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## NEWS RELEASE

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### **PSC Enforcement of Pipeline Protection Law Begins Soon** *Agency to investigate and enforce when natural gas and hazardous liquid pipelines are damaged by excavators who did not call to have lines marked*

**FRANKFORT, Ky. (Jul 6, 2018)** – In just over a week the Kentucky Public Service Commission (PSC) will begin pursuing enforcement actions against excavators who violate Kentucky’s call-before-you-dig law and damage natural gas or hazardous liquid lines.

Under a change to the law that takes effect July 14, the PSC will be able to impose financial penalties if violations are uncovered.

Information on the statutory changes and the PSC investigation and enforcement process can be found here: [https://psc.ky.gov/PSC\\_WebNet/GasExcavationDamage.aspx](https://psc.ky.gov/PSC_WebNet/GasExcavationDamage.aspx).

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

“This new law brings Kentucky into line with 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.”

Like every other state, Kentucky has a statewide 811 service that, by law, must be called at least two working days prior to beginning excavation. This advance notification is intended to allow ample time for utility lines to be located and marked so that excavation can proceed safely. Natural gas providers and hazardous liquid pipeline operators are required to provide the location of their lines to the 811 center.

In 2017, there were more than 1,200 incidents in Kentucky in which a gas line was damaged during an excavation – or about 23 per week. Many involved a failure to call 811 before beginning excavation.

The new law (Senate Bill 104) 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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Excavators, including homeowners, could be penalized for not calling 811, ignoring location markers or using improper excavation methods. Operators 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, \$2,000 for a second violation, and \$4,000 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 will trigger an enforcement action.”

About 240 entities operate natural gas or hazardous liquid pipelines in Kentucky. They include local gas distribution companies fully regulated by the PSC and municipal natural gas providers and other entities, such as housing authorities, that are regulated by the PSC for safety only.

PSC Executive Director Gwen R. Pinson said the PSC has launched an extensive public outreach campaign to inform key stakeholders of the new enforcement effort.

“We have been meeting with key stakeholder groups, including natural gas providers and the construction industry, to make sure that everyone understands the changes to the law,” Pinson explained. “In an order issued June 4, the PSC also required natural gas distribution companies to communicate with their customers about these changes in the first bills issued after July 2.”

Pinson urged any group or organization that wants to learn more about the effort to contact the PSC. Agency staff are available to make presentations to interested stakeholders, she said.

“As this is a major new undertaking for the PSC, and we have begun making organizational changes necessary to fulfill the new responsibilities,” Pinson said. “But we would much prefer to prevent incidents through education and training rather than investigate them, so we welcome any opportunity to educate Kentuckians about pipeline damage prevention requirements and best practices.”

The PSC is an independent agency attached for administrative purposes to the Energy and Environment Cabinet. It regulates more than 1,100 gas, water, sewer, electric and telecommunication utilities operating in Kentucky.

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