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NEWS RELEASE

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8/11 Is National Dig Safely Day: Call 811 Before You Dig *PSC marks first month of investigating all dig-ins involving natural gas lines*

FRANKFORT, Ky. (Aug. 10, 2018) – National Dig Safely Day has added meaning in Kentucky this year, since it occurs as the Kentucky Public Service Commission (PSC) begins enforcement of the state law that protects underground natural gas and hazardous liquid pipelines from excavation damage.

Under a law enacted by the 2018 Kentucky General Assembly that took effect on July 14, the PSC has begun investigating all incidents of excavation damage to natural gas or hazardous liquid pipelines in Kentucky, and has begun assessing penalties when appropriate.

The new law requires pipeline operators to submit detailed incident reports within 30 days of excavation damage to a pipeline. Since July 14, natural gas system operators have notified the PSC of 60 incidents and have submitted completed incident reports for 20 of those. The PSC uses the incident reports to determine the next step in its investigation.

The PSC Division of Inspections has begun issuing enforcement letters to excavators who either didn't call to have gas lines located before beginning work or used improper excavation methods and to natural gas system operators who did not locate and mark lines properly or did not respond to requests for location.

PSC Chairman Michael Schmitt said that the enforcement actions send a signal that the PSC is serious about improving pipeline safety in Kentucky.

"The PSC already enforces federal pipeline safety standards under an agreement with the US Department of Transportation," Schmitt noted. "The new law gives us an additional tool as we work to improve public safety by reducing the unacceptably high number of dangerous dig-in incidents involving natural gas."

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

National Dig Safely Day is a joint effort by state and federal safety regulators, underground utility location call centers (811 centers), pipeline operators and others to draw attention to the call-before-you-dig requirement and to the need to use safe excavation methods.

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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.

The new law gave the PSC the authority to enforce those existing provisions in Kentucky statutes. The PSC investigates 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.

Excavators, including homeowners, may be penalized for not calling 811, ignoring location markers or using improper excavation methods. Operators may 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 within a year, and \$4,000 for subsequent violations within a year of the first.

“The PSC is looking at every dig-in to determine whether a violation has occurred and who is responsible,” said John Lyons, director of the PSC Division of Inspections, which is investigating incidents. “However, a failure to call 811 is almost certain to result in imposition of a penalty.”

Excavators cited for a first violation since the changes to the law took effect on July 14 will have an opportunity to reduce their penalty by attending a safety class at the PSC, Lyons said. The first class is tentatively scheduled for early November, he said.

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.

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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