COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:		
H BURY AND BORE LLC)))	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND FACILITY DAMAGE PREVENTION ACT)	2025-00094

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 B.)

H Bury and Bore LLC (H Bury and Bore) 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). A hearing in this case shall take place on July 24, 2025.

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 H Bury and Bore 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, 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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that H Bury and Bore 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. H Bury and Bore 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. H Bury and Bore shall appear on July 24, 2025, 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 July 24, 2025 hearing shall be conducted via video conferencing.
- 4 H Bury and Bore shall attend the hearing by using the following link:

https://teams.microsoft.com/l/meetupioin/19%3ameeting M2Q4ZDM3ZjQtZTc3ZS00YzBiLTgwMDUtODU2ZTVhNTVi NTk4%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461fb625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-480337c1709c%22%7d

Meeting ID: 275 502 115 509 Passcode: Wo2gW2yB

- H Bury and Bore shall notify the Commission at least ten days prior to the 5. hearing if H Bury and Bore is unable to appear by video conferencing and will therefore appear in person.
- 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 55301, attached to this Order as Appendix A, is made a part of the record in this case.
 - 9. The July 24, 2025 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.

-3-

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioned

ATTEST:

Executive Director

ENTERED

APR 24 2025

jdc KENTUCKY PUBLIC SERVICE COMMISSION

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00094 DATED APR 24 2025

THIRTY-ONE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout Incident ID 55301 Investigation 12049

Incident Date 12/1/2022 4:00:00 PM Report Submitted 1/3/2023

Operator Information

Operator Atmos Energy Corporation Reported By Bill Stanley

Phone 2703140712 Email bill.stanley@atmosenergy.com

Incident Location 6430 KY 56 Locate Ticket Number 223191625

Owensboro KY 42301

6430 KY-56 (Owensboro)

County Daviess

Excavator Information

Excavator Ulyses Hernandez Organization ID 1130390

H Bury & Bore LLC

Phone 502-418-5947 **Email** n/a

Address 730 Huntington Park Dr Locate Ticket Number 223191625

Louisville KY 40213

Damage Report (DR) Summary

Excavation Within 24"	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of	Amount
(Tolerance Zone)	Contained	Released	Type Of Equipment Osed	Damage	Billed
No call KY Contact Center (811)	Yes	Yes	Mechanized/Boring	\$450.00	\$450.00

The Operator reports that the Excavator damaged a 1/2" PE service, with the boring machine, installing communication cables and failed to contact 811.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary							
Ticket #	Valid for	Initial	Expiration Date	Incident	# of Days	Within Scope of	
TICKEL#	Vallu 101	Date	(21 calendar days from initial date)	Date	Expired	Excavation	
223191625	National OnDemand	11/15/22	12/06/22	12/01/22	N/A	Yes	

A review of LT...1625 revealed National OnDemand obtained it to do work for National OnDemand to bury a Spectrum service line indicating H Bury & Bore held no valid LT on the incident date.

The LT is included as Attachment 2.

INVESTIGATION

On 10/08/24, the Operator, Atmos's Bill Stanley, stated no photographs are available for this incident and Mr. Stanley provided the following documents:

- Leak Found Report, Third Party Damage Report & DR: Outlined in the DR Summary & Attachment 1.
- · Invoice: Indicating the Operator billed the Excavator \$450.28 for the damage repair.

Atmos's documents are included as Attachment 3.

PIPELINE DAMAGE INVESTIGATION REPORT

On 10/20/24, Ulyses Hernandez of H Bury & Bore stated, via email, that he was an employee of National OnDemand and Mr. Hernandez provided the following documents:

- <u>Email with a faded document:</u> 10/18/24 email from Charlie Brown of National OnDemand to Mr. Hernandez stating, "There's what I have on this one, looks like gas was marked. I would be asking for photos of the damage area, was it not marked correctly?"
- Six photographs: Note: Staff is unable to determine what the photographs are due to quality issues.

Mr. Hernandez's documents are included as Attachment 4.

On 10/21/24, a response to Mr. Hernandez's 10/20/24 email was sent indicting the poor quality of the documents degrade the evidentiary value and Staff provided instructions on how to resolve this matter. Mr. Hernandez responded that he was an employee of National OnDemand and was "covered under the National OnDemand's umbrella".

On 11/06/24, Staff responded to Mr. Hernandez's 10/21/24 email informing Mr. Hernandez popper documentation, such as a paystub, would be required and if no documentation of employment was available follow the instructions outlined in the Legal Notice of Gas Line Damage for resolution.

Email to Mr. Hernandez is included as Attachment 5.

VIOLATIONS1

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 1 st Offence Date (Last Offence Date +366 Days)
1 st	See above	12/01/22	12/02/23

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



Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 1/3/2023 Incident ID: 55301

Set back to Edit Staff Edit

Print (PDFForm.aspx?Rpt=GasInvestigation&IG=55301)

Reported By:

Name: Bill Stanley

Phone: 2703140712

Email: bill.stanley@atmosenergy.com

Gas Line Incident Occured:

Date: 12/1/2022

Time: 4:00 PM

Details:

Reported Date: 12/2/2022 9:42 AM

Incident Location Address:

Location: 6430 KY-56 (Owensboro)

Address: 6430 KY 56

City: Owensboro

State: KY

County: Daviess

Zip: 42301

Confirm Code:

Number of Customers out:

Was gas or hazardous liquids contained

* 3/2020

in the underground facility?

Was gas or hazardous liquids released

into the atmosphere?

Locate Request Ticket No.: 223191625

Type of equipment involved: Select Detail

Distance from the nearest communication Feet Inches

terminal:

Feet Inches Depth of damage from the surface:

Excavator: Contractor

Excavator Address:

First Name: Ulyses

Last Name: Hernandez

Organization ID: n/a

Company: H Bury & Bore

Phone: 502-418-5947

Email: n/a

Address: 730 Huntington Park Dr

City: Louisville

State: KY

Zip: 40213

Confirm Code:

No notification made to the One Call Center **Excavation Damage:**

Description of Incident H Bury & Bore damaged a 1/2" PE service line.

Summary Information

1/3/2023

H Bury & Bore was boring in communications cable for Spectrum and

Full details such as the damaged a 1/2" PE service with the boring machine. The service was correctly located. A valid locate request was provided for National One cause

Demand. H Bury & Bore is not listed on the ticket.

Repaired 1/2" PE service. **Extent of the damage**

Cost of the damage \$450.00

re-occurance

Steps taken to prevent H Bury & Bore was educated onsite about proper one call procedures and about using hand tools when required to pot hole. H Bury and Bore was

billed for the repair.

Amount billed to excavator

\$450.00



Kentucky 811

Ticket no 223191625 Type NORMAL NXT

 Request date
 11/15/22 04:07 pm

 Start date
 11/18/22 12:00 am

 Expiration date
 12/06/22 11:59 pm

Excavator information

Excavator nameNATIONAL ONDEMAND

Address
1200 BELL LANE SUITE C

NEW ALBANY, IN 47150

Company phone 502-991-5178

Requested bySAMANTHA PEAVLERPhone502-991-5178On-site nameJULIANOn-site phone502-235-0378

Contact email Samantha.Peavler@nationalondemand.com

Excavation information

Type of work BURY SPECTRUM SERVICE LINE

Depth (ft) 6 Explosives N

Area marked N

Job name/number

Work done for NATIONAL ONDEMAND

Location information

County DAVIESS City SORGHO

Address/street 6430 STATE RTE 56

Nearest intersecting street NORTHWOOD DR

Location of work MARK ENTIRE PROPERTY.

Comments

Map Coord

Members notified

Company name	District	Туре	Status
ATMOS ENERGY	0132	PIPELINE	Marked - The approximate
			location has been marked. File a
			2ND NOTICE with KY811 if
			marks are not complete and
			accurate. (marked service and
			main)
AT&T DISTRIBUTION	0139	COMMUNICATIONS	Marked - The approximate

location has been marked. File a

2ND NOTICE with KY811 if

			accurate.
KENERGY CORPORATION	0195	Е	Marked - The approximate
			location has been marked. File a
			2ND NOTICE with KY811 if
			marks are not complete and
			accurate.
SPECTRUM	0372	TV	Marked - The approximate
			location has been marked. File a
			2ND NOTICE with KY811 if
			marks are not complete and
			accurate.

marks are not complete and

Мар





From: Stanley, Bill Tout, Eric V (PSC)

Re: 55301, 12/1/2022, 6430 KY 56, Owensboro, H Bury & Bore Tuesday, October 8, 2024 2:30:09 PM

To: Subject: Date:

This Message Originated from Outside the Organization

This Message Is From an External Sender

Report Suspicious

Please use the below link to access the documents. We do not have any photos for this incident.

Thank you

Bill

From: Tout, Eric V (PSC) <ericv.tout@ky.gov> Sent: Tuesday, October 8, 2024 6:02 AM To: Stanley, Bill <Bill.Stanley@atmosenergy.com>

Subject: [EXT] RE: 55301, 12/1/2022, 6430 KY 56, Owensboro, H Bury & Bore

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.

Doing follow up.

From: Tout, Eric V (PSC)

Sent: Monday, September 30, 2024 8:00 AM To: Stanley, Bill E <Bill.Stanley@atmosenergy.com>

Subject: 55301, 12/1/2022, 6430 KY 56, Owensboro, H Bury & Bore

Hello Bill,

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

ATMOS energy

Form UOC-48 Rev. 7-2015

LEAK FOUND REPORT

	eAM WO#: 2 5 8 i 9 1 3 3 Construction Order Number: C 0 4 3 2 4 6 2
	Leak Asset #: 7 1 1 5 0 3 Project Number: 0 5 0 • 2 3 9 5 7
	Division: 0 0 9 District / Cost Q 6 3 6 County / Parish: Davics Town: Owenshood
	State: Tax District: 9 0 9 0 2 □ ICL 9 OCL Map Sheet #:
	Address/Location: 6430 Huy 56 Cross Street: Noith Wood Dr
	Asset Description:Land Description:Land
	GPS Coordinates: Latitude 37.757629 Longitude - 97.428 079 Leak Survey Area:
	Class Location: 1 1 2 1 3 1 4 Facilities Class: Distribution Transmission Gathering Storage Production
	Date Leak Found: Time Leak Found: Fou
	Leak Grade:
	(M15) Leak Graded By: (M1) Surveying Leaks ID#: 8475 0
	Suspected Facility: Main Service Riser Yardline Meter Loop Other Feet to Building: 5
	CGI Reading: ŢŌŌ % Gas % LEL Surface Type: Ø Dirt □ Brick □ Concrete □ Asphalt □ Rock □ Liquid □ Other
,	Leak Found: Yes Third Party Damage: Yes (If Yes, complete Third Party Damage Form) Leak Located: Above Ground Below Ground No Residual Gas: Yes Yes (If Yes, complete Third Party Damage Form) Reason Not Repaired: Duplicate Order Customer Line No No Not Natural Gas
	Notes: Thone Contractor boxing line boxed Other Company into 1/2 75 Service Duy Remote and No Leak Found
	Sovered de FD Onsite evaluate 6440
	Initial Leak Cause: ☐ Corrosion Group ☐ Corrosion ☐ Dent ☐ Gouge ☐ Operator Personnel / Contractors Excavating ☐ Factory Defect
	Other Third Party Excevators
	☑ Other Third Party Excavators ☐ Wrinkle / Bend ☐ Locator ☐ Weld (Steel) ☐ Vehicle (Auto / Truck / Etc.) ☐ Fusion Defect (Plastic)
	□ Locator □ Vehicle (Auto / Truck / Etc.) □ Natural Forces Group □ Lightning □ Washout □ Ground Movement □ Ground Movement □ Weld (Steel) □ Fusion Defect (Plastic) □ Fusion Defect (Plastic) □ Equipment Group □ Equipment Malfunction □ Gasket / O-Ring □ Packing
••	□ Locator □ Vehicle (Auto / Truck / Etc.) □ Natural Forces Group □ Lightning □ Washout □ Ground Movement □ Ice □ Operations Group
****	□ Locator □ Vehicle (Auto / Truck / Etc.) □ Natural Forces Group □ Lightning □ Washout □ Ground Movement □ Ice □ Static Electricity □ Other Outside Forces Group □ Stripped Threads □ Weld (Steel) □ Fusion Defect (Plastic) □ Fusion Defect (Plastic) □ Fusion Defect (Plastic) □ Group □ Equipment Malfunction □ Gasket / O-Ring □ Packing □ Operations Group □ Inadequate / Failure to Follow Procedures □ Stripped Threads
***	Weld (Steel) Vehicle (Auto / Truck / Etc.)
no.	□ Locator □ Vehicle (Auto / Truck / Etc.) □ Natural Forces Group □ Lightning □ Washout □ Ground Movement □ Ice □ Static Electricity □ Other Outside Forces Group □ Stripped Threads □ Weld (Steel) □ Fusion Defect (Plastic) □ Cquipment Group □ Equipment Malfunction □ Gasket / O-Ring □ Packing □ Operations Group □ Inadequate / Failure to Follow Procedures □ Stripped Threads

THIRD PARTY DAMAGE FORM

eAM WO#: 25819133 Cor	nstruction Order Number: C 0 43 2 4 62
Leak Asset #: 7 1 1 5 0 3	Project Number: 0 5 0 • 2 3 9 5 7
	Rate Division: 009
INCIDENT	DETAILS
Date of Damage: 1-2 / 01 / 2 0 22	Time of Damage: 0 4 0 0 0 AM APM
Was the Regulatory Commission called? Ze Yes Yes Incident	t Number:
Address/Location: 6430 State Route 56	Cross Street: Northwood Do
City: Owers have County/Parish:	Daviess State: Ky
ROW: Public-City Street Private Business Private-Land Owner Private-Easement Private-Easeme	☐ Dedicated Public Utility Easement ☐ Federal Land ☐ Railroad ☐ Unknown/Other
EXCAVATOR	
Company Name: But	H Bury & Bore
Address: 730 Huntington Vail	De
City: Louis Mille	State: <u>Ky</u> zip: <u>40013</u>
Contact Name: Way UIXSES Hernande	Phone: 502 418 5947
Excavator Type: Contractor □ County □ Farmer □ Municipality □ Home Owner □ Unknown/Other	Occupant Railroad State Utility Developer
Pipeline Damage With;	
☐ Auger ☐ Drilling ☐ Grader/Sc ☐ Backhoe/Trackhoe ☐ Directional Drilling ☐ Hand Tools ☐ Boring ☐ Explosives ☐ Vacuum En	□ Trencher □ Unknown/Other
□ Bldg Demolition □ Irrigation □ Site I ☑ Cable TV □ Landscaping □ Stear □ Curb/Sidewalk □ Grading □ Storm □ Drainage □ Pole □ Street	er (Sanitary/Storm) Development Mater Improvement Liquid Pipeline Drain/Culvert Milling Unknown/Other Ommunications
Excavator Incur Downtime: Yes \(\text{No} \) No \(\text{Unknown} \) How much I	
AFFECTED FACI	
Did Excavator Notify Atmos Energy Directly? 🗆 Yes 🗅 No 💆 Unknow	ter? Mayes No Unknown Locate Ticket Number: 223191625
Excavator Notified 911? Yes No Unknown Name:	
Facility Type: 📝 Distribution □ Gathering □ Service/Stub □ Trans Pipeline Material: □ Bare Steel □ Coated Steel □ Cast Iron 🦻 PE	
Facility Damaged On: 💆 Body of Pipe 🔲 Coating 🗎 Housing 🗀 Of	
Type of Pipeline Damaged: Intrastate □ Interstate □ Unknown	
Pipeline Status: Active Idle New Pipe (no product) Abar	adi, i'
Damaged Pipe Diameter: //2 inches Depth of Fa Joint Trench: ☐ Yes ☐ No ØUnknown	acility: 411 feet 24 inches
DAMAGE & IMPA	ACT DETAILS
Damaged by: ∭3 Third Party ☐ Operator ☐ Operator's Contractor	Caused Service Interruption: ✓ Yes □ No
Requires Regulatory Notification: 🗆 Yes 🗆 No	Customer Affected:
☐ Death/Hospitilization	Number of Injuries:
☐ Property Damage ≥ \$50,000	Type of Injuries:
☐ Estimated gas loss ≥ 3 million cubic feet	Number of Fatalities:
	Outage Hours:
inm I/OC 53 Rev 7-2015	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
NOTIFYING, LOCATING, MARKING DI	ETAILS
Locate Request to OneCall Center Prior to Excavation:	
Center Name: OneCall Tick	tet Number: <u>22319/625</u>
Date of Notification:	
Original Locator: Pipeline Operator Utility Owner Data Not Collected Utility Owner Contract Locator Locator Name:	nknown/Other
Marked by White Lining:	roper Notice: Q Yes Q No Q Unknown
Date of Positive: Time of Po	ositive: AM OPI
Excavator made 2nd call to OneCall: Yes One OneCall: Yes One OneCall: OneCa	ct 🗆 All clear appears questionable 🗅 Other
2nd Notice Ticket Number: Date of 2nd Notice:	///
Facility gave positive response to 2nd notice:	
Date of Positive: Time of Po	sitive: AM PI
Medthod 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 ☐ Improper type of marking ☐ Other:	☐ Pipeline was not marked accurately
Distance of Inaccurate Marks from Pipeline:feet	inches
OTHER INFORMATION	tanka a
Line Pressure:	
Insurance Company: Agent Name:	Phone #:
Locate Mark within State Law:	- Designed D Vee D No
	g Required:
Mame Title	Reg Time Overtime Drive Time
& Coalley Sr. Cont	
J Cooper Const 1	
RICK Walker Crew Lead	
Pake Peck Const 2	
Drew McDowell Const 1	· 1
EQUIPMENT	
Quantity Time	Quantity Time
1/2 Ton Truck / h_f Trencher	
1 Ton Truck / / // Backhoe	
2 Ton Truck Compressor	
Welder Other	
(1 11 11 1 1 1 1 1 1 1 1	lane falted to.
comments: Loud Bored into 1/2 PE Service	0) 21.22

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

NAME:			H Bury & Bore				
BILLING ADDRESS:		730 Huntington Park Dr					
CITY, STATE, & ZIP CODE:		Louisville, KY 40213					
PHONE #:		Ulyses Hernandez 502-418-5947					
EMAIL ADDRESS:							
INSURANCE PROVIDER:							
INSURANCE POLICY #:							
ATMOS WORK CENTER:	·		2636 - Owensboro				
DATE OF DAMAGE:			December 1, 2022				
DAMAGE LOCATION:		64	30 ST RT 56, Owensboro, KY 42301				
ASSET #:	711503						
eAM #:	25819133						
SAP INVOICE #:			-				
	LINE NO.	CHARGE TYPE:					
	1	LABOR		\$	343.56		
5	2	MATERIALS		_\$	1.55		
	3	EQUIPMENT		\$	86.00		
	4	GAS LOSS COSTS	Enter PGA Rate (per MCF) \$ 9.5833 2	\$	19.17		
	5	OUTSIDE SERVICES		\$			
	6	MISCELLANEOUS COSTS		\$	-		
	7	TOTAL 3RD PARTY DAMA	GE BILLING	\$	450.28		

Pipe Size	0.5	
Material Type	PE	
Pressure (PSIG)	55	
Duration (Minutes)	30	
Distance to Feeder Main or		
Regulator Station (Feet)	100	
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

Calculator uses IGT Flow Formula

Gas Loss Flow Rate	54	Cubic Feet/Min.	
Gas Loss in Cubic Feet	1,620	Cubic Feet	
Gas Loss in Pounds	75	Pounds	
Gas Loss in CCF	16	CCF	IF LARGER TH
Gas Loss in MCF	2	MCF	

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted	1/3/2023	Incident	ID:	55301	

Reported By:

Name:

Bill Stanley

Phone:

2703140712

Email:

bill.stanley@atmosenergy.com

Gas Line Incident Occured:

Date:

12/1/2022

Time:

4:00 PM

Details:

Reported Date:

12/2/2022 9:42 AM

Incident Location Address:

Location:

6430 KY-56 (Owensboro)

Address:

6430 KY 56

City:

Owensboro

State:

ΚY

County:

Davies

Zip:

42301

Confirm Code:

Number of Customers out:

1

in the underground facility?

Was gas or hazardous liquids released

into the atmosphere?

Locate Request Ticket No.:

223191625

Excavator:

Contractor

Excavator Address:

First Name:

Ulyses

Last Name:

Hernandez

Organization ID:

n/a

Company:

H Bury & Bore

Phone:

502-418-5947

Email:

n/a

Address:

730 Huntington Park Dr

City:

Louisville

State:

KY

Zip:

40213

Confirm Code:

Excavation Damage:

No notification made to the One Call Center

Description of Incident H Bury & Bore damaged a 1/2" PE service line. Summary Information

1/3/2023

H Bury & Bore was boring in communications cable for Spectrum and Full details such as the damaged a 1/2" PE service with the boring machine. The service was cause correctly located. A valid locate request was provided for National One

Demand. H Bury & Bore is not listed on the ticket.

Extent of the damage Cost of the damage

Repaired 1/2" PE service.

\$450.00

Steps taken to prevent re-occurance

H Bury & Bore was educated onsite about proper one call procedures and about using hand tools when required to pot hole. H Bury and Bore was billed for the repair.

Amount billed to excavator

\$450.00

INVOICE



H BURY & BORE 730 HUNTINGTON PARK DR LOUISVILLE KY 40213 Page: 1 000200067494 Claim Number Invoice No: 330365 Invoice Date: 20-DEC-22 **Customer No:** 182293 **Credits and Payments:** 0.00 **Amount Due Remaining:** 450.28 **Amount Due Original:** 450.28 Sales Rep: Michael C.Townsend **Payment Terms:** NET10

For billing questions, please call:

270-836-7229

Total Amount Due

Due date:

450.28 USD

30-DEC-22

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	1.55	1.55
2	Tools and Equipment	1	Job	86.00	86.00
3	Labor	1	Job	343.56	343.56
4	Gas Loss	2	mcf	9.5833	19.17

PAGE TOTAL

450.28

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ELECTRONIC REMITTANCE TO:

ATMOS energy

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

BILL TO:

ATMOS ENERGY CORP

Bank of America

ACH Routing# 111000012 Bank Wire Routing# 026009593

Acct# 3756617812

Ref: 330365

Customer No:

182293

Invoice No:

330365

Total Amount Due:

450.28 USD

H BURY & BORE 730 HUNTINGTON PARK DR LOUISVILLE KY 40213



H BURY & BORE 730 HUNTINGTON PARK DR LOUISVILLE KY 40213

Date of Loss:

01-DEC-22

Invoice# 330365

Damages:

\$450.28

Location of Damage:

6430 Hwy 56 Hwy Owensboro Ky

Description of Damage:

Contractor Damaged Service While Boring Working On Cable Tv.

Failure To Test-Hole (Pot-Hole).

Claim #:

000200067494

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

Knew what's below,
Call before you dig.



From: Ulyses Hernandez
To: Tout, Eric V (PSC)
Subject: case number 55301
Date: Sunday, October 20, 2024 7:09:17 PM

Attachments: SCAN0102.PDF

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

This Message Originated from Outside the Organization

You have not previously corresponded with this sender.

Report Suspicious

This case i was employ for National on demand,i attach the ticket number

wensboro

llace <gcbkwallace@gmail.com>

: Hernandez <hburyandbore@gmail.com>

u go! m my iPhone

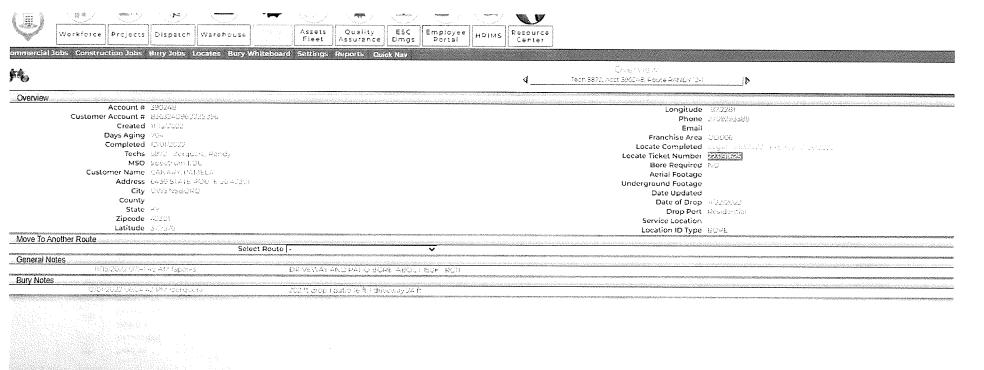
irwarded message:

:rom: Charlie Brown <Charlie.Brown@nationalondemand.com>

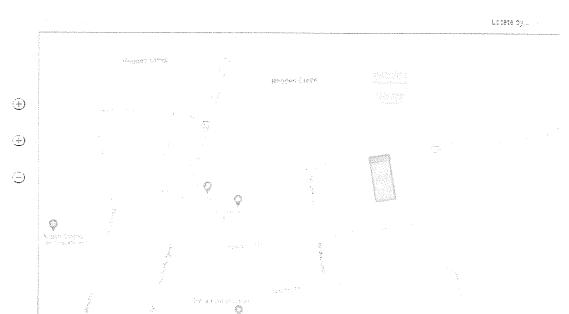
)ate: October 18, 2024 at 10:27:50 AM EDT

'o: gcbkwallace@gmail.com iubject: RE: Owensboro

lere's what I have on this one, looks like gas was marked, I would be asking for photos of the damaged area, was it not marked correctly?







Members notified

Status History

Cougle Legena

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District	Utility Name	Utility Type	Status
2132	ATAKOS BIJERISK	PIRELINE	Marked - The approximate -coapprints deen marked. File a 202 (100008 with RYS) (10 %
0139	-TAI DISTRIBUTION	COMMUNICATIONS	Marked - The approximate receiver has been marked (File a IND NOT CE with KYS) (18 h
3195	NEWERSY CORPORATION:	2	Marked . The approximate location has been marked. Fire a 250 MOT-ICE with KY811 if σ
3500	SPECTAL M	34	$\label{eq:proposition} Marked (Field 2000) MODES with KV311 dimensional field (Field 2000) MODES with KV311 dimensional field (Field 2000) MODES for the field of the field (Field 2000) MODES for the field of the field (Field 2000) MODES for the field (Field 2000$

Showing 1 to 4 of 4 entries



Charlie Brown | Field Operations Manager
O: 877-263-1052 ext 1036 | C: 502-260-8818

Preview

20221201_164852



Uploaded By: Randy Zerquera Uploaded 12/01/2022 06:02:42 PM Created: 12/01/2022 04:48:52 PM

Mays.

20221201_145143



Uploaded By: Randy Zerquera Uploaded: 12/01/2022 06:02:55 PM Created: 12/01/2022 02:51:43 PM

Preview

20221201_145214



Uploaded By: Randy Zerquera Uploaded: 12/01/2022 06:02:57 PM Created: 12/01/2022 02:52:15 PM

Preview

20221201_164805



Uploaded By: Randy Zerquera Uploaded 12/01/2022 06:02:06 PM Created: 12/01/2022 04:48:05 PM

20221201 164754



Uploaded By: Randy Zerquera Uploaded: 12/01/2022 05:02:48 PM Longitude: 0 Created: 12/01/2022 04:47:54 PM

20221201_164742



Uploaded By: Randy Zerquera Uploaded 12/01/2022 06:02:51 PN Longitude: 0

Created: 12/01/2022 04:47:42 PM



From: Tout, Eric V (PSC)

To: Ulyses Hernandez

Subject: Re: 55301, 12/1/2022, 6430 KY 56, Owensboro, Atmos Energy

Date: Wednesday, November 6, 2024 7:30:23 AM

Attachments: image001.png

Mr. Hernandez,

Are you stating that you, as an individual was an employee of National OnDemand? If so please provided some type of documentation (e.g. an individual paystub for Ulyses Hernandez indicating employment at the time the damage occurred, 12/01/22).

Or are you stating H Bury & Bore was a subcontractor of National OnDemand? If this is the case please follow the instructions outlined in the Legal Notice of Gas Line Damage dated 09/18/24 to resolve this matter.

Thanks,

Eric

From: Ulyses Hernandez hburyandbore@gmail.com

Sent: Monday, October 21, 2024 1:28 PM **To:** Tout, Eric V (PSC) <ericv.tout@ky.gov>

Subject: Re: 55301, 12/1/2022, 6430 KY 56, Owensboro, Atmos Energy

This Message Originated from Outside the Organization

You have not previously corresponded with this sender.

Report Suspicious

Yes that is correct but i was employ from National on Demand, and cover under National on Demand umbrella

On Mon, Oct 21, 2024 at 11:15 AM Tout, Eric V (PSC) < ericv.tout@ky.gov> wrote: Hello Mr. Hernandez,

I am in receipt of your documents and the evidentiary value cannot be determined due to the poor quality, unreadable.

Atmos Energy reports that H Bury & Bore damaged a 1/2" PE service, with the boring machine, installing communication cables and failed to contact 811.

Locate Ticket (LT) 223191625 (see attached) revealed National OnDemand obtained it to do work for National OnDemand to bury a Spectrum service line indicating H Bury & Bore held no valid LT on the incident date.

The Kentucky Revised Statue (KRS) 367.4911(1)(a) reads, *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.

If H Bury & Bore has a valid LT for this incident please provide. If H Bury & Bore has no valid LT follow the instructions outlined in the Legal Notice of Gas Line Damage dated 09/18/24 to resolve this matter.

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



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From: Ulyses Hernandez < hburyandbore@gmail.com >

Sent: Sunday, October 20, 2024 7:09 PM **To:** Tout, Eric V (PSC) < ericv.tout@ky.gov

Subject: case number 55301

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

This case i was employ for National on demand, i attach the ticket number

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APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00094 DATED APR 24 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:		
H BURY AND BORE LLC)	
PRESUNTA INFRACCIÓN DE LA LEY DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS))))	CASO NO. 2025-00094

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

H Bury and Bore LLC (H Bury and Bore) 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 24 de julio 2025.

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

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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 H Bury and Bore 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 H Bury and Bore violo 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. H Bury and Bore 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. H Bury and Bore comparecerá el 24 de julio 2025, a las 9 a.m. Horario de

verano 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 24 de julio 2025 se llevará a cabo por videoconferencia.

H Bury and Bore deberá asistir a la audiencia utilizando el siguiente enlace:

https://teams.microsoft.com/l/meetup-

join/19%3ameeting M2Q4ZDM3ZjQtZTc3ZS00YzBiLTgwMDUtODU2ZTVhNTVi

NTk4%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-

b625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-

480337c1709c%22%7d

Meeting ID: 275 502 115 509

Passcode: Wo2gW2yB

5. H Bury and Bore notificará a la Comisión, al menos diez días antes de la

audiencia, si H Bury and Bore 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 55301, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.
 - 9. La audiencia 24 de julio 2025 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. 2025-00094 FECHADO

TREINTA Y UNO ÁGINAS A SEGUIR

*Ulyses Hernandez H Bury & Bore LLC 3502 E Indian Trail Louisville, KY 40213