operator.

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

Whitney, Lisa S

From: Stallins, Anthony A
Sent: Thursday, May 13, 2021 6:24 AM
To: Townsend, Cody C; Mayfield, Daniel K; KY Third Party Damage Notification List
Subject: 301 Country Ct, Hardinsburg/Owensboro: Gas Incident - Excavation Damage Notification

Submitted.

From: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Sent: Thursday, May 13, 2021 6:23 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: Emailing: Gas Incident - Excavation Damage Notification

[NEW Excavation Damage](#) [List Excavation Damage Reports](#) [Atmos Energy Corporation](#)

[View Incidents](#) [View Peak Reports](#)

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 5/13/2021 Incident ID: 43526

Reported By:
Name:
Anthony Stallins

Phone:
270-779-4849

Email:

Gas Line Incident Occured:
Date:
4/16/2021

Time:
3:30 PM

Details:
Reported Date: 4/20/2021 2:09 PM

Incident Location Address:
Location:
301 Country Ct Hardinsburg

Address:
301 Country Ct

City:
Hardinsburg

State:
KY

County:
Breckinridge

Zip:
40143

Confirm Code:
Y

Address	City	State
---------	------	-------

ZipCode	County	State
---------	--------	-------

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility? [X]

Was gas or hazardous liquids released into the atmosphere? [X]

* 3/2020

Locate Request Ticket No.: 2104142176

Excavator: Home Owner

Enter Company Name (minimum of 4 characters required) below

Please note: Searches may be performed by keying the entire company name or a portion of the company name.

[Continue]

No Matching Companies were Found

Select the appropriate check box. Click on the Excavator Details link to get the Excavation Address. Enter the address details in the below Location fields.

Organization ID	Company	Status	Company Type
-----------------	---------	--------	--------------

Excavator Address:

First Name:
Larry

Last Name:
Boehman

Organization ID:

Company:

Phone:
270-993-4487

Email:

Address:
301 Country Ct

City:
Hardinsburg

State:
KY

Zip:
40143

Confirm Code:
Y

Address	City	State
----------------	-------------	--------------

ZipCode	County	State
----------------	---------------	--------------

Excavation Damage: Failure to use hand tools where required

Description of Incident Cut 1/2" PE service. Locate ticket. No customers off. No injuries.
Summary Information 5/13/2021

Full details such as the cause Larry Boehman, homeowner, replacing a water line, cut a 1/2" PE service line with a Mini-X-Excavator. Mr. Boehman had a locate ticket and the line was correctly marked. Damage was due to Mr. Boehman using mechanized equipment (Mini-X-Excavator) inside the 18" approximate location (tolerance zone). Mr Boehman would advise Atmos First Responder Zac Farrell that "I was just going to take one more bite when I hit the line."

Extent of the damage The damage PE was repaired and service restored.

Cost of the damage \$814.00

Steps taken to prevent re-occurrence Mr. Boehman was advised of the need to use hand tools inside the 18" approximate location (tolerance zone).

Amount billed to excavator \$814.00

Whitney, Lisa S

From: Stallins, Anthony A
Sent: Thursday, May 13, 2021 6:24 AM
To: Whitney, Lisa S
Subject: FW: [EXT] Report Submitted Gas Excavation Damage at 4/16/2021 3:30:00 PM involving Atmos Energy Corporation REFERENCE 43526

From: KY Public Service Commission <pscfilings@ky.gov>
Sent: Thursday, May 13, 2021 6:21 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: [EXT] Report Submitted Gas Excavation Damage at 4/16/2021 3:30:00 PM involving Atmos Energy Corporation REFERENCE 43526

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The completed report has been submitted. A gas digIn incident has occurred at approximately: 4/16/2021 3:30:00 PM
Involving Utility: Atmos Energy Corporation
at Location: 301 Country Ct Hardinsburg
Description: Cut 1/2" PE service. Locate ticket. No customers off. No injuries.
Customers Affected: 1
Person completing this report: Anthony Stallins
Contact filer at: 270-779-4849 anthony.stallins@atmosenergy.com

see more: <https://psc.ky.gov/ORS/GasIncident.aspx?IG=43526>

5/13/2021 7:20:47 AM anthony.stallins@atmosenergy.com
Utility filers receipt. This email is automatically generated please do not reply to this email address.



LEAK FOUND REPORT

eAM WO#: 20815379 Construction Order Number: **C** 0606401

Leak Asset #: 710203 Project Number: 050.23952

Division: 009 District / Cost Center: 2636 County / Parish: Breckinridge Town: Hardinsburg

State: KY Tax District: 90403 ICL OCL Map Sheet #: P37-19D

Address / Location: 301 Country Ct Cross Street: Country Meadow

Asset Description: Service Land Description: Flat

GPS Coordinates: Latitude 37.770324 Longitude 86.436162 Leak Survey Area: _____

Class Location: 1 2 3 4 Facilities Class: Distribution Transmission Gathering Storage Production

Date Leak Found: 04/16/2021 (MM/DD/YYYY) Time Leak Found: 04:43 AM PM

Time Leak Classified: 04:44 AM PM Leak Grade: 1 2 (5 day) 3 2 (30 day) 4 2 (180 day)

(M15) Leak Graded By: J. Ferrell (M1) Surveying Leaks ID#: _____

Suspected Facility: Main Service Riser Yardline Meter Loop Other Feet to Building: 30ft

CGI Reading: 100 % Gas _____ % LEL Surface Type: Dirt Brick Concrete Asphalt Rock Liquid Other

Leak Found: Yes No Third Party Damage: Yes (If Yes, complete Third Party Damage Form) No

Leak Located: Above Ground Below Ground Residual Gas: Yes No

Notes: Homeowner cut service with excavator.

Reason Not Repaired:
 Duplicate Order
 Customer Line
 Not Natural Gas
 Other Company
 No Leak Found

Initial Leak Cause:

- Corrosion Group
 - Corrosion
- Excavation Group
 - Operator Personnel / Contractors Excavating
 - Other Third Party Excavators
 - Locator
 - Vehicle (Auto / Truck / Etc.)
- Natural Forces Group
 - Lightning
 - Washout
 - Ground Movement
 - Ice
 - Static Electricity
- Other Outside Forces Group
 - Vandalism
 - Fire / Explosion First
 - Excessive Strain
- N/A

- Materials & Welds Group
 - Dent
 - Gouge
 - Factory Defect
 - Wrinkle / Bend
 - Weld (Steel)
 - Fusion Defect (Plastic)
- Equipment Group
 - Equipment Malfunction
 - Gasket / O-Ring
 - Packing
- Operations Group
 - Inadequate / Failure to Follow Procedures
 - Stripped Threads
 - Backfill
- Other
 - Not Excavation
 - Other Explanation

Line Marker
2-1/2" x 3/4" E9 Reducer
1-EFV



THIRD PARTY DAMAGE FORM

eAM WO#: 20815379

Construction Order Number: C0606401

ak Asset #: 710203

Project Number: 050.23957

Rate Division: 009

INCIDENT DETAILS

Date of Damage: 04/16/2021 Time of Damage: 03:30 AM PM
MM/DD/YYYY

Was the Regulatory Commission called? Yes No Incident Number: _____

Address/Location: 301 Country Ct Cross Street: Country Meadow Dr.

City: Hardinsburg County/Parish: Brockinridge State: Ky

- ROW: Public-City Street Private Business Dedicated Public Utility Easement
 Public-State Hwy Private-Land Owner Federal Land
 Public-County Road Private-Easement Railroad
 Public-Interstate Hwy Pipeline Unknown/Other
 Public-Other Power/Transmission Line

EXCAVATOR DETAILS

Company Name: Larry Bochman

Address: 301 Country Ct.

City: Hardinsburg State: Ky Zip: 40143

Contact Name: Larry Bochman Phone: 270-993-4487

- Excavator Type: Contractor County Farmer Municipality Occupant Railroad State Utility Developer
 Home Owner Unknown/Other

- Pipeline Damage With:
- | | | | | |
|--|---|---|---|--|
| <input type="checkbox"/> Auger | <input type="checkbox"/> Drilling | <input type="checkbox"/> Grader/Scraper | <input type="checkbox"/> Probing Device | <input type="checkbox"/> Milling Equipment |
| <input checked="" type="checkbox"/> Backhoe/Trackhoe | <input type="checkbox"/> Directional Drilling | <input type="checkbox"/> Hand Tools | <input type="checkbox"/> Trencher | <input type="checkbox"/> Unknown/Other |
| <input type="checkbox"/> Boring | <input type="checkbox"/> Explosives | <input type="checkbox"/> Vacuum Equipment | <input type="checkbox"/> Farm Equipment | |

- Work Performed:
- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Engineering/Survey | <input type="checkbox"/> Road Work | <input type="checkbox"/> Traffic Sign |
| <input type="checkbox"/> Bldg Construction | <input type="checkbox"/> Fencing | <input type="checkbox"/> Sewer (Sanitary/Storm) | <input checked="" type="checkbox"/> Water |
| <input type="checkbox"/> Bldg Demolition | <input type="checkbox"/> Irrigation | <input type="checkbox"/> Site Development | <input type="checkbox"/> Water Improvement |
| <input type="checkbox"/> Cable TV | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Steam | <input type="checkbox"/> Liquid Pipeline |
| <input type="checkbox"/> Curb/Sidewalk | <input type="checkbox"/> Grading | <input type="checkbox"/> Storm Drain/Culvert | <input type="checkbox"/> Milling |
| <input type="checkbox"/> Drainage | <input type="checkbox"/> Pole | <input type="checkbox"/> Street Light | <input type="checkbox"/> Unknown/Other |
| <input type="checkbox"/> Driveway | <input type="checkbox"/> Public Transit Authority | <input type="checkbox"/> Telecommunications | |
| <input type="checkbox"/> Electric | <input type="checkbox"/> Railroad Maintenance | <input type="checkbox"/> Traffic Signal | |

Excavator Incur Downtime: Yes No Unknown How much Downtime? _____ Downtime Cost Incurred? _____

AFFECTED FACILITY DETAILS

Was any Facility Damaged? Yes No Release of Product? Yes No Unknown Location: Above Ground Below Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center? Yes No Unknown

Center Name: _____ Locate Ticket Number: _____

Did Excavator Notify Atmos Energy Directly? Yes No Unknown

Excavator Notified 911? Yes No Unknown Name: Brockinridge County 911

Facility Type: Distribution Gathering Service/Stub Transmission Unknown/Other

Pipeline Material: Bare Steel Coated Steel Cast Iron PE PVC Other

Facility Damaged On: Body of Pipe Coating Housing Other Protective Device

Type of Pipeline Damaged: Intrastate Interstate Unknown

Pipeline Status: Active Idle New Pipe (no product) Abandoned (no product)

Damaged Pipe Diameter: 12 inches Depth of Facility: 3 feet 0 inches

Joint Trench: Yes No Unknown

DAMAGE & IMPACT DETAILS

Damaged by: Third Party Operator Operator's Contractor

Requires Regulatory Notification: Yes No

- Death/Hospitalization
 Property Damage ≥ \$50,000
 Estimated gas loss ≥ 3 million cubic feet

Caused Service Interruption: Yes No

Customer Affected: 1

Number of Injuries: 0

Type of Injuries: 0

Number of Fatalities: 0

Outage Hours: _____

Restoration Cost: _____

DAMAGE & IMPACT DETAILS CONT'D

- Root Cause of Damage:
- No notification made to the OneCall Center
 - Notification to OneCall Center made, but not sufficient
 - Wrong information provided to OneCall Center
 - Facility could not be found or located
 - Facility marking or location not sufficient
 - Facility was not located or marked
 - Incorrect facility maps
 - Failure to maintain marks
 - Failure to support exposed facilities
 - Failure to use hand tools where required
 - Failure to test-hole (pot hole)
 - Improper backfilling practices
 - Failure to maintain clearance
 - Other insufficient excavation practices
 - OneCall Center error
 - Abandoned facility
 - Deteriorated facility
 - Previous damage
 - Data not collected
 - Other

Impact: Fire/Ignition occur Any evacuation (Number of people: _____) Any media coverage Any explosions
 Any street blocked Any other impact Comments: Fire Dept blocked dead end till gas was shut off.

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: Yes No
 Center Name: KY811 OneCall Ticket Number: 2104142176

Date of Notification: 04/14/2021

Original Locator: Pipeline Operator Utility Owner Data Not Collected Unknown/Other
 Contract Locator Locator Name: Heath

Marked by White Lining: Yes No Unknown
 Atmos Energy Rep Onsite: Yes No Unknown
 Any Special Instructions: Yes No Unknown
 Locator met with Excavator: Yes No Unknown
 Facility Gave Positive Response: Yes No Unknown

Marked using Maps: Yes No Unknown
 Excavator Gave Proper Notice: Yes No Unknown
 Locate Procedures Followed: Yes No Unknown

Date of Positive: 04/15/2021 Time of Positive: 10:47 AM PM

Excavator made 2nd call to OneCall: Yes No Unknown
 Reason: No positive response to first call Positive response is unclear or incorrect All clear appears questionable Other

2nd Notice Ticket Number: _____ Date of 2nd Notice: _____ / _____ / _____

Facility gave positive response to 2nd notice: Yes No Unknown
 Date of Positive: _____ / _____ / _____ Time of Positive: _____ : _____ AM PM

Facility Marks Visible: Yes No Unknown
 Marked by Paint: Yes No Unknown Marked by Flags: Yes No Unknown
 Method used to Locate: Conductive Inductive Unknown Other: _____
 Another type of Marking Use: Yes No Unknown: _____
 Facility Marked Correctly: Yes No Unknown/Other: _____
 Reason Not Marked: Pipeline was not marked Portion of pipeline was not marked Pipeline was not marked accurately
 Improper type of marking Other: _____

Distance of Inaccurate Marks from Pipeline: _____ feet _____ inches

OTHER INFORMATION

Line Pressure: 55 psig Pipe Damage: (Length) 1/2 inches (Width) 1/2 inches
 Leak Duration: 60 minutes Locate Priority: _____ FERC Account: _____
 Insurance Company: _____ Agent Name: _____ Phone #: _____
 Locate Mark within State Law: Yes No Police Report Number: _____
 Pre-Damage Photos: Yes No Post-Damage Photos: Yes No Billing Required: Yes No

LABOR

Name	Title	Reg Time	Overtime	Drive Time
<u>Zac Farrell</u>	<u>Sr Svc Tech</u>		<u>2 hr</u>	<u>30 min</u>
<u>Sean Brown</u>	<u>OA</u>		<u>2 hr</u>	<u>30 min</u>
<u>Darrell Smith</u>	<u>Sr Const Operator</u>		<u>2 hr</u>	<u>30 min</u>

EQUIPMENT

Quantity	Time	Quantity	Time
<u>2</u>	<u>2 hrs</u>		

Comments: Home Owner cut 1/2" service w/ excavator, made area safe, construction on site to make repairs.

Completed By: Z Farrell Date: 4-16-21

**ATMOS ENERGY CORPORATION
 KENTUCKY / MID-STATES DIVISION
 KENTUCKY OPERATIONS
 3RD PARTY DAMAGE BILLING**

NAME: Larry Boehman
BILLING ADDRESS: 301 Country Ct.
CITY, STATE, & ZIP CODE: Hardinsburg, KY 40143
PHONE #: Larry Boehman (270) 993-4487
EMAIL ADDRESS:
INSURANCE PROVIDER:
INSURANCE POLICY #:
ATMOS WORK CENTER: 2636 - Owensboro
DATE OF DAMAGE: April 16, 2021
DAMAGE LOCATION: 301 Country Ct., Hardinsburg, KY 40143
ASSET #: 710203
eAM #: 20815379
SAP INVOICE #:

LINE NO. CHARGE TYPE:

LINE NO.	CHARGE TYPE	AMOUNT
1	LABOR	\$ 669.13
2	MATERIALS	\$ 45.03
3	EQUIPMENT	\$ 76.00
4	GAS LOSS COSTS	\$ 23.66
5	OUTSIDE SERVICES	\$ -
6	MISCELLANEOUS COSTS	\$ -
7	TOTAL 3RD PARTY DAMAGE BILLING	\$ 813.82

Enter PGA Rate (per MCF) **3.9430**
 Volume (MCF) **6**

Pipe Size	0.5
Material Type	PE
Pressure (PSIG)	55
Duration (Minutes)	60
Distance to Feeder Main or Regulator Station (Feet)	26
Main or Service	Service

- 1) Fill out all Information in Rows 1-6
- 2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
- 3) Click Circular Hole if damage is circular. Enter dimensions
- 4) Click Calculate Gas Loss

Gas Loss Flow Rate	107	Cubic Feet/Min.
Gas Loss in Cubic Feet	6,425	Cubic Feet
Gas Loss in Pounds	295	Pounds
Gas Loss in CCF	64	CCF
Gas Loss in MCF	6	MCF

Calculator uses IGT Flow Formula

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES



INVOICE

LARRY BOEHMAN
301 COUNTRY CT.
HARDINSBURG KY 40143

Page: 1
Claim Number 000200050914
Invoice No: 308346
Invoice Date: 19-MAY-21
Customer No: 171770
Sales Rep: Michael C.Townsend
Payment Terms: NET10
Due date: 29-MAY-21

For billing questions, please call: 270-836-7229 Total Amount Due 813.82 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	45.03	45.03
2	Tools and Equipment	1	Job	76.00	76.00
3	Labor	1	Job	669.13	669.13
4	Gas Loss	6	mcf	3.943	23.66

PAGE TOTAL 813.82

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ATMOS ENERGY CORP
P. O. BOX 841425
Dallas TX 75284-1425

ELECTRONIC REMITTANCE TO:

ATMOS ENERGY CORP
Bank of America
ACH Routing# 111000012
Bank Wire Routing# 026009593
Acct# 3756617812
Ref: 308346



BILL TO:

LARRY BOEHMAN
301 COUNTRY CT.
HARDINSBURG KY 40143

Customer No: 171770
Invoice No: 308346
Total Amount Due: 813.82 USD



Third Party Damage Claims Recovery

LARRY BOEHMAN
301 COUNTRY CT.
HARDINSBURG KY 40143

Date of Loss:	16-APR-21	Invoice#	308346
Damages:	\$813.82		
Location of Damage:	301 Country Ct Hardinsburg Ky		
Description of Damage:	Homeowner Hit 1/2" Service With Backhoe Working On Water System. Failed To Maintain Clearance.		
Claim #:	000200050914		

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.**

Sincerely,

Michael C. Townsend
Phone :270-836-7229
Fax :N/A
cody.townsend@atmosenergy.com
Para informacion en espanol, por favor llamar al 270-836-7229

3275 Highland Pointe Dr
Owensboro KY 42303



PRINT BATCH CONTROL

Control Count: : 1
Control Amount : \$813.82

Re: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Kirkham, Nicole A <Nicole.Kirkham@atmosenergy.com>

Wed 3/16/2022 10:54 AM

To: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>

Cc: Stanley, Bill E <Bill.Stanley@atmosenergy.com>; Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>

Invoice No	Inv Amt	Inv.Status	Cncl Reas	Claim Resolution	Outst Bal	Claim Disp
308346	813.82	Open		Agency Collection	813.82	

Payment History

Ta...	Invoice No	Payor	Doc ...	Doc A...	Doc Date	Inv Act Date	Invoice Activity	Inv Act Re
2	308346				07/19/2021	07/19/2021	50 DAY LETTER UPDATE	
1	308346				06/28/2021	06/28/2021	30 DAY LETTER UPDATE	

This one went to collections. No payment to date. I'll put this in the folder.

Nicole Kirkham
Operations Assistant
3510 Coleman Rd
Paducah, KY 42001
(270)702-6591



From: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>
Sent: Wednesday, March 16, 2022 8:42 AM
To: Kirkham, Nicole A <Nicole.Kirkham@atmosenergy.com>
Cc: Stanley, Bill E <Bill.Stanley@atmosenergy.com>; Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: FW: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Nicole,

Could you check to see if we billed on and if they have paid? Please attach a screenshot in the folder if you have one.

PSC 43526

Thank you,

Jonathon Bledsoe

From: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Sent: Wednesday, March 16, 2022 7:47 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Bledsoe, Jonathon T <Jonathon.Bledsoe@atmosenergy.com>; Stanley, Bill E <Bill.Stanley@atmosenergy.com>
Subject: RE: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Good morning Eric,

I was on vacation last week and Monday and I'm in Paducah with your folks for an Audit this week. I sent Jonathon and Bill and email yesterday asking if they would look into this one for me while I'm out. If they have questions, I will be back Friday afternoon or Monday morning.

Thanks, Anthony

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, March 16, 2022 7:22 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: [EXT] FW: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Anthony,

Doing follow up.

Thanks,
Eric

From: Tout, Eric V (PSC)
Sent: Wednesday, March 9, 2022 10:20 AM
To: Stallins, Anthony A <Anthony.Stallins@atmosenergy.com>
Subject: 43526, 4/16/2021, 301 Country Ct., Hardinsburg, Larry Boehman

Hello Anthony,

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

The Excavator stated that the damage occurred next to a water meter and the marks were off by 12 feet and no photographs were taken by him or the Operator.

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



2021-04-15 19:45:38
37,7698219,-86,4365866



2021-04-15 10:45:39
37.7698219,-86.4365866



907



2021-04-15 18:45:43
37.7698219, -86.4365866



The
Boehmans

ATTN:
[Illegible text]



mans



2021-04-15 10:45:45
37.7700167, -86.4864253



2021-04-15 10:45:47
37.7700187,-86.4364253



2021-04-15 18:45:48
31.7708187,-86.4364253



2021-04-15 16:45:48
37.7700187,-86.4364253



2024-04-15 18:45:49
37,7700167, -86,4364253



2021-04-15 10:45:50
37.7700187, -86.4364253



2021-04-15 18:45:51
37.7780167, -86.4364258



2024-04-15 10:45:51
37.7700187, -86.4964253



2021-04-15 10:45:53
37.7700187 86.4364253



2021-04-15 10:45:54
37.7700167,-86.4364253



2021-04-15 10:45:55
37.7700167,-80.4364253



2021-04-15 10:45:56
37.7700187,-86.4364253



2021-04-15 18:45:57
37.7700187,-86.4364253



2021-04-15 10:45:58
37.7700187,-86.4364253



2021-04-15 18:45:58
87.7700187,-86.4364253



2021-04-15 10:45:59
37.7788197, -86.0364253



2021-04-15 18:45:59
37.7700187,-86.4364253



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2021-04-15 18:46:03
37.7700187,-86.4364253



2021-04-15 18:46:04
37.7700187,-86.4364263



2024-04-15 18:46:05
37.7780489,-86.4364253



2021-04-15 10:06:06
37.7701442,-86.4365402



885-464-115 (8:00-5:00)
47-7705-002 (46-785004)



2021-04-15 10:46:27
97.7791 442. -88.435402



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JBB Inc.
270-756-2946

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DAMAGE
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1 18 2 30 3

MARK
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270-756-2946

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JBB Inc.
270-756-2946

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Ticket ID: 2104142176

KORTERRA JOB KY_C_OWENS-SMTP-1 KY2104142176 Seq: 57 04/14/2021
18:13:58

0132 00058 KUPIa 04/14/2021 19:12:40 2104142176-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 2104142176 Date: 04/14/2021 Time: 19:11 Oper: KENTUCKY811
Chan:000

State: KY Cnty: BRECKINRIDGE City: HARDINSBURG
Subdivision:

Address : 301
Street : COUNTRY CT
Cross 1 : COUNTRY MEADOW DR
Location: LOCATE THE FRONT OF THE PROPERTY
:
Boundary: n 37.770599 s 37.769211 w -86.436942 e -86.435208

Work type : REPLACING WATER LINE
Done for : LARRY BOEHMAN
Start date: 04/19/2021 Time: 07:00 Hours notice: 108/48 Priority:
NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 3 FT

Company : LARRY BOEHMAN Type: HOME
Co addr : 301 COUNTRY CT
City : HARDINSBURG State: KY Zip: 40143
Caller : LARRY BOEHMAN Phone: (270)993-4487
Contact : LARRY BOEHMAN - CELL Phone:
Mobile : (270)993-4487

Submitted date: 04/14/2021 Time: 19:11
Members: 0132 0139

Locator Notes:

----- HISTORY SUMMARY -----

04/14/21 18:15:01: Ticket "2104142176" received.
04/14/21 18:15:01: Contract "0132" received.
04/14/21 18:15:02: Assigned to "b.phillips@heathus.com". Status updated to "Pending".
04/15/21 10:45:40: File "DigTix Ticket 2104142176 2021-04-15 10:45:39.904.jpg" attached.
04/15/21 10:45:40: File "DigTix Ticket 2104142176 2021-04-15 10:45:38.878.jpg" attached.
04/15/21 10:45:41: File "DigTix Ticket 2104142176 2021-04-15 10:45:41.162.jpg" attached.
04/15/21 10:45:44: File "DigTix Ticket 2104142176 2021-04-15 10:45:43.223.jpg" attached.
04/15/21 10:45:45: File "DigTix Ticket 2104142176 2021-04-15 10:45:43.733.jpg" attached.
04/15/21 10:45:46: File "DigTix Ticket 2104142176 2021-04-15 10:45:45.224.jpg" attached.
04/15/21 10:45:47: File "DigTix Ticket 2104142176 2021-04-15 10:45:45.725.jpg" attached.
04/15/21 10:45:48: File "DigTix Ticket 2104142176 2021-04-15 10:45:47.127.jpg" attached.
04/15/21 10:45:48: File "DigTix Ticket 2104142176 2021-04-15 10:45:48.277.jpg" attached.
04/15/21 10:45:49: File "DigTix Ticket 2104142176 2021-04-15 10:45:48.812.jpg" attached.
04/15/21 10:45:49: File "DigTix Ticket 2104142176 2021-04-15 10:45:49.337.jpg" attached.

Ticket ID: 2104142176 (con't)

04/15/21 10:45:51: File "DigTix Ticket 2104142176 2021-04-15 10:45:50.555.jpg" attached.
04/15/21 10:45:52: File "DigTix Ticket 2104142176 2021-04-15 10:45:51.087.jpg" attached.
04/15/21 10:45:52: File "DigTix Ticket 2104142176 2021-04-15 10:45:51.662.jpg" attached.
04/15/21 10:45:54: File "DigTix Ticket 2104142176 2021-04-15 10:45:53.684.jpg" attached.
04/15/21 10:45:54: File "DigTix Ticket 2104142176 2021-04-15 10:45:54.378.jpg" attached.
04/15/21 10:45:56: File "DigTix Ticket 2104142176 2021-04-15 10:45:55.820.jpg" attached.
04/15/21 10:45:57: File "DigTix Ticket 2104142176 2021-04-15 10:45:56.400.jpg" attached.
04/15/21 10:45:58: File "DigTix Ticket 2104142176 2021-04-15 10:45:57.625.jpg" attached.
04/15/21 10:45:58: File "DigTix Ticket 2104142176 2021-04-15 10:45:58.095.jpg" attached.
04/15/21 10:45:59: File "DigTix Ticket 2104142176 2021-04-15 10:45:58.676.jpg" attached.
04/15/21 10:46:00: File "DigTix Ticket 2104142176 2021-04-15 10:45:59.304.jpg" attached.
04/15/21 10:46:01: File "DigTix Ticket 2104142176 2021-04-15 10:45:59.823.jpg" attached.
04/15/21 10:46:02: File "DigTix Ticket 2104142176 2021-04-15 10:46:01.645.jpg" attached.
04/15/21 10:46:02: File "DigTix Ticket 2104142176 2021-04-15 10:46:02.096.jpg" attached.
04/15/21 10:46:04: File "DigTix Ticket 2104142176 2021-04-15 10:46:03.848.jpg" attached.
04/15/21 10:46:05: File "DigTix Ticket 2104142176 2021-04-15 10:46:04.360.jpg" attached.
04/15/21 10:46:06: File "DigTix Ticket 2104142176 2021-04-15 10:46:05.912.jpg" attached.
04/15/21 10:46:07: File "DigTix Ticket 2104142176 2021-04-15 10:46:06.446.jpg" attached.
04/15/21 10:46:07: File "DigTix Ticket 2104142176 2021-04-15 10:46:07.017.jpg" attached.
04/15/21 10:46:08: File "DigTix Ticket 2104142176 2021-04-15 10:46:07.671.jpg" attached.
04/15/21 10:47:37: CDC "0132" status updated to "MRK: Marked in the field". CDC "0132" notes updated to "MARKED MAIN AND SERVICE IN CONFLICT WITH DIG AREA."
04/15/21 10:47:48: Status updated to "Completed". Notes updated to " ".





NOTE: Only 12 most recent photos shown. To view all 31 attachments, please view the ticket within DigTix.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00254 DATED AUG 18 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

Larry Boehman
301 County Court
Hardinsburg, KENTUCKY 40143