

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:)
)
COLUMBIA GAS OF KENTUCKY, INC.) Case No. 2020-00185
ALLEGED VIOLATION OF UNDERGROUND)
FACILITY DAMAGE PREVENTION ACT.)
)

**POST HEARING BRIEF
COLUMBIA GAS OF KENTUCKY, INC.**

Now comes Columbia Gas of Kentucky, Inc. (“Columbia”), and hereby submits its post hearing brief in the above captioned matter. Columbia should not be fined for the damage caused at Bellefontaine Rd. on August 19, 2019 because Columbia’s technician could not have reasonably anticipated the precise location of the customer service line given the particular facts of the locate request and made reasonable efforts to locate the line.

Background and Facts

On August 16, 2019, Columbia Gas of Kentucky received an emergency locate request for 50 Bellefonte Drive, Raceland, Kentucky.¹ The technician performing the locate request observed that Columbia’s line was a 1 ¼ inch steel line and the riser was also an inch and a quarter steel line and assumed that the customer-owned portion of the

¹ Locate Request Ticket, Pipeline Damage Investigation Report (“Investigation Report”) (KY PSC DOI Exhibit 1).

line was also a bare steel line since Columbia had no record of replacing the line.² Given the conditions observed by the technician, he employed a direct locate method and hooked up his locating equipment directly to the risers.³ The technician picked up a strong signal from his equipment and marked the line accordingly.⁴

Subsequently, while Bonzo Excavating was digging in the area with mechanized equipment, it struck a one inch plastic natural gas line.⁵ Upon further investigation, Columbia discovered that the natural gas service line was actually a 1 inch plastic line that had been replaced without Columbia's knowledge and that the signal that the technician had picked up was actually from a water line that was in the proximity.⁶ Additionally, the portion of the service line that had been damaged was installed in a very unusual manner, running past the meter and then looping backwards.⁷ After the incident, Columbia repaired the customer owned line, added tracer wire and updated its records accordingly to then reflect Columbia's ownership of the line.⁸

On May 14, 2020, Columbia received a demand letter from the Commission, citing a violation of KRS 367.4909(6)(a). Given the unique set of facts presented in this case, Columbia requested a hearing on the matter. A hearing was held on September 9, 2020

² Hearing Video Transcript ("HVT") 09:35:39-9:36:49.

³ *Id.* at 9:36:04-09:36:14.

⁴ *Id.*

⁵ Investigation Report (KY PSC DOI Exhibit 1).

⁶ *Id.* at 9:36:50 – 9:37:52.

⁷ *Id.* at 9:37:55-9:41:51.

⁸ *Id.* at 9:42:22-9:43:01.

where both the Division of Inspection (“DOI”) and Columbia presented its witnesses and evidence. The Commission subsequently set forth a briefing schedule.⁹

Argument

Columbia executed the locate request at Bellefonte Rd. based upon the information it had, the conditions of the pipe that it observed and industry standards and practice. Columbia records indicated that the service line was customer-owned, meaning it hadn’t been replaced since 1989.¹⁰ It wasn’t until 1989 that Columbia began to take over ownership of customer service lines pursuant to the November 10, 1988 Order in Case No. 10127.¹¹ Per that Order, when Columbia customers needed their service lines replaced, “Columbia shall replace the line at no cost to the customer and *shall thereafter* own, operate and maintain the service lines.¹²” Because the line was customer-owned, Columbia had to rely upon its observations and make reasonable decisions regarding the locating method given industry standard and experience. Based upon Columbia’s observation of its own portion of the line and the riser being made of 1 ¼ inch bare steel, Columbia reasonably concluded that the customer owned line was also bare steel and used the direct locate method to locate the line. The technician received a strong locate

⁹ Order, September 9, 20200.

¹⁰ HVT 9:35:39 – 9:37:08.

¹¹ *In the Matter of: Application of Columbia Gas of Kentucky, Inc., for an Order Authorizing it to Amend its Tariff and for Authority to Deviate from Commission Regulation 807 KAR 5:022, Section 9 (17)(a), and 807 KAR 5:022, Section 9(17)(a)2, Case No. 10127.*

¹² Order at 4.

signal and had no reason to do anything differently or additionally. Without support, DOI states that it was unreasonable for Columbia to rely solely on a strong locate signal, even though Mr. Cooper testified that the direct locate method is the industry preferred method.¹³

Whether the line was customer-owned or not, had Columbia not picked up a strong locate signal using the direct locate method, it would have employed additional locating methods, such as hydro excavation, Jameson plastic line locate system and/or hand spotting the facility.¹⁴ Columbia also would have notified the excavator that it did not have a good locate and may have even been on-site for the dig. As Mr. Cooper testified, given the observations of the technician and the strong locate signal, Columbia had no reason to employ additional locate techniques.¹⁵

DOI also makes the claim that had Columbia dug up the line, it would have realized that the line was in fact plastic and that the locate signal was from another facility.¹⁶ There is nothing in the record to support this assertion. Mr. Cooper testified that the plastic pipe was installed inside of the bare steel line and there was a steel compression fitting tying the line into the meter setting.¹⁷ Additionally, DOI claims that had Columbia dug up the line at the meter, it would have also realized the unusual

¹³ HVT at 9:38:11-9:39:22.

¹⁴ *Id.* at 9:34:21-9:34:36.

¹⁵ *Id.* at 9:40:20-9:40:43.

¹⁶ DOI Brief at p.12.

¹⁷*Id.* 9:43:49-9:44:05

method of installation, especially since “Mr. Cooper testified he had seen this configuration before.”¹⁸ Again, this is a baseless assertion that is unsupported by the record. In fact, Mr. Cooper intimated the opposite. He stated that there would have been no reason to have installed the service line in that manner and he had only seen this method of installation very few times in his career.¹⁹

Despite the DOI’s assertion to the contrary, Columbia is not denying responsibility merely because the line in question was a customer owned service line. Columbia agrees that it has a responsibility to operate and maintain customer owned service lines and according to the testimony of Mr. Cooper, has done so since 1989.²⁰ Columbia continues prioritizing the replacement of the customer-owned lines with the replacement of the accompanying main lines and in conjunction with leakage surveys if a leak is detected.²¹ However, Columbia does not believe it should be held responsible because it could not have reasonably known the location of the service given the fact that it did not install the line, in addition to the fact that it picked up a signal from an adjacent water line.²² Columbia made all reasonable efforts to provide the approximate location pursuant to KRS 367.4909(6)(a), however, given unusual circumstances, was unsuccessful in its efforts.

¹⁸ DOI Brief at p. 12.

¹⁹ HVT 9:43:49- 9:44:02.

²⁰ 9:31:20-9:31:45.

²¹ *Id.* at 9:28:42-9:29:08.

²² *Id.* at 9:42:00.

DOI suggests that Columbia either employ additional methods of locating or let the excavator know of a potential locate error every single time there is a locate request for a customer owned service line, even if there is a strong locate signal detected.²³ While Columbia doesn't believe that employing multiple methods of locating is reasonable, Columbia is working on a process to inform excavators of the inability to locate a line with 100% accuracy when locating a customer service line that it did not install.

Columbia is committed to safely locating its facilities in compliance with the Damage Prevention Act. Columbia strives to create practices and procedures that are not only consistent with KRS 367.4901- KRS 367.491, but that are also practical and consistent with industry standard. Columbia admits that it is not perfect when it comes to locating its facilities, but does its very best given the information it has and the number of locate requests it receives. For all of the reasons stated herein, Columbia respectfully requests that the Commission find in its favor and rescind the demand letter.

Respectfully submitted,

COLUMBIA GAS OF KENTUCKY, INC.

By:

A handwritten signature in blue ink that reads "Brooke E. Wancheck". The signature is written in a cursive style and is positioned above a horizontal line.

Brooke E. Wancheck

Assistant General Counsel

Brooke E. Wancheck, Asst. General

²³DOI Brief at p. 13.

Counsel
290 W. Nationwide Blvd.
Columbus, Ohio 43215
Telephone: (614) 460-5558
Email: bwanchek@nisource.com

ATTORNEY FOR
COLUMBIA GAS OF KENTUCKY, INC