

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FAST FLOW PLUMBING, LLC)	
)	
_____)	CASE NO.
)	2024-00054
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

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

(Se proporciona la traducción al español de este documento como anexo/apéndice C.)

Fast Flow Plumbing, LLC (Fast Flow 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 April 26, 2024.

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

¹ KRS 367.4901 through KRS 367.4917.

the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, 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 Fast Flow 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 Fast Flow 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. Fast Flow 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. Fast Flow Plumbing shall appear on April 26, 2024, at 9 a.m. Eastern Standard 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 April 26, 2024 hearing shall be conducted via video conferencing.
4. Fast Flow Plumbing shall attend the hearing by using the following link: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; information and instructions are attached to this Order as Appendix B.
5. Fast Flow Plumbing shall notify the Commission at least ten days prior to the hearing if Fast Flow 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 56198, attached to this Order as Appendix A, is made a part of the record in this case.
9. The April 26, 2024 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

ENTERED
MAR 08 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00054 DATED MAR 08 2024

NINETEEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Ashley Rhodes **Incident ID** 56198 **Investigation** 11167
Incident Date 10/10/2023 10:19:00 AM **Report Submitted** 11/20/2023

Operator Information

Operator Delta Natural Gas Company, Inc. **Reported By** Robert P Nellipowitz
Phone (859) 338-8384 **Email** rnellipowitz@deltagas.com

Incident Location 507 Avawam Drive **Locate Ticket Number** 232820406
 Richmond KY 40475
 507 Avawam Drive
County Madison

Excavator Information

Excavator Nate White **Organization ID** 1012807
 Fast Flow Plumbing
Phone 859-310-3052 **Email** fastflowky@gmail.com
Address 390 Blue Sky Parkway **Locate Ticket Number** 232820406
 Lexington KY 40509

Damage Report Summary

Excavation Within ” (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized	\$244.00	\$0.00

The Operator reports a Delta operator-qualified employee reported to the site and accurately located and marked the existing natural gas main line with flags and paint. However, while excavating for the trench for the installation of the sewer line, Mr. White failed to utilize hand tools or some other non-intrusive excavation method within the 24" tolerance zone on each side of the marked, existing 3/4" plastic natural gas service line. Thus, the existing 3/4" plastic natural gas service line was ultimately hit and completely severed by the mini excavator operated by Mr. White.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	InitialDate	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
232820406	Yes	10/09/2023	10/30/2023	10/10/2023 10:19:00 AM	N/A	Yes

The LT and Status History are included as Attachment 2.

INVESTIGATION

On 02/28/2024, Donald Fitzpatrick, owner of Fast Flow Plumbing, requested a hearing.

On 3/4/2024, the operator, Robert Nellipowitz of Delta Natural Gas, provided supporting documents.

Delta Natural Gas's supporting documents are included as Attachment 3.

PIPELINE DAMAGE INVESTIGATION REPORT

VIOLATIONS¹

KRS 367.4911(10) When excavation or demolition is necessary within the tolerance zone, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility, except that mechanized equipment may be used...”

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 st Offence Date (Last Offence Date +366 Days)
3 rd or Subsequent	56198	10/10/2023	10/11/2024
3 rd or Subsequent	55520	03/08/2023	03/09/2024
2 nd	55007	08/26/2022	08/27/2023
1 st	54638	05/05/2022	05/06/2023
Resolved Incidents			
1 st	53541	04/27/2021	04/28/2022

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

Delta Natural Gas Company, Inc.

Submitted 11/20/2023 Incident ID: 56198

[Set back to Edit](#) [Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=56198\)](#)

Reported By:

Name: Robert P Nellipowitz
Phone: (859) 338-8384
Email: rnellipowitz@deltagas.com

Gas Line Incident Occured:

Date: 10/10/2023
Time: 10:19 AM

Details:

Reported Date: 10/29/2023 4:50 PM

Incident Location Address:

Location: 507 Avawam Drive
Address: 507 Avawam Drive
City: Richmond
State: KY
County: Madison
Zip: 40475
Confirm Code:

Number of Customers out:

Was gas or hazardous liquids contained in the underground facility?

* 3/2020

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: 232820406

Excavator: Contractor

Excavator Address:

First Name: Nate
Last Name: White
Organization ID: 1012807
Company: Fast Flow Plumbing
Phone: 859-310-3052
Email: fastflowky@gmail.com
Address: 390 Blue Sky Parkway
City: Lexington
State: KY
Zip: 40509
Confirm Code:

Excavation Damage: Failure to use hand tools where required

Description of Incident

Nate White (Fast Flow Plumbing) was excavating a trench for the installation of a sewer line on the subject property with a mini excavator when he inadvertently hit and completely severed an existing 3/4" plastic natural gas service line.

Summary Information

11/20/2023

Full details such as the cause	<p>Nate White (Fast Flow Plumbing) did contact KY 811 to have utility locations performed prior to the commencement of any excavation activities on the subject property. A Delta operator-qualified employee reported to the site and accurately located and marked the existing natural gas main line with flags and paint. However, while excavating for the trench for the installation of the sewer line, Mr. White failed to utilize hand tools or some other non-intrusive excavation method within the 24" tolerance zone on each side of the marked, existing 3/4" plastic natural gas service line. Thus, the existing 3/4" plastic natural gas service line was ultimately hit and completely severed by the mini excavator operated by Mr. White.</p>
Extent of the damage	<p>No injuries or property damage were attributed to this incident. Delta employees repaired the service line by installing two (2) 3/4" permasert couplings and 2' of 3/4" plastic pipe in order to reconnect the service line and return it to normal operation before restoring service to the customer.</p>
Cost of the damage	\$244.00
Steps taken to prevent re-occurrence	<p>Mr. White was informed about the KY 811 dig law practices and that by law, whenever excavation is required within the tolerance zone of a marked natural gas line (24" on each side of the marked line), hand digging, or some other non-intrusive excavation method is required to expose the buried line and to confirm the exact location of the line and thus avoid any damage to the natural gas facilities.</p>
Amount billed to excavator	\$0.00

Attachment 2

Kentucky 811

Ticket no 232820406 **Type** EMERGENCY NXT
Request date 10/10/23 09:33 am
Start date 10/12/23 12:00 am
Expiration date 10/30/23 11:59 pm

Excavator information

Excavator name FAST FLOW PLUMBING
Address 390 BLUE SKY PKWY
LEXINGTON, KY 40509
Company phone 859-779-0650
Requested by JENNIFER HURST **Phone** 859-779-0650
On-site name NATE WHITE **On-site phone** 859-310-3052
Contact email fastflowky@gmail.com

Excavation information

Type of work EMERGENCY - REPLACE WATER SERVICE
Depth (ft) 10 **Explosives** N
Area marked N
Job name/number
Work done for ERIC GILLIAM

Location information

County MADISON **City** RICHMOND
Address/street 507 AVAWAM DR
Nearest intersecting street STONEBRIAR WAY
Location of work FROM THE CENTERLINES OF AVAWAM DR AND STONEBRIAR WAY, HEAD SOUTHWEST ON AVAWAM DR FOR 510 FT. THEN FROM THE CENTERLINE OF AVAWAM DR, HEAD NNW FOR 179 FEET TO THE SITE ON THE NNW SIDE OF THE STREET.
MARK ENTIRE PROPERTY.
PAINT AND FLAG.
Comments THE FOLLOWING UTILITIES HAVE NOT RESPONDED: DELTA NATURAL GAS COMPANY,

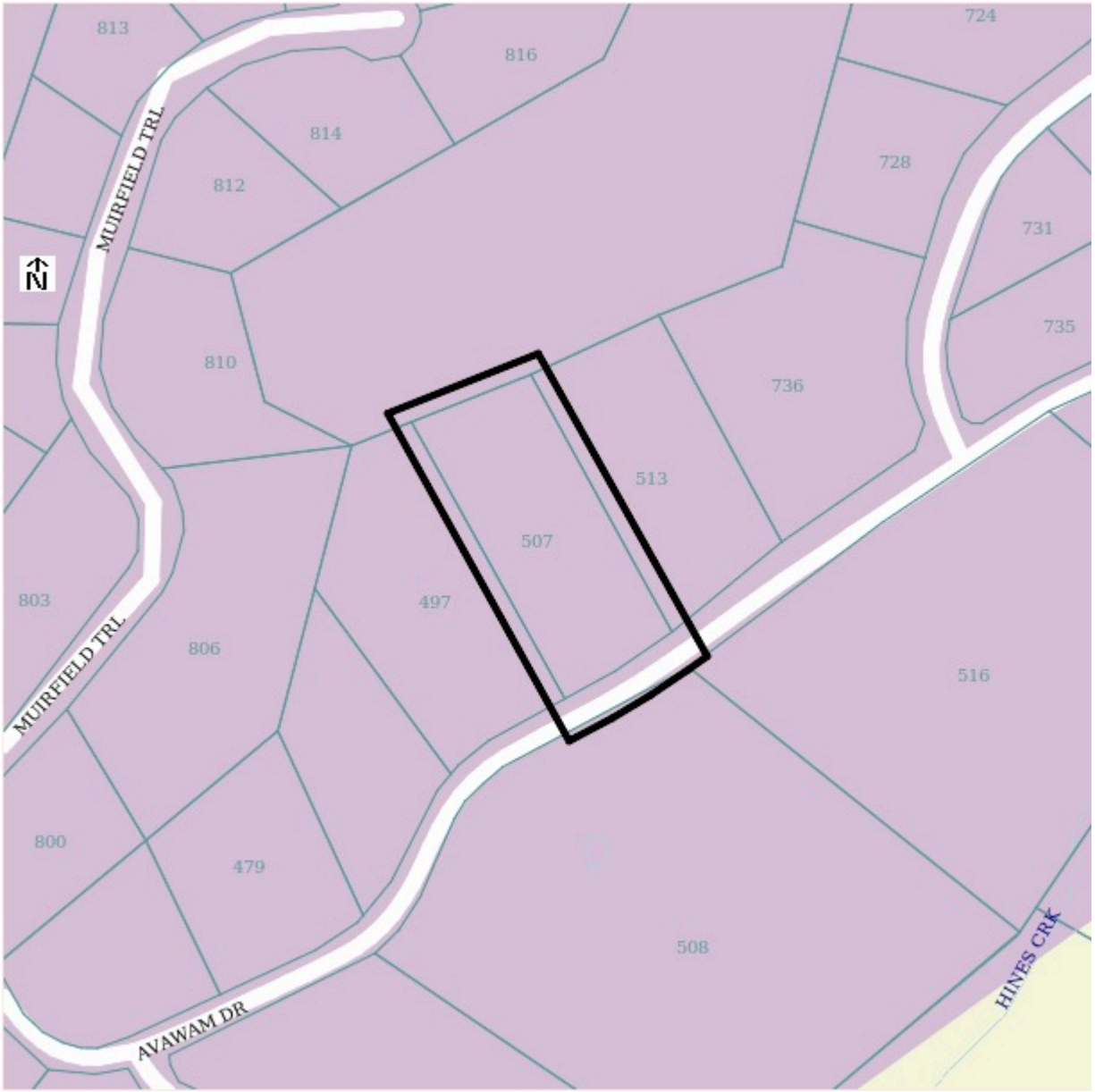
Map Coord

NW Lat 37.8813654 **Lon** -84.3694275 **SE Lat** 37.8800919 **Lon** -84.3680969

Members notified

Company name	District	Type	Status
DELTA NATURAL GAS COMPANY	0277	PIPELINE	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.

Map



Search Tickets

Return to login

Ticket information

Ticket no 232820406
Request Date 10/10/23 09:33 am
Start Date 10/12/23 12:00 am
Expiration date 10/30/23 11:59 pm
Type NXT
EMERGENCY

Excavator information

Excavation information

Location information

State KY
County MADISON
City RICHMOND
Address/street 507 AVAWAM DR
Nearest intersecting street STONEBRIAR WAY

Search place or address

Locate by...

Status History

Date	Type	District	Company	Status	Notes
10/09/23 01:10:41 pm	Ticket Check Response Added	0139	AT&T DISTRIBUTION	No Conflict - The KY811 member has no facilities in the area of excavation described.	
10/09/23 01:10:41 pm	Ticket Check Response Added	0023	TIME WARNER CABLE	No Conflict - The KY811 member has no facilities in the area of excavation described.	
10/09/23 08:20:29	Ticket Created				


Location information

State: KY
 County: MADISON
 City: RICHMOND
 Address/street: 507 AVAWAM DR
 Nearest intersecting street: STONEBRIAR WAY
 Location of work: FROM THE CENTERLINES OF AVAWAM DR AND STONEBRIAR W...
[Show more](#)

Comments: THE FOLLOWING UTILITIES HAVE BEEN MARKED: DELTA NATURAL GAS COMPANY,
[Show less](#)

10/09/23 08:20:29 am	Ticket Created				
10/09/23 08:20:29 am	Ticket Check Response Added	0023	TIME WARNER CABLE	Not yet responded	
10/09/23 08:20:29 am	Ticket Check Response Added	0139	AT&T DISTRIBUTION	Not yet responded	
10/09/23 08:20:29 am	Ticket Check Response Added	0277	DELTA NATURAL GAS COMPANY	Not yet responded	
10/09/23 08:20:29 am	Ticket Check Response Added	0387	BLUE GRASS ENERGY	Not yet responded	
10/09/23 08:20:29 am	Ticket Check Response Added	0500	MADISON CNTY UTILITIES DIST	Not yet responded	
10/09/23 08:44:17 am	Ticket Check Response Added	0500	MADISON CNTY UTILITIES DIST	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.	Conflict. talked with Allen. If you have questions call Jeff at 859-544-4132. 8:40 am 10/9/23 JO
10/09/23 08:44:17 am	Ticket Check Response Added	0387	BLUE GRASS ENERGY	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.	



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Showing 1 to 10 of 11 entries

Previous 1 2 Next

Close



Ticket information



Ticket no 232820406
 Request Date 10/10/23 09:33 am
 Start Date 10/12/23 12:00 am
 Expiration date 10/30/23 11:59 pm
 Type NXT
 EMERGENCY

Search place or address

Locate by... ↕

Excavator information

Excavation information

Location information

State KY
 County MADISON
 City RICHMOND
 Address/street 507 AVAWAM DR
 Nearest intersecting street STONEBRIAR WAY

Status History



Date	Type	District	Company	Status	Notes
10/10/23 09:53:11 am	Ticket Check Response Added	0277	DELTA NATURAL GAS COMPANY	Marked	The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.

Showing 11 to 11 of 11 entries

Previous 1 2 Next

Close

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THE FOLLOWING COMPANIES HAVE RESPONDED: DELTA NATURAL GAS COMPANY,
[Show less](#)

Google

Legend: Locate polygon

Members notified

[Status History](#)

Keyboard shortcuts

Attachment 3

THIRD PARTY DAMAGE REPORT

Date of Damage: 10 10 2023 Time of Damage: 10 19 AM PM
M M / D D / Y Y Y Y 0 0 : 0 0

Address/Location of Damage: 507 Avawam

City: Richmond County: Madison

- Excavator Type:
- Home Owner
 - Contractor
 - Utility
 - State Agency
 - Municipality

Excavator Name: Nate White Phone Number: 859-310-3052

Company Name (if applicable): Fast Flow Plumbing

Address: 390 Blue Sky Pkwy E-mail Address: fastflowky@gmail.com

City: Lexington State: KY Zip: 40508

Company Contact: _____ Company Phone Number: _____

Did Excavator Call 811? Yes No Did Excavator Contact Delta Directly? Yes No

811 Ticket Number: 232820406 Delta Ticket Number: _____

Attach a copy of the 811 Locate Request and a copy of Delta's Locate Request, if applicable
Details, Excavation Equipment Used and Cause of Damage: Using mhi Excavator to dig across gas service line FOR THE INSTALLATION OF A SEWER LINE.

Extent of Injuries and Property Damage: N/A Number of Customers Affected: 1

Steps Taken to Prevent Reoccurrence: Advised of Hand dig practices

- Reason for Damage:
- One-Call Notification Practices Not Sufficient
 - Facility Marking or Location Not Sufficient
 - Other Insufficient Excavation Practices
 - No Notification Made to One-Call Center
 - Wrong Information Provided to One-Call Center
 - Facility Could Not Be Found or Located
 - 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
 - One-Call Center Error
 - Abandoned Facility
 - Deteriorated Facility
 - Previous Damage
 - Data Not Collected
 - Other (Explain): _____

Damaged Pipeline: Punctured Completely Severed Leak Report Number: 2540

Pipe Size: 3/4 Pipe Type: Plastic Steel Map Sheet Number: _____

Facility Type: Transmission Distribution Service Line Main

If service line, was an excess flow valve installed on the line? Yes No

Operating Pressure at Time of Damage: 25 Type Feed: One-Way Two-Way

Duration from time of notification until flow stopped (not necessarily repaired): 30 min

Total Labor Required to Make Repairs: 6 Hours

Materials Used to Make Repairs:

2 ft + 3/4 plastic pipe, (2) 3/4 permasert

Do you want to bill for this incident? Yes No

Shawn Clayton
District Manager

Date 10-16-23



LEAK REPORT

White/System/LOS
Yellow/Central/NR
Pink/Pending/Until Repaired

Upgrading
Copy/Work Order File/LOS

Date Discovered: 10/10/23 Resurvey Date(s): 10/14/23 Thru, 10/15/23, 10/16/23

Leak Class: 1 2 3 Facility Classification: Distribution Main Gathering Line
 Service Line Transmission Line
 Meter Installation Regulator Station

Submitted By: Lindsay Blevins

Leak Location: 507 Arrowmont

Map Sheet Number: 46 640 GPS Latitude: 37.8306504
 VIP Pipeline Designation: _____ Longitude: -84.3686215

How Discovered: Leak Survey Patrol Other - Explain: Excavator called

Date Repaired: 10/10/23 Repaired By: _____

Cause of Leak: **Corrosion** Atmospheric External Internal
 (Send Pipe Sample to Supervisor - Gas Operations)

Natural Forces
 Earthquake Earth/Rock Movement Flood Frost Heave Landslide Lightning Subsidence Tornado Washout Other _____

Incorrect Operations
 Human Error Ineffective Procedures

Equipment
 Excess Flow Valve Filter Flow/Pressure Controller Heater Meter Casing Odorizer Regulator/Relief Valve Thread Valve Other - Explain: _____

Other Outside Force
 External Loading Fire/Explosion Vandalism Vehicle Other - Explain: _____

Material and Welds
 Directional Fitting Flange Mechanical Fitting Pipe Plastic Fusion Coupling Plastic to Plastic Compression Coupling Plastic to Steel Transition Screw Fitting Tap Tee Workmanship Defect Other - Explain: _____

Brittleness - Crack/Split (Send Pipe Sample to Manager-Gas Operations)

Excavation
 Name of Excavator: Note White
 Result of Previous Damage: Yes No

Other - Explain: _____

Pipe Size: 3/4 Pipe Condition: Good Fair Poor

Pipe Type: Plastic: Aldyl A Plexco PE 2406 Other Steel: Threaded Welded

Cathodically Protected: Yes No Cathodic Protection P/S Reading: N/A

Type of Coating: (Steel Only) Bare Millwrap Plastic X-Tru Coat Thin Film
 Other - Explain: N/A

Coating Condition: Satisfactory Unsatisfactory Year Pipe Installed: 2012

Steel Pipe Condition Report Number: N/A Original Work Order Number: 30221-3626

Repair Method: Replaced Leak Clamp Other - Explain: _____

Test Method: (Reinstated Service Lines Only) Leak (Fittings) Pressure 90 Psig 10 min Duration
(2) 3/4 Permanent Coupling





Boones Trace



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00054 DATED MAR 08 2024

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 Andrea Wise, Commission Division of Inspections: Andrea.Wise@ky.gov or 502-782-2656.

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://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

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

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00054 DATED MAR 08 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

FAST FLOW PLUMBING, LLC)	
)	
_____)	
PRESUNTA INFRACCIÓN DE LA LEY DE)	CASO NO.
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	2024-00054
SUBTERRÁNEAS)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE
KENTUCKY

Fast Flow Plumbing, LLC (Fast Flow Plumbing) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).² Una audiencia sobre este caso tendrá lugar el 26 de abril de 2024.

Conforme a la norma KRS 278.495(2), la Comisión tiene jurisdicción para regular la seguridad de las instalaciones de gas natural en Kentucky y para hacer cumplir las normas federales mínimas de seguridad de las tuberías. En virtud de la Ley, la Comisión tiene autoridad para investigar y evaluar las sanciones civiles por cualquier infracción de la Ley que resulte en daños de excavación a una instalación subterránea utilizada para transportar gas natural o líquidos peligrosos sujetos a las leyes federales de seguridad de tuberías, 49 U.S.C. §. 60101 et seq. Toda persona que infrinja cualquier disposición de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

² KRS 367.4901 a KRS 367.4917.

por la primera infracción, no más de 1,000 dólares por la segunda infracción en el plazo de un año, y no más de 3,000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1,000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Fast Flow Plumbing por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Fast Flow Plumbing violó la Ley de Prevención de Daños a Instalaciones Subterráneas. La Comisión considera, además, que debe llevarse a cabo una investigación formal sobre el incidente de los daños causados por la excavación.

POR LO TANTO SE ORDENA que:

1. Fast Flow Plumbing deberá presentar a la Comisión una respuesta por escrito a las alegaciones contenidas en el Informe de Incidencia del Personal en un plazo de 20 días a partir de la recepción de esta Orden a través de un correo electrónico

enviado a PSCED@ky.gov con el número de caso de este procedimiento en el asunto del mensaje.

2. Fast Flow Plumbing comparecerá el 26 de abril de 2024, a las 9 a.m., hora estándar del este, en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia 26 de abril de 2024 se llevará a cabo por videoconferencia.

4. Fast Flow Plumbing deberá asistir a la audiencia utilizando el siguiente enlace: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; la información y las instrucciones se adjuntan a esta Orden como Apéndice B.

5. Fast Flow Plumbing notificará a la Comisión, al menos diez días antes de la audiencia, si Fast Flow Plumbing no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

6. **Cualquier sociedad, corporación o entidad comercial (incluyendo una sociedad de responsabilidad limitada) debe ser representada por un abogado con licencia para ejercer la abogacía en Kentucky y dicha representación incluye la presentación de documentos y las comparecencias en las audiencias ante la Comisión.**

7. Un individuo puede presentar una respuesta a las alegaciones contenidas en el Informe de Incidentes del Personal sin la representación de un abogado.

8. El Informe de Incidentes del Personal 56198, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 26 de abril de 2024 se grabará únicamente por vídeo.

10. **Tenga en cuenta que las partes que no comparezcan después de la notificación estarán sujetas a que se asiente una sentencia en rebeldía contra ellos.**

COMISIÓN DE SERVICIOS PÚBLICOS

Presidente

Vicepresidente

Comisionado/a

HACE CONSTAR:

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00054 FECHADO

DIECINUEVE PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00054 FECHADO

Información e instrucciones para la audiencia

Se le obliga a asistir a una audiencia formal con la Comisión de Servicios Públicos de Kentucky. Tenga en cuenta que la audiencia está programada en la **huso horario del este**, y que la fecha y la hora de la audiencia figuran en la Orden que acompaña a estas instrucciones.

Se le recomienda encarecidamente que descargue la aplicación GoToMeeting ahora y esté preparado para su audiencia. Si no puede comparecer por vídeo utilizando esta aplicación, debe llamar a las oficinas de la Comisión al número que se indica a continuación al menos diez días antes de la audiencia programada. Recibirá instrucciones para presentarse en persona en la sala de audiencias Richard Raff de las oficinas de la Comisión en el 211 Sower Boulevard en Frankfort, Kentucky, a la hora y fecha de su audiencia programada.

Sírvase dirigir cualquier pregunta a Andrea Wise, División de Inspecciones de la Comisión: Andrea.Wise@ky.gov o 502-782-2656.

Para descargar la aplicación GoToMeeting vaya a:

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

El día de su audiencia utilizando su computadora, tableta o teléfono inteligente con capacidad de vídeo. **Acceda al procedimiento en:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

Puede encontrar más información sobre el uso de GoToMeeting en
GoToMeeting - Inicio rápido del asistente

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

GoToMeeting - Cómo unirse a una reunión

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

Requisitos técnicos para utilizar GoToMeeting

Sistema operativo:

Windows 7 – Windows 10
Mac OS X 10.9 (Mavericks) – Mac OS Big Sur (11)
Linux/Ubuntu (sólo aplicación web)
Google Chrome OS (sólo aplicación web)
iOS 11 - iOS 13
Android OS 5 (Lollipop) - Android 10

Navegador web: (Sólo se aplica a la aplicación web)

Google Chrome v72 o más reciente
Microsoft Edge v77 o más reciente

Conexión a Internet:

Computadora: 1 Mbps o superior (se recomienda la banda ancha)
Dispositivo móvil y Chromebook: 3G o superior (se recomienda WiFi para VoIP)

Software:

Aplicación de escritorio de GoToMeeting (con JavaScript activado)
La aplicación GoToMeeting de Apple Store, Google Play Store o Windows Store

Hardware:

2 GB de RAM (mínimo), 4 GB o más de RAM (recomendado)
Dispositivo de cámara web*
Micrófono y altavoces** (se recomiendan auriculares USB)

Dispositivo móvil:

iPhone 5 o más reciente
iPad de 3ª generación o más reciente

Nota: * Para comparecer en la audiencia, ES PRECISO tener una cámara en su dispositivo o conectada a él.

** La mayoría de los dispositivos tienen altavoces incorporados, pero obtendrás una mejor calidad de audio mientras estés conectado por VoIP si utilizas unos auriculares.

*FAST FLOW PLUMBING, LLC
390 Blue Sky Parkway
Lexington, KENTUCKY 40509