

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONSOLIDATED CONSTRUCTION LLC	)	
	)	
_____	)	CASE NO.
	)	2022-00087
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Consolidated Construction LLC (Consolidated Construction) 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).<sup>1</sup>

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 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,

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<sup>1</sup> KRS 367.4901 through KRS 367.4917.

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 an Appendix. In its Incident Report, Staff cites Consolidated Construction for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Consolidated Construction violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident should be conducted.

IT IS THEREFORE ORDERED that:

1. Consolidated Construction shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. **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.**

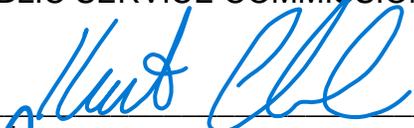
3. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

4. The Staff Incident Report 43041 in the Appendix to this Order is made a part of the record in this case.

5. **Please note that notice of a hearing to be held in this matter will be mailed to Consolidated Construction once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

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PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_

Chairman

  
\_\_\_\_\_

Vice Chairman

\_\_\_\_\_  
Commissioner



ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00087 DATED MAR 24 2022

THIRTY-FIVE PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43041 **Investigation** 7827  
**Incident Date** 9/1/2020 9:05:00 AM **Report Submitted** 9/29/2020

## Operator Information

**Operator** Duke Energy Kentucky, Inc. **Reported By** Laura Mate  
**Phone** (859) 206-4639 **Email** Laura.Mate@duke-energy.com

**Incident Location** 1072 Hampshire Pl  
 Florence KY 41042  
 1072 Hampshire Place  
**County** Boone **Locate Ticket Number** 2008270938

## Excavator Information

**Excavator** T Jewell **Organization ID** 0724678  
 Consolidated Construction LLC  
**Phone** 859-412-6545 **Email** TJEWELL@UTILICOMMSOUTH.COM  
**Address** 6800 Power Line Dr **Locate Ticket Number** 2008270938  
 Florence KY 41042

## Damage Report (DR) Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Boring machine	\$934.00	\$934.00

The Operator reports that the Excavator damaged a correctly marked gas service while boring.  
**The DR is include as Attachment 1.**

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	ExpirationDate (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2008270938	No/ for 1076 Hampshire PL	08/27/20	09/17/20	9/1/2020	0	No

**The LT is include as Attachment 2.**

## INVESTIGATION

A review of the above information revealed the KY Organization ID: 0724678 is the incorrect ID for Consolidated Construction LLC. The correct ID is GA Control Number: 18016752 for Consolidated Construction Services, Inc. The above LT is for 1076 Hampshire PL not the incident location of 1072 Hampshire Pl.

## PIPELINE DAMAGE INVESTIGATION REPORT

On 07/27/21, via email, the Operator, Duke's Laura Mate stated that she must have selected the wrong Organization ID for Consolidated Construction. Ms. Mate stated that the damage occurred at 1072 Hampshire and ticket 2008270938 is for 1076 Hampshire, the ticket submitted to Duke's investigator. Ms. Mate stated that the photographs show that 1072 was marked. Ms. Mate provided the following documents:

- Invoice: Billing the Excavator at 6800 Powerline Drive Florence, KY 41042 \$1,168.20 for the damage.
- Damage Investigation Findings: Indicating the Excavator damaged the gas within the approximate location/ "tolerance zone" of 18 inches.
- LT...0938: Which is outlined above.
- Photographs: Indicating the damage occurred within the approximate location/"tolerance zone" of 18 inches.

**Ms. Mate's email and Documents are included as Attachment 3.**

On 07/28/21 a request to 811 was made to provide LTs for the incident location and date. Jill Gast of 811 provided LT...0938 which is outlined above indicating no request was made for 1072 Hampshire PI. Note: Ms. Mate indicates that 1072 Hampshire PI. was marked (See Attachment 3).

**The request to 811 and LT are include as Attachment 4.**

On 07/29/21 the Excavator, Consolidated Construction's Mike Fultz (859-412-6545), stated that research is warranted and he would call back.

On 08/03/21 a follow up call to Mr. Fultz resulted in Mr. Fultz stating research has not been completed and he would call back this afternoon.

On 08/04/21 Mr. Fultz stated that he returned to the incident location and determined that Consolidated Construction would be responsible for this incident. Mr. Fultz was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

### VIOLATIONS

**KRS 367.4911(10)** When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

#### # of Offences (Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +365 Days)
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Duke Energy Kentucky, Inc.

Submitted 9/29/2020 Incident ID: 43041

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43041\)](#)

### Reported By:

**Name:** Laura Mate  
**Phone:** (859) 206-4639  
**Email:** Laura.Mate@duke-energy.com

### Gas Line Incident Occured:

**Date:** 9/1/2020  
**Time:** 9:05 AM

### Details:

**Reported Date:** 9/29/2020 12:32 PM

### Incident Location Address:

**Location:** 1072 Hampshire Place  
**Address:** 1072 Hampshire Pl  
**City:** Florence  
**State:** KY  
**County:** Boone  
**Zip:** 41042  
**Confirm Code:** Y

**Number of Customers out:** 1

**Was gas or hazardous liquids contained in the underground facility?**

**Was gas or hazardous liquids released into the atmosphere?**  \*

3/2020

**Locate Request Ticket No.:** 2008270938

**Excavator:** Contractor

### Excavator Address:

**First Name:** T  
**Last Name:** Jewell  
**Organization ID:** 0724678  
**Company:** CONSOLIDATED CONSTRUCTION LLC  
**Phone:** 859-412-6545  
**Email:** TJEWELL@UTILICOMMSOUTH.COM

**Address:** 6800 Power Line Dr  
**City:** Florence  
**State:** KY  
**Zip:** 41042  
**Confirm Code:** Y  
**Excavation Damage:** Failure to test-hole(pot hole)

**Description of Incident** Contractor struck marked UG gas service while boring.

**Summary Information**

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9/29/2020

**Full details such as the cause** It has been determined that on September 1st, 2020, Consolidated Construction Services was performing a Cable installation burial service for Charter Communications near the above stated location. During the boring process, Consolidated Construction Services came into contact with and thus damaged an underground natural gas facility owned by Duke Energy Company. Consolidated Construction Services requested and obtained locate ticket# 2008270938 in which was accurately located and marked by USIC on August 29th, 2020. The accurately placed locate marks were visible within the tolerance zone during the damage encounter. Consolidated Construction Services has failed to utilize precaution while excavating within a tolerance zone.

**Extent of the damage** Gas service damaged by boring machine.  
**Cost of the damage** \$934.00  
**Steps taken to prevent re-occurrence**  
**Amount billed to excavator** \$934.00

# Attachment 2

## NORMAL NOTICE

Ticket : 2008270938 Date: 08/27/2020 Time: 12:24 Oper: TAMMY.JEWELL.KY Chan:000

State: KY Cnty: BOONE City: FLORENCE  
Subdivision:

Address : 1076

Street : HAMPSHIRE PL

Location: LOCATE ENTIRE PROPERTY

:

Boundary: n 39.000849 s 38.999393 w -84.666152 e -84.663994

Work type : BURY CABLE TV SERVICE LINES

Done for : CHARTER COMMUNICATIONS

Start date: 08/31/2020 Time: 12:45 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 1'

Company : CONSOLIDATED CONSTRUCTION SERVICES Type: CONT

Co addr : 6800 POWERLINE DR

City : FLORENCE State: KY Zip: 41042

Caller : TAMMY JEWELL Phone: (859)412-6552

Contact : MIKE FULTZ Phone:

Mobile : (859)412-6545

Email : TJEWELL@UTILICOMMSOUTH.COM

Submitted date: 08/27/2020 Time: 12:24

Members: 0122 0130 0416 0516

\* Responses are current as of 07/26/2021 12:30 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
TIME WARNER CABLE 0122	COMMUNICATIONS	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	Does conflict, underground facilities have been marked.
CINCINNATI BELL TELEPHONE COMPANY 0130	COMMUNICATIONS	CINCINNATI BELL CUSTOMER SERVICE (513) 566-5050	
DUKE ENERGY KENTUCKY INC 0416	GAS	DUKE ENERGY CUSTOMER SERVICE (800) 544-6900	Does conflict, underground facilities have been marked.
DUKE ENERGY KENTUCKY INC 0516	ELECTRIC	DUKE ENERGY CUSTOMER SERVICE (800) 544-6900	Does conflict, underground facilities have been marked.

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Mate, Laura L <Laura.Mate@duke-energy.com>  
**Sent:** Tuesday, July 27, 2021 12:53 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** Nabors, Ronya K; Collins, Jim  
**Subject:** FW: [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl, Florence, Consolidated Construction  
**Attachments:** 1072 Hampshire Place - Claim Support Package.pdf

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Hi Eric,

Sorry about the confusion. I am the one who submitted this report, and I must have selected the wrong Organization ID for Consolidated Construction. I have attached the claim support package which lists Consolidated's address as 6800 Powerline Drive, which matches the address on the locate ticket. The damage occurred at 1072 Hampshire Place, and yes, the address on ticket 2008270938 is 1076 Hampshire. That was the ticket that was submitted to our damage investigator. But the photos show that 1072 was marked as well.

Let me know if you need anything else.

*Laura Mate', P.E.*

**Duke Energy**

*Regulatory Compliance*

*513-287-2594 Office*

*859-206-4639 Cell*

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**From:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Sent:** Tuesday, July 27, 2021 9:36 AM  
**To:** Nabors, Ronya K <[Ronya.Nabors@duke-energy.com](mailto:Ronya.Nabors@duke-energy.com)>  
**Cc:** Frederick, Tina (PSC) <[tina.frederick@ky.gov](mailto:tina.frederick@ky.gov)>; Gowins, John E (PSC) <[john.gowins@ky.gov](mailto:john.gowins@ky.gov)>  
**Subject:** RE: [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl, Florence, Consolidated Construction

Hello Ronya,

I am confused, if there is a Gas Excavation Damage Report reflecting Consolidated Construction Services, 3292 Thompson Bridge Rd. 101, Gainesville, GA 30506-1561, phone number 859-534-0010, please provide. The PSC does not have this report. The report we have is attached (See Attach 1- DR) reflecting Consolidated Construction LLC is the Excavator with an address of 6800 Power Line Dr., Florence, KY 41042, phone number 859-412-6545. Also the report the PSC has (See Attach 1-DR) reflects the Organization ID as 0724678 and when researched through the Secretary of State (See SOS CC) it is listed as Consolidated Construction LLC, address 21 Washington St., Stanton, KY 40380.

In addition the Locate Ticket (See Attach 2- LT) lists the address as 1076 Hampshire Pl. to be located. The Gas Excavation Damage Report received from Duke (See Attach 1- DR) lists the Incident Location as 1072 Hampshire Pl. Is the attached Locate Ticket the correct ticket?

As stated if there is a Gas Excavation Damage Report the PSC has not received that will clear things up please provide. If there is no other Gas Excavation Damage Report provide a detailed explanation to the discrepancies pointed out above.

Thanks,  
Eric

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**From:** Nabors, Ronya K <[Ronya.Nabors@duke-energy.com](mailto:Ronya.Nabors@duke-energy.com)>  
**Sent:** Monday, July 26, 2021 1:53 PM  
**To:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Cc:** Mate, Laura L <[Laura.Mate@duke-energy.com](mailto:Laura.Mate@duke-energy.com)>  
**Subject:** RE: [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl, Florence, Consolidated Construction

Good afternoon Eric.

According to the Gas Excavation Damage Report, Consolidated Construction Services was doing the work and their mailing address is 3292 Thompson Bridge Rd 101, Gainesville, GA 30506-1561 and the phone number is 859-534-0010.

Please let me know if you need anything further.

Thank you,

*Ronya Nabors*

*NG Damage Prevention*

*DESK 704-731-4522 CELL 704-576-8155*

[ronya.nabors@duke-energy.com](mailto:ronya.nabors@duke-energy.com)



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**From:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Sent:** Monday, July 26, 2021 1:22 PM  
**To:** Nabors, Ronya K <[Ronya.Nabors@duke-energy.com](mailto:Ronya.Nabors@duke-energy.com)>  
**Subject:** [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl, Florence, Consolidated Construction

**\*\*\* 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 Ronya,

The DR (See Attach 1- DR) list Consolidated Construction as causing the damage. The Organization ID: 0724678 (See SOS CC) for Consolidated Construction does not matchup with the address on the DR. I saw the DR email address [TJEWELL@UTILICOMMSOUTH.COM](mailto:TJEWELL@UTILICOMMSOUTH.COM) and did a Secretary of State search for UtiliComm South and came up with UtiliComm South of Kentucky, LLC, Organization ID 0757680 (See SOS) and the address matches the DR. Which company was doing the work and is one a subcontractor? If Consolidated Construction was doing the work I will need contact info.

*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*



# INVOICE



Please Make Check Payable to: Project Resources Group

<b>Remit to:</b> Project Resources Group, Inc. Attn. Damage Claims 5340 S. Quebec St., Suite 250S Greenwood Village, CO 80111  EIN: 84-1576547	<b>Invoice #</b> DK-447929 <b>Date:</b> September 23, 2020 <b>Terms:</b> Due Upon Receipt <b>Conf. Code #</b> VD4KW
---	--

<b>Responsible for Damages:</b> Consolidated Construction Services 6800 Powerline Drive Florence, KY 41042
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<b>Date &amp; Address Where Damage Occurred:</b> 9/1/2020 1072 Hampshire Pl Florence, KY 41042
--

<b>Labor and Materials Costs:</b>		<b>Units</b>	<b>Unit Rate</b>	<b>Amount</b>
<i>Internal Labor Costs</i>				
	Mechanic Operator I	4.00	\$73.51	\$294.04
	Service Mechanic B	2.00	\$72.31	\$144.62
	Mechanic III - C&M (12049)	4.00	\$35.79	\$143.16
	Emergency Call Out	1.00	\$250.00	\$250.00
	DRW 15-26K Utility, Stake, Flat, Dump 4x4	4.00	\$11.83	\$47.32
	SRW Utility, Stake, Flat 4x4	2.00	\$11.33	\$22.66
	Damage Investigation/Quality Control			<u>\$234.00</u>
	Sub-Total			\$1,135.80
<i>Other Costs</i>				
	Loss of Gas	1.00	\$21.19	<u>\$21.19</u>
	Sub-Total			\$21.19
<i>Material Costs</i>				
	Coupling; Pipe	2.00	\$5.37	\$10.74
	Pipe; 1" CTS	1.00	\$0.47	<u>\$0.47</u>
	Sub-Total			\$11.21
<b>Invoice Total</b>				<u>\$1,168.20</u> =====

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Renelson Archelus, (720) 580-1961 or via email rarchelus@prgconsulting.net

## Damage Investigation Findings

**PRG CLAIM:** DK-447929  
**DATE OF OUTAGE:** 09/01/2020 08:10 AM  
**NOTIFICATION:** 09/01/2020 10:19 AM  
**ARRIVAL:** 09/01/2020 10:28 AM  
**LOCATION:** 1072 Hampshire Pl, Florence, KY 41042  
**LOCATE TICKET:** 2008270938  
**INVESTIGATOR:** Christopher Hogle

### SUMMARY

On Tuesday, September 1, 2020, I was notified by Duke Energy about damage at 1072 Hampshire Pl, Florence, KY 41042. Duke Energy's Underground Facilities were damaged at the above stated location by directional boring.



## STATEMENTS

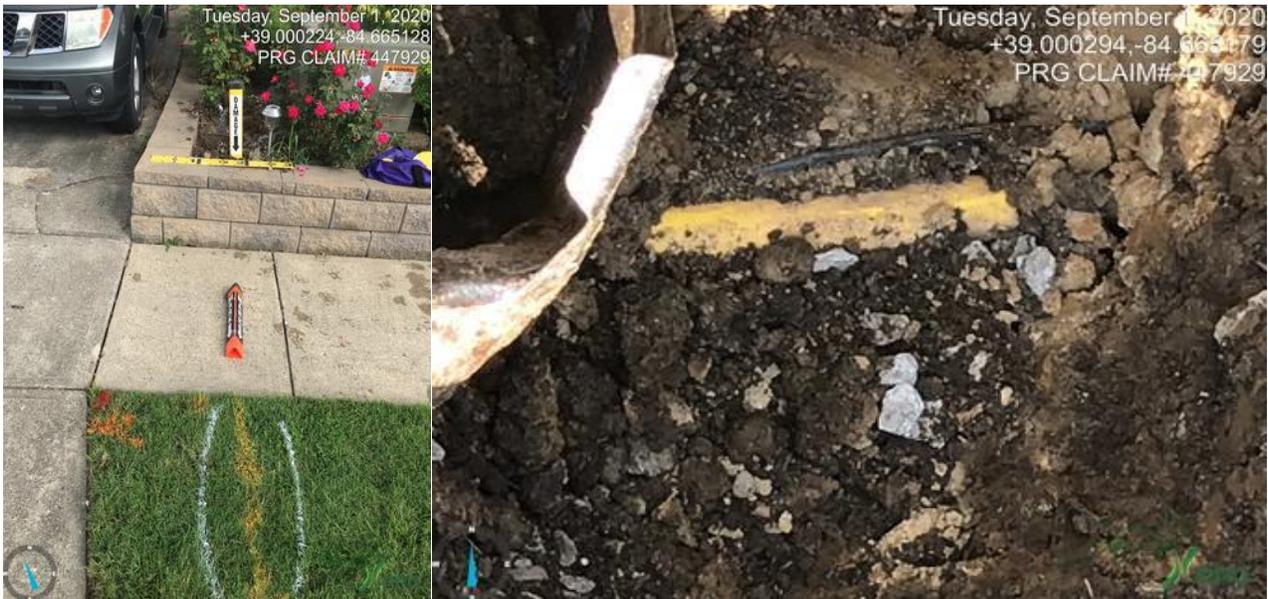
**Mike Fultz / Consolidated Construction Services / Damaging Party** - *"We are boring to install cable line. We were attempting to bore under the driveway and up into the flower bed and we hit a gas line located inside the flowerbed."*

## DETERMINATION

It has been determined that on September 1st, 2020, Consolidated Construction Services was performing a Cable installation burial service for Charter Communications near the above stated location. During the boring process, Consolidated Construction Services came into contact with and thus damaged an underground natural gas facility owned by Duke Energy Company. Consolidated Construction Services requested and obtained locate ticket# 2008270938 in which was accurately located and marked by USIC on August 29th, 2020. The accurately placed locate marks were visible within the tolerance zone during the damage encounter. Consolidated Construction Services has failed to utilize precaution while excavating within a tolerance zone.

Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.



## ROOT CAUSE

Failure to properly expose and protect underground facilities

0416 00048 KUPIa 08/27/2020 12:25:11 2008270938-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 2008270938 Date: 08/27/2020 Time: 12:24 Oper: TAMMY.JEWELL.KY  
Chan:000

State: KY Cnty: BOONE City: FLORENCE  
Subdivision:

Address : 1076

Street : HAMPSHIRE PL

Location: LOCATE ENTIRE PROPERTY

:

Boundary: n 39.000849 s 38.999393 w -84.666152 e -84.663994

Work type : BURY CABLE TV SERVICE LINES

Done for : CHARTER COMMUNICATIONS

Start date: 08/31/2020 Time: 12:45 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 1'

Company : CONSOLIDATED CONSTRUCTION SERVICES Type: CONT

Co addr : 6800 POWERLINE DR

City : FLORENCE State: KY Zip: 41042

Caller : TAMMY JEWELL Phone: (859)412-6552

Contact : MIKE FULTZ Phone:

Mobile : (859)412-6545

Email : TJEWELL@UTILICOMMSOUTH.COM

Submitted date: 08/27/2020 Time: 12:24

Members: 0122 0130 0416 0516



447929 - Investigator1.jpeg



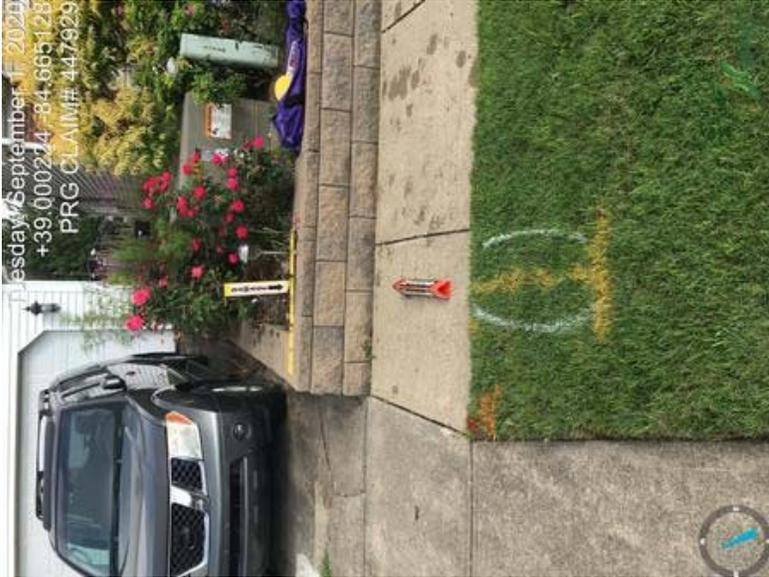
447929 - Investigator2.jpeg



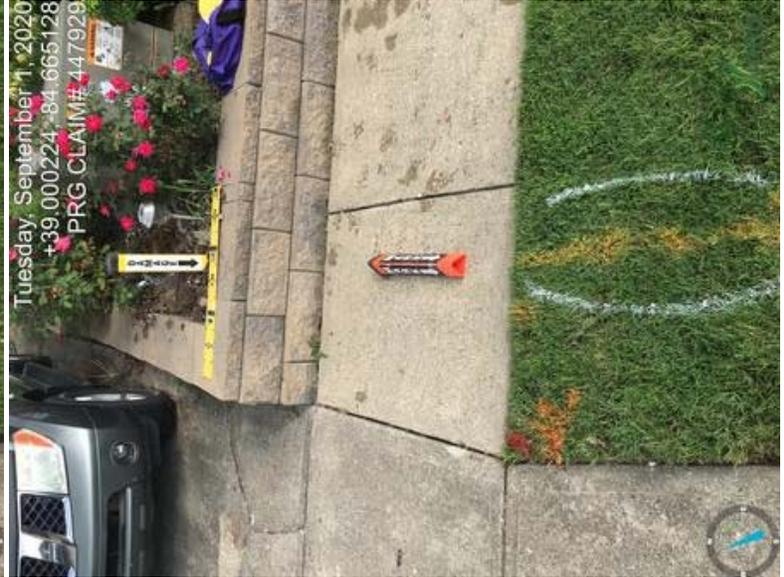
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447929 - Investigator4.jpeg



447929 - Investigator5.jpeg



447929 - Investigator6.jpeg



447929 - Investigator7.jpeg



447929 - Investigator8.jpeg



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447929 - Investigator10.jpeg



447929 - Investigator11.jpeg



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447929 - Investigator16.jpeg



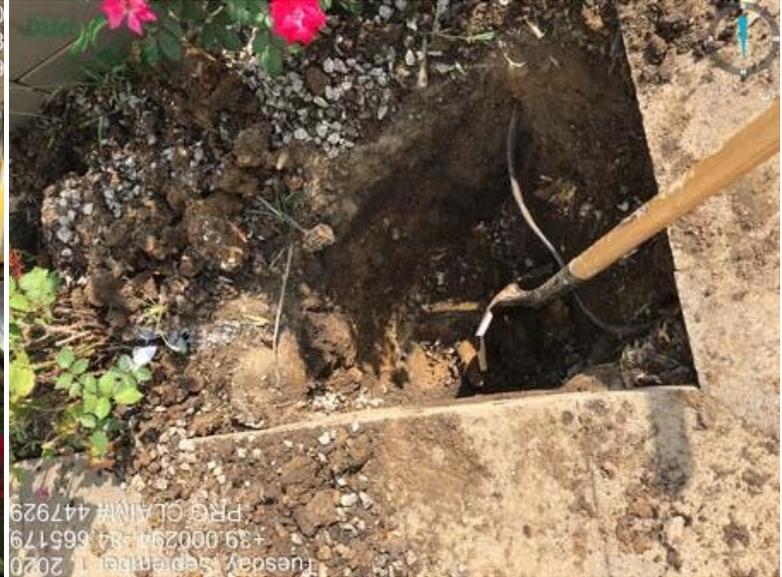
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447929 - Investigator19.jpeg



447929 - Investigator20.jpeg



447929 - Investigator21.jpeg



447929 - Investigator22.jpeg



447929 - Investigator23.jpeg



Property of United States Infrastructure Corporation  
Photo created on 08/29/2020 10:20:59 AM EDT

447929 - Locate Pre-Dig1.jpeg



Property of United States Infrastructure Corporation  
Photo created on 08/29/2020 10:17:01 AM EDT

447929 - Locate Pre-Dig2.jpeg



Property of United States Infrastructure Corporation  
Photo created on 08/29/2020 10:16:57 AM EDT

447929 - Locate Pre-Dig3.jpeg

# Attachment 4

## Tout, Eric V (PSC)

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**From:** Jill Gast <jgast@usa811.org>  
**Sent:** Wednesday, July 28, 2021 9:46 AM  
**To:** Tout, Eric V (PSC)  
**Cc:** PSCrequest@kentucky811.org  
**Subject:** Re: 43041  
**Attachments:** 2008270938.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

---

Good morning,  
The ticket is attached.  
Thank you!

**Jill Gast, Business Analyst**

Office [502-493-3543](tel:502-493-3543)

**Know what's below. 811 before you dig.**

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Wed, Jul 28, 2021 at 7:30 AM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

| Please provide locate ticket for:

Incident Date: 9/1/2020  
Operator: Duke Energy Kentucky  
Incident Location: 1072 Hampshire Pl, Florence  
County: Boone  
Excavator: Consolidated Construction Services

*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*

## NORMAL NOTICE

Ticket : 2008270938 Date: 08/27/2020 Time: 12:24 Oper: TAMMY.JEWELL.KY Chan:000

State: KY Cnty: BOONE City: FLORENCE  
Subdivision:

Address : 1076

Street : HAMPSHIRE PL

Location: LOCATE ENTIRE PROPERTY

:

Boundary: n 39.000849 s 38.999393 w -84.666152 e -84.663994

Work type : BURY CABLE TV SERVICE LINES

Done for : CHARTER COMMUNICATIONS

Start date: 08/31/2020 Time: 12:45 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 1'

Company : CONSOLIDATED CONSTRUCTION SERVICES Type: CONT

Co addr : 6800 POWERLINE DR

City : FLORENCE State: KY Zip: 41042

Caller : TAMMY JEWELL Phone: (859)412-6552

Contact : MIKE FULTZ Phone:

Mobile : (859)412-6545

Email : TJEWELL@UTILICOMMSOUTH.COM

Submitted date: 08/27/2020 Time: 12:24

Members: 0122 0130 0416 0516

# SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>Investigator</b>	Eric Tout	<b>Incident ID</b>	43041	<b>Investigation</b>	7827
<b>Incident Date</b>	9/1/2020 9:05:00 AM	<b>Report Submitted</b>			9/29/2020

## Operator Information

<b>Operator</b>	Duke Energy Kentucky, Inc.	<b>Reported By</b>	Laura Mate
<b>Phone</b>	(859) 206-4639	<b>Email</b>	Laura.Mate@duke-energy.com

<b>Incident Location</b>	1072 Hampshire Pl Florence KY 41042 1072 Hampshire Place	<b>Locate Ticket Number</b>	2008270938
<b>County</b>	Boone		

## Excavator Information

<b>Excavator</b>	T Jewell Consolidated Construction LLC	<b>Organization ID</b>	0724678
<b>Phone</b>	859-412-6545	<b>Email</b>	TJEWELL@UTILICOMMSOUTH.COM
<b>Address</b>	6800 Power Line Dr Florence KY 41042	<b>Locate Ticket Number</b>	2008270938

## SUPPLEMENTAL INVESTIGATION

On 08/09/21 a Demand Letter was sent to the Excavator.  
**The Demand Letter is included as Attachment 5.**

On 08/30/21 the Excavator paid the penalty.

On 09/13/21 a No Attendance Remedial Measure/Training Letter was sent to the Excavator.  
**The No Attendance Remedial Measure/Training Letter is included as Attachment 6.**

On 01/27/22 Tyler Shelton of Duke provided the Credit Card Receipt indicting the Excavator paid \$1,000.00 for the repair.

**The payment receipt is included as Attachment 7.**

# Attachment 5



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

Michael J. Schmitt  
Chairman

Kent A. Chandler  
Vice Chairman

Talina R. Mathews  
Commissioner

August 9, 2021

Mike Fultz  
Consolidated Construction LLC  
91 Banklick Rd.  
Wilders, KY 41076

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: **43041**

### **DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES**

Dear Mr. Fultz:

The Kentucky Public Service Commission (Commission) received a report on September 29, 2020, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Duke Energy Kentucky, Inc. 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.

Following receipt of the damage notification, Commission Staff (Staff) performed an investigation of the incident and prepared the attached incident report. Based on its investigation of the incident, Staff has determined that Consolidated Construction committed the following violation(s) of the Act:

**KRS 367.4911(10)** When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

### **CIVIL PENALTY**

Based on its investigation of this matter, Staff has determined that Consolidated Construction should **be assessed a penalty in the total amount of \$1,250, first offense, but that \$1,000 of the penalty should be suspended contingent upon (Excavator)'s completion of Damage Prevention training:**

### **REMEDIAL MEASURE/TRAINING**

- A representative of Consolidated Construction shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number: **43041** and assigned key: **7827** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the**

**reduced penalty amount.**

Within **30 days** of the date of this letter Consolidated Construction should mail or deliver a cashier's check or money order **made payable to** the:

**“Kentucky State Treasurer”**

The check should be in the amount of **\$250.00** mailed to: **211 Sower Boulevard, Frankfort, Kentucky 40602**

**Please include the Incident Number 43041 on the cashier's check or money order submitted for payment. 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.**

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 within one year, 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.

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Consolidated Construction for any violation of the Act arising out of the September 1, 2020 incident. Consolidated Construction's payment of the proposed civil penalty will not be considered an admission by Consolidated Construction that it willfully violated any provision of the Act.

If Consolidated Construction does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Consolidated Construction and hold a formal hearing during which Consolidated Construction will have an opportunity to present evidence.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

*Nancy J. Vinsel*

Nancy J. Vinsel  
General Counsel

Attachment

# Attachment 6



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

Kent A. Chandler  
Chairman

Amy D. Cabbage  
Vice Chairman

Marianne Butler  
Commissioner

September 13, 2021

Mike Fultz  
Consolidated Construction LLC  
91 Banklick Rd.  
Wilder, KY 41076

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: 43041

### No Attendance Remedial Measure/Training

Dear Mr. Fultz:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 has been paid, but no representative has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

### REMEDIAL MEASURE/TRAINING

A representative of Consolidated Construction shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **43041** and this key **7827** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, 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 these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel  
General Counsel

# Attachment 7

## Tout, Eric V (PSC)

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**From:** Shelton, Tyler <Tyler.Shelton@duke-energy.com>  
**Sent:** Thursday, January 27, 2022 10:52 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl., Florence, Consolidated Construction  
**Attachments:** Credit Card Receipt DK-447929.pdf

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Hello Eric,

Please see attached receipt. Let me know if you need anything else.

Tyler

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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Wednesday, January 26, 2022 9:56 AM  
**To:** Shelton, Tyler <Tyler.Shelton@duke-energy.com>  
**Subject:** [EXTERNAL] 43041, 9/1/2020, 1072 Hampshire Pl., Florence, Consolidated Construction

**\*\*\* 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,

Has this been paid? If so please provided paymnt info (copy of canceled check).

*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*

# Merchant: Project Resources Group, Inc.

5690 DTC Blvd. Suite 650E  
Greenwood Village, CO 80111  
US

7204586806

### Order Information

Description: PRG OPD Claim Payment

Order Number:

P.O. Number:

Customer ID: VD4KW

Invoice Number: 447929

### Billing Information

Barney West CCS Consolidated Construction  
Services  
6800 Powerline Drive  
Florence, KY 41042

### Shipping Information

Shipping: 0.00  
Tax: 0.00  
**Total: USD 1,000.00**

### Payment Information

Date/Time: 30-Sep-2020 10:16:15 PDT  
Transaction ID: 42263183357  
Transaction Type: Authorization w/ Auto Capture  
Transaction Status: Settled Successfully  
Authorization Code: 08469G  
Payment Method: Visa XXXX6914

\*Mike Fultz  
Consolidated Construction LLC  
91 Banklick Rd.  
Wilder, KENTUCKY 41076

\*Mike Fultz  
Consolidated Construction LLC  
6800 Power Line Drive  
Florence, KENTUCKY 41042