



Matthew G. Bevin
Governor

Charles G. Snavely
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
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Robert Cicero
Vice Chairman

Talina R. Mathews
Commissioner

NEWS RELEASE

Contact: Andrew Melnykovich
502-782-2564 or 502-564-3940
502-330-5981 (cell)
Andrew.Melnykovich@ky.gov

PSC Reminds Kentuckians to Call 811 Before You Dig

New law takes effect in July; PSC will begin imposing penalties when natural gas pipelines are damaged by excavators who did not call to have lines marked

FRANKFORT, Ky. (Apr. 19, 2018) – With the arrival of warmer weather, homeowners, contractors and others are getting outside to work on projects that have been on hold through the winter. This increase in excavation activity is usually accompanied by an increase in the number of incidents of damage to underground utility facilities.

That is why April is national Safe Digging Month. The Kentucky Public Service Commission (PSC) is joining with the National Association of Regulatory Utility Commissioners and utility regulators across the country to remind anyone planning a project involving excavation to call 811 before beginning work.

“Striking a utility line while digging not only causes damage and disrupts service, but it also can pose a danger of severe injury or even death,” PSC Chairman Michael Schmitt said. “Hitting a natural gas line can cause a fire or an explosion, while digging into a power cable can lead to electrocution.”

Like every other state, Kentucky has a statewide 811 service that, by law, should be called at least two days prior to beginning excavation. That will allow ample time for utility lines to be located and marked so that excavation can proceed safely.

Natural gas providers are required to provide the location of their lines to the 811 center. Most electric utilities, larger water providers and telecommunication companies also provide location data to 811, but, in some cases, it also may be necessary to contact a local utility service provider directly.

Beginning in mid-July, failing to call 811 in Kentucky may have consequences beyond the risks that go with striking an underground utility line.

A new law (Senate Bill 104), enacted by the Kentucky General Assembly and signed by Governor Matt Bevin, gives the PSC the authority to enforce existing provisions in Kentucky statutes that are intended to protect natural gas and hazardous liquids pipelines. The PSC will investigate incidents of damage to pipelines to determine whether a location request to 811 was made in a timely manner, whether the pipeline was located accurately and properly, and whether the excavation was conducted safely.

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PSC Reminds Kentuckians to Call 811 Before You Dig – Page 2

Excavators, including homeowners, could be penalized for not calling 811 or for ignoring location markers. Utilities could be penalized for not responding to requests to locate lines or for improperly or inaccurately locating or marking underground facilities.

Penalties are up to \$1,250 for a first violation, \$3,000 for a second violation, and \$5,000 for subsequent violations

“Not every incident in which a gas line is hit will result in a violation being issued and a penalty assessed, especially if 811 has been called,” said John Lyons, director of the PSC division of Inspections, which will investigate incidents. “However, a failure to call 811 is much more likely to trigger an enforcement action.”

About 75 entities provide natural gas service in Kentucky. They include local gas distribution companies fully regulated by the PSC and municipal natural gas providers that are regulated by the PSC for safety only.

In 2017, there were more than 1,200 incidents in Kentucky in which a gas line was damaged during an excavation. A PSC review of a sampling of the damage reports indicates that:

- Contractors and other professional excavators were responsible for 85 percent of the incidents, with water and sewer line repairs, building construction, swimming pool installation, and irrigation system installation among the most common causes.
- About 60 percent of the excavators who hit natural gas lines called 811 before digging.
- Homeowners accounted for the remaining 15 percent of incidents. The most common causes were installation of mailboxes or fencing, landscaping work, and water or sewer line repairs.
- Only about 27 percent of those landowners called 811 before beginning work.

PSC Chairman Schmitt said that the stepped-up enforcement of the call-before-you-dig statutes and regulations reflects a greater emphasis nationally and at the state level on pipeline safety.

“This new law brings Kentucky into line with tougher federal standards, which the PSC enforces under an agreement with the US Department of Transportation,” he said. “More importantly, it is an effort to significantly improve public safety by reducing the unacceptably high number of dangerous dig-in incidents involving natural gas pipelines.”

Schmitt said the PSC will be providing more information on the new enforcement efforts as the effective date of the law approaches.

The PSC is an independent agency attached for administrative purposes to the Energy and Environment Cabinet. It regulates more than 1,500 gas, water, sewer, electric and telecommunication utilities operating in Kentucky.

-30-

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