

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

R.E.D.S. LLC)	
)	
_____)	CASE NO.
)	2024-00239
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.)

R.E.D.S. LLC (R.E.D.S) 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 October 25, 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 R.E.D.S for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that R.E.D.S 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. R.E.D.S 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. R.E.D.S shall appear on October 25, 2024, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at 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 October 25, 2024 hearing shall be conducted via video conferencing.

4. R.E.D.S 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. R.E.D.S shall notify the Commission at least ten days prior to the hearing if R.E.D.S 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 54749, attached to this Order as Appendix A, is made a part of the record in this case.

9. The October 25, 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
AUG 15 2024
rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00239 DATED AUG 15 2024

TWENTY PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54749 **Investigation** 11158
Incident Date 5/16/2022 11:30:00 AM **Report Submitted** 6/21/2022

Operator Information

Operator Duke Energy Kentucky, Inc. **Reported By** Tyler Shelton
Phone (859) 445-8721 **Email** tyler.shelton@duke-energy.com

Incident Location 98 Garvey Ave **Locate Ticket Number** No Ticket
 Elsmere KY 41018
 98 Garvey Ave
County Kenton

Excavator Information

Excavator TJ Page **Organization ID** 0941509
 R.E.D.S. LLC
Phone 859-291-4668 **Email**
Address 9302 Alexandria Pike **Locate Ticket Number** No Ticket
 Alexandria KY 41004

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call-KY Contact Center	Yes	Yes	Mechanized / Skid Steer	\$0.00	\$0.00

The Operator reports that the Excavator damaged a valve box with a skid steer leveling the ground and failed to contact 811. A Legal Notice of Gas Line Damage was sent to the Excavator.

The DR and Notice are included as Attachment 1.

INVESTIGATION

On 02/15/24, the Operator, Duke's Tyler Shelton, provided the following documents:

- Damage Investigation Findings: Outlined in the DR Summary & Attachment 1.
- Invoice: Indicating the Operator billed the Excavator \$1,649.31 for the damage repair and per Mr. Shelton it was paid in full.

Duke's documents are included as Attachment 2.

A Past Due Notice was sent to the Excavator with a due date of 04/04/24.

The Notice is included as Attachment 3.

On 03/05/24, an attempt to contact the Excavator at 859-291-4668 resulted in a message stating the voice mailbox is full. An attempt to contact Allen Nageleisen resulted in a message stating you have reached 513-235-3300 wherein a message was left. An attempt to contact Forman James Russ, at 859-992-7665 resulted in a message that the number is no longer in service. *Note*: Mr. Nageleisen's and Mr. Russ's information was obtained from previous reports.

On 03/05/24, Mr. Nageleisen returned the call stating that he had no idea if R.E.D.S. caused this damage, it occurred two yours ago, was going into a meeting and would call back in an hour.

PIPELINE DAMAGE INVESTIGATION REPORT

On 03/12/24, in a follow up call to Mr. Nageleisen he stated that he was not going to deal with a two year old damage and would “deny all allegations”.

VIOLATIONS¹

KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation, or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, unless a future start date is agreed upon as provided in KRS 367.4917(7), notify each affected operator's designated protection notification center of the excavator's intended work and work schedule.

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	54749	05/16/22	05/17/23
Resolved Incidents			
2 nd	43153	10/05/20	N/A
1 st	43062	09/09/20	

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

Duke Energy Kentucky, Inc.

Submitted 6/21/2022 Incident ID: 54749

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54749\)](#)

Reported By:

Name: Tyler Shelton
Phone: (859) 445-8721
Email: tyler.shelton@duke-energy.com

Gas Line Incident Occured:

Date: 5/16/2022
Time: 11:30 AM

Details:

Reported Date: 6/21/2022 12:05 PM

Incident Location Address:

Location: 98 Garvey Ave
Address: 98 Garvey Ave
City: Elsmere
State: KY
County: Kenton
Zip: 41018
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.: No Ticket

Excavator: Contractor

Excavator Address:

First Name: TJ
Last Name: Page
Organization ID: Reds LLC
Company: Reds LLC
Phone: 8592914668
Email:
Address: 9302 Alexandria Pike
City: Alexandria
State: KY
Zip: 41004
Confirm Code:

Excavation Damage: No notification made to the One Call Center

Description of Incident No notification made to the onecall center
Summary Information

6/21/2022

STATEMENTS Per TJ Page of Reds LLC, he stated that he was trying to level the ground with a skid steer at the new police station being built. As he was doing that he hit the top of the valve box with the skid steer causing damage to the pressure stem valve, that is attached to the gas main. He advised that he and his boss looked for a locate ticket and they could not find one. DETERMINATION It has been determined that, on 05/16/2022, Reds LLC was operating a skid steer near 98 Garvey Ave, Elsmere, KY 41018. Reds LLC failed to notify the One Call Center. In doing so, they struck an underground pressure stem valve at the new police station being built at this location in Elsmere Kentucky. In the state of Kentucky, you need to have a valid locate ticket from the One Call Center before you can start digging.

Full details such as the cause

Extent of the damage	1" Plastic Pressure Stem
Cost of the damage	\$0.00
Steps taken to prevent re-occurrence	
Amount billed to excavator	\$0.00



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

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

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

February 1, 2024

R.E.D.S. LLC
9302 Alexandria Pike
Alexandria KY 41004

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **54749**

LEGAL NOTICE OF GAS LINE DAMAGE

Dear R.E.D.S.:

The Kentucky Public Service Commission (Commission) received the attached report on June 21, 2022, regarding damage by R.E.D.S. to a natural gas facility owned and/or operated by the Duke Energy Kentucky, Inc. The Gas Excavation Damage Report (Damage Report) from Duke Energy Kentucky, Inc. indicates that on **May 16, 2022**, R.E.D.S. violated the Underground Facilities Damage Prevention Act at 98 Garvey Ave., Elsmere KY 41018 by **failing to contact the Kentucky Contact Center (811) prior to excavating**.

Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate and assess civil penalties for any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation.

Based upon the allegations contained in the Damage Report and the Commission's records of prior underground facility damage, Commission Staff has determined that:

1. This incident is the first incident of damage to an underground facility involving R.E.D.S. within the past 365 days.
2. The statutory provision that R.E.D.S. is alleged to have violated is:

KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less

than two (2) full working days nor more than ten (10) full working days prior to commencing work, unless a future start date is agreed upon as provided in KRS 367.4917(7), notify each affected operator's designated protection notification center of the excavator's intended work and work schedule.

3. The civil penalty for this alleged violation is \$1,250.00

RESPONSE REQUIRED FOR RESOLUTION

There are three options you may choose from to resolve this violation. *Please select a method of resolution listed below:*

1. **Dispute the Alleged Violation:** R.E.D.S. has the right to dispute the allegations made by Duke Energy Kentucky, Inc. If you have additional facts or evidence that you wish to provide to dispute the allegations made in the Damage Report, please contact Eric V. Tout, Division of Inspections at ericv.tout@ky.gov or 502-782-2622, prior to paying the civil penalty.

2. **Penalty Payment:** This incident may be resolved by R.E.D.S. paying the full amount of the civil penalty listed above. *Payment of the penalty will not be considered an admission of willfully violating any provision of the Act.*

If R.E.D.S. does not wish to dispute the alleged violation, R.E.D.S. should submit payment, within 30 days of the date of this letter, in the amount of \$1,250.00.

3. **Training & Reduced Penalty:** If this letter indicates this is R.E.D.S.'s first alleged violation of the Act, R.E.D.S. should register to attend a training course that if completed will **reduce the civil penalty amount due to \$250**. *Payment of the reduced penalty will not be considered an admission of willfully violating any provision of the Act.*

To register for the training course, go to <https://psc.ky.gov/classSignUp>. You will need your incident number: **54749** and assigned key: **11158** to register for the next available training date. Please understand that this training will be required as a contingency for the reduced penalty amount.

If the excavator would like to pay via electronic payment, please contact Andrea Wise at andrea.wise@ky.gov or (502) 782-2656 to have a digital invoice issued. If submitting payment by mail, please send a cashier's check or money order, made payable to **Kentucky State Treasurer**, to the address listed below:

**Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602**

Please include the Incident Number 54749 on the cashier's check or money order submitted for payment or any email request for invoice.

Checks made payable to any other payee besides the **Kentucky State Treasurer** or without the **Incident Number** cannot be processed and will be returned, thus delaying the resolution of this matter.

ADMINISTRATIVE PROCEEDING

If R.E.D.S. does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or provide the Division of Inspections with additional information that relieves R.E.D.S. of responsibility for the damage, the Commission will institute an administrative proceeding against R.E.D.S..

The Administrative Proceeding will include a formal hearing in front of the Commission, during which R.E.D.S. will have the opportunity to present evidence, call witnesses, and cross examine witnesses called by the Division of Inspections. Failure to participate in these proceedings may result in a default judgement against R.E.D.S. for the full amount of the proposed civil penalty. Pursuant to Kentucky law, **all business entities, including limited liability companies, must be represented at the administrative proceeding by legal counsel licensed to practice law in Kentucky.**

If you have questions regarding the Administrative Proceeding, please contact Jessica Norris-Canfield, the attorney representing the Division of Inspections, at 502-791-0493 or jnorriscanfield@ky.gov.

Sincerely,



Michael C. Nantz
Director, Division of Inspections

Attachment

Attachment 2

Tout, Eric V (PSC)

From: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Sent: Thursday, February 15, 2024 9:34 AM
To: Tout, Eric V (PSC)
Subject: RE: [EXTERNAL] 54749, 5/16/2022, 98 Garvey Ave., Elsmere, R.E.D.S.
Attachments: 487006 - Claim Support Package.pdf

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

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hello Eric,

This was paid in full by he excavator. Claim package attached.

Thank you,

Tyler Shelton

Gas Integrity Risk Program Manager, Duke Energy Inc.

 Mobile: 859-445-8721 |  Email: tyler.shelton@duke-energy.com

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, February 15, 2024 6:32 AM
To: Shelton, Tyler <Tyler.Shelton@duke-energy.com>
Subject: [EXTERNAL] 54749, 5/16/2022, 98 Garvey Ave., Elsmere, R.E.D.S.

***** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Tyler,

Please send reports, photos pre & post, invoices and payment info (copy of check) if paid.

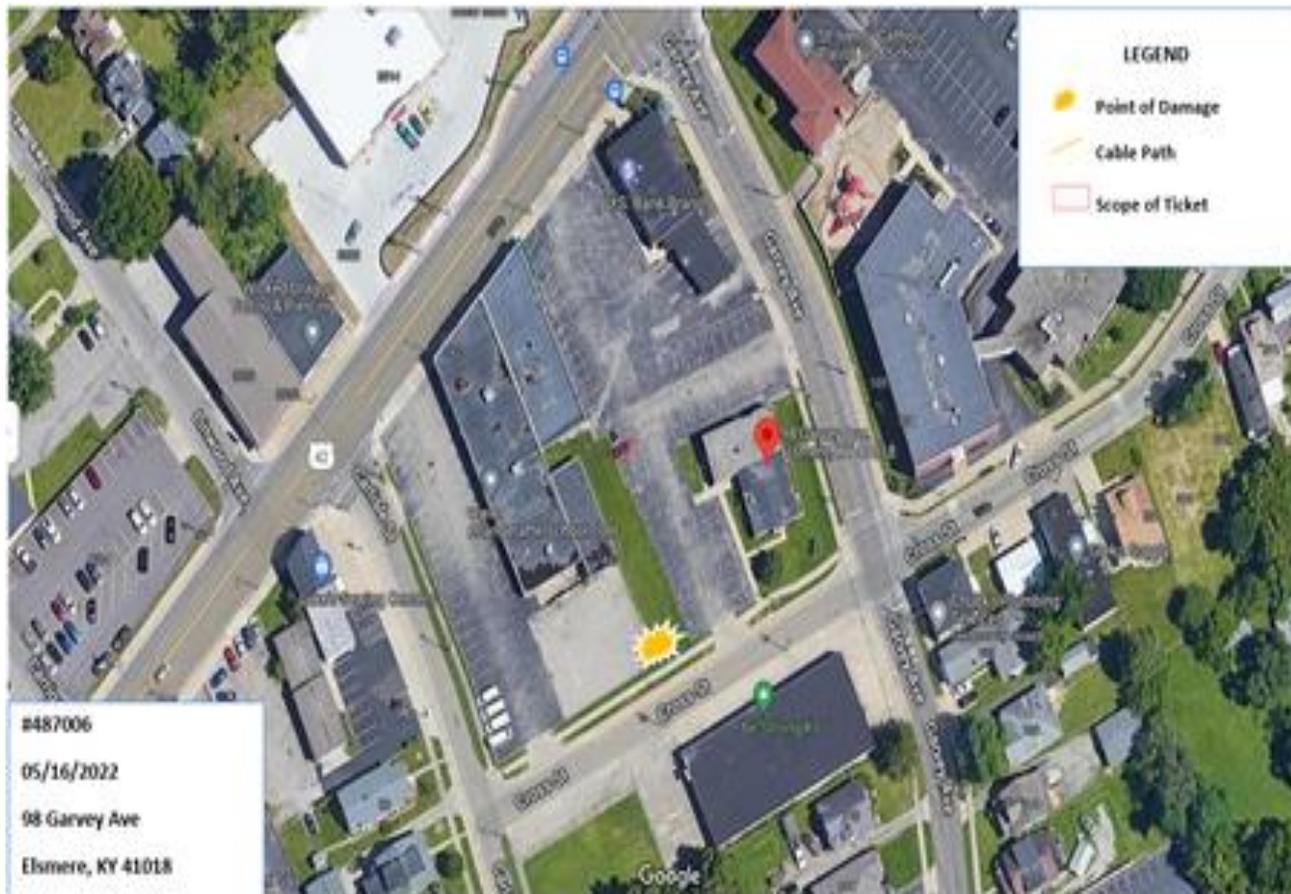
*Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582*

Damage Investigation Findings

PRG CLAIM:	DK-487006	
DATE OF OUTAGE:	05/16/2022	11:30 AM
NOTIFICATION:	05/16/2022	11:39 AM
ARRIVAL:	05/16/2022	12:31 PM
LOCATION:	98 Garvey Ave, Elsmere, KY 41018	
LOCATE TICKET:	NONE	
INVESTIGATOR:	Isaak Davis	

SUMMARY

On Monday, May 16, 2022, I was notified by Duke Energy about damage at 98 Garvey Ave, Elsmere, KY 41018. Duke Energy's Underground Facilities were damaged at the above stated location by a Skid Steer.



STATEMENTS

Per TJ Page of Reds LLC, he stated that he was trying to level the ground with a skid steer at the new police station being built. As he was doing that he hit the top of the valve box with the skid steer causing damage to the pressure stem valve, that is attached to the gas main. He advised that he and his boss looked for a locate ticket and they could not find one.

DETERMINATION

It has been determined that, on 05/16/2022, Reds LLC was operating a skid steer near 98 Garvey Ave, Elsmere, KY 41018. Reds LLC failed to notify the One Call Center. In doing so, they struck an underground pressure stem valve at the new police station being built at this location in Elsmere Kentucky. In the state of Kentucky, you need to have a valid locate ticket from the One Call Center before you can start digging.

Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement. Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator.



ROOT CAUSE

In closing of this investigation, I have concluded that Reds LLC, is responsible for all damages that occurred at this location and is liable for any monies owed to Duke Energy, care of PRG for repairs and replacements.



487006 - Investigator1.jpeg



487006 - Investigator2.jpeg



487006 - Investigator3.jpeg



487006 - Investigator4.jpeg



487006 - Investigator5.jpeg



487006 - Investigator6.jpeg



487006 - Investigator7.jpeg



487006 - Investigator8.jpeg



487006 - Investigator9.jpeg

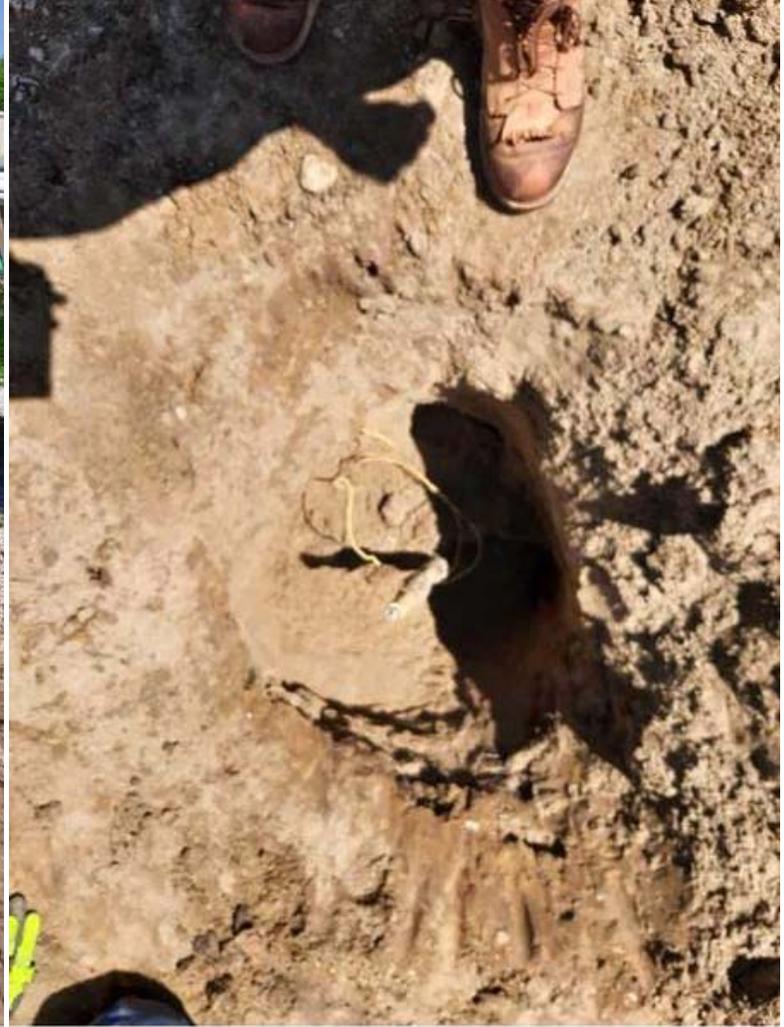


487006 - Locate Damage1.jpg



Property of United States Infrastructure Corporation
Photo created on 05/16/2022 12:22:34 PM EDT

487006 - Locate Damage2.jpg



Property of United States Infrastructure Corporation
Photo created on 05/16/2022 12:22:58 PM EDT

487006 - Locate Damage3.jpg



INVOICE



Please Make Check Payable to: Project Resources Group

Remit to: Project Resources Group, Inc. Attn. Damage Claims 5690 DTC Blvd, Suite 650 E Greenwood Village, CO 80111 Terms: Due Upon Receipt EIN: 84-1576547	Invoice # DK-487006 Date: June 24, 2022 Terms: Due Upon Receipt Conf. Code # VA6Q3 Bank: BOK Financial Account #: Remit Email: accounting@prgconsulting.net
--	--

Responsible for Damages: Reds LLC 9302 Alexandria Pike Alexandria, KY 41004

Date & Address Where Damage Occurred: 5/16/2022 98 Garvey Ave Elsmere, KY 41018
--

<u>Labor and Materials Costs:</u>			
	<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>			
Mechanic Iii - Gas Plant (12049)	5.00	35.31	\$176.55
Mechanic Operator Ii	3.00	68.10	\$204.30
Mechanic Iii - C&M (12049)	4.00	35.79	\$143.16
Service Mechanic B	1.00	75.78	\$75.78
Supervisor	1.40	94.34	\$132.07
Emergency Call Out	1.00	250.00	\$250.00
Van > 8500	4.00	31.26	\$125.05
Drw 15-26K Utility, Stake, Flat, Dump 4X4	1.00	7.81	\$7.81
Digger Derrick / Line Truck	5.00	32.53	\$162.65
Damage Investigation/Quality Control	1.00		\$330.00
Sub-Total			\$1,607.37
<i>Material Costs</i>			
Adapter, Pipe Reducing, 1" Ips X 3/4" Ips, Bt	1.00	33.98	\$33.98
Coupling; Pipe; 1" Cts; Stab; 125 Lb; Pe; Ast	1.00	7.96	\$7.96
Sub-Total			\$41.94
Invoice Total			\$1,649.31

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Valerie Nyczak, 720-900-2563 or via email please contact: vnyczak@prgconsulting.net

This communication is from an entity considered a debt collector by the State of North Carolina Division of Insurance attempting to collect a debt. Any information will be used for that purpose.

Attachment 3



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

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

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

March 5, 2024

R.E.D.S. LLC
9302 Alexandria Pike
Alexandria, KY 41004

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54749**

Past Due Notice

Dear R.E.D.S. LLC:

This is a reminder that your account is now past due. Attached is the Notice of Gas Line Damage and the Damage Report that was previously sent to you for the above Incident, which our records indicate as **UNRESOLVED**.

If R.E.D.S. does not, **within 30 days** of the date of this letter, pay the proposed civil penalty of **\$1,250.00** in full, or complete the course and pay the reduced penalty of **\$250.00**, or provide the Division of Inspections with additional information that relieves R.E.D.S. of responsibility for the damage, the Commission will institute an administrative proceeding against R.E.D.S. Please refer to the attached Notice of Gas Line Damage for instructions to schedule training and/or submit payment.

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

If you have any questions regarding this notice or if you find that this penalty has already been paid, please contact Eric Tout, Division of Inspections, at ericv.tout@ky.gov or 502-782-2622.

Sincerely,

Michael C. Nantz
Director, Division of Inspections

Attachment

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00239 DATED AUG 15 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 at 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. 2024-00239 DATED AUG 15 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

R.E.D.S. LLC)	
)	
_____)	CASO NO.
)	2024-00239
PRESUNTA INFRACCIÓN DE LA LEY DE)	
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	
SUBTERRÁNEAS)	

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

R.E.D.S. LLC (R.E.D.S) 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).¹ Una audiencia sobre este caso tendrá lugar el 25 de octubre 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

¹ 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 R.E.D.S por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que R.E.D.S 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. R.E.D.S 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. R.E.D.S comparecerá el 25 de octubre 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 25 de octubre de 2024 se llevará a cabo por videoconferencia.

4. R.E.D.S 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. R.E.D.S notificará a la Comisión, al menos diez días antes de la audiencia, si R.E.D.S 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 54749, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 25 de octubre 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. 2024-00239 FECHADO

VEINTE PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00239 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 estás conectado por VoIP si utilizas unos auriculares.

TJ Page
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