

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

*In the Matter of:*

	LOGAN TELEPHONE COOPERATIVE, INC. )		
	) )		
	COMPLAINANT )		
V.	) )		CASE NO. 2021-00248
	) )		
	EAST LOGAN WATER DISTRICT, INC. )		
	) )		
	DEFENDANT )		

**LOGAN TELEPHONE COOPERATIVE, INC.’S RESPONSES TO THE COMMISSION  
STAFF’S SECOND REQUESTS FOR INFORMATION**

Logan Telephone Cooperative, Inc. (“LTC”), by counsel, files its responses to the Commission Staff’s Second Requests for Information, issued in the above-captioned case on March 1, 2022.

**FILED: March 11, 2022**

**IN THE MATTER OF LOGAN TELEPHONE COOPERATIVE,  
INC., V. EAST LOGAN WATER DISTRICT, INC.  
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**LOGAN TELEPHONE COOPERATIVE, INC.'S RESPONSES TO THE COMMISSION  
STAFF'S SECOND REQUEST FOR INFORMATION**

**SECOND STAFF REQUEST NO. 1:** Provide the current procedure of Logan

Telephone and its contractors when, after making an 811 line locate request, the operator of an underground facility:

- a. Does not respond to the locate request?
- b. Advises that it cannot locate the line and fails to mark the line?

**WITNESSES:** Greg Hale, General Manager, and Thadd Kistler, Outside Plant Manager.

**RESPONSE:**

- a. **LTC and its contractors' procedure if an operator does not respond to a locate request.**

If an operator does not respond to the first locate request by failing to give a positive response, LTC's current procedure is to submit a second notice to the protection notification center and wait an additional day after the second notice. If LTC does not receive an affirmative response after the second notice period, it will most likely contact the operator directly to ensure it understood that it needs to respond to the locate request.

If LTC still does not receive a response, before determining its next course of action, LTC considers the risks, costs, and benefits associated with the planned excavation. In making this determination, LTC considers employee and public safety, the public need for broadband and phone/911 services, the likelihood that the operator will respond if given more time, and the risk of disrupting other services received by its members.

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Based on information provided by LTC’s contractors, North Central Service, Inc. and Floyd’s Equipment, Inc., and the inspector of LTC’s fiber-optic deployment, Finley Engineering Company, Inc. (“Finley Engineering”),<sup>1</sup> as well as LTC’s own observations made during its investigation of reported damage to the facilities of East Logan Water District (“East Logan”), the response procedures of LTC’s contractors are the same as LTC’s. Despite these procedures, LTC has observed several occasions when East Logan refused to assist LTC’s contractors in locating its facilities, which resulted in its contractors spending numerous hours trying to determine the location of the facility themselves before digging. Many times, this is an impossible task, as the maps provided by East Logan are inaccurate, and LTC’s contractors have no information to determine the depth or approximate location of East Logan’s facilities. However, LTC’s contractors make every effort to locate East Logan’s facilities themselves through careful digging, probing, and other methods before they plow or bore.

**b. LTC and its contractors’ procedure if an operator advises that it cannot locate the line and fails to mark the line.**

If an operator advises that it cannot locate the line and fails to mark the line, LTC would remind the operator of its duty under the Damage Prevention Act to provide an approximate location using permanent or temporary markers, which for metallic facilities and nonmetallic facilities with metallic tracer wire would mean a distance not to exceed the combined width of the facility plus 24 inches measured from the outer edge of each side of the facility; for unmapped or untonable facilities that would mean as accurately as possible from field location records. Based

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<sup>1</sup> LTC does not directly oversee its contractors’ excavations—Finley Engineering is tasked with that responsibility.

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on information and representations provided by LTC's contractors and inspectors and LTC's own observations, the procedures of LTC's contractors are the same as LTC's.

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**SECOND STAFF REQUEST NO. 2:** In 2021, the Kentucky General Assembly enacted amendments to the Kentucky Underground Facility Damage Prevention Act (Damage Prevention Act). The amendments, effective January 1, 2022, specify the duties of operators and excavators when underground facilities in an area of intended excavation are unmapped or untonable. What procedural changes have Logan Telephone and its contractor implemented to comply with the requirements of the amended statute when excavating in an area with an unmarked or untonable line?

**WITNESSES:** Greg Hale, General Manager, and Thadd Kistler, Outside Plant Manager.

**RESPONSE:** LTC and its contractors have made several procedural changes to accommodate the amendments to the Damage Prevention Act. Generally, LTC and its contractors have changed the scheduling of their excavations to accommodate the new law.<sup>2</sup> The prior law required a 48 hour notice, which was changed to two full business days beginning on the next business day after the location request is made. If the operator has not given a positive response within two business days, LTC and its contractors make a second notice. For unmapped or untonable facilities, the operator should notify LTC within two days that the area has been determined to be unmapped or untonable and the operator has an additional three working days to respond.

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<sup>2</sup> LTC's understanding of its contractors' procedures is based on information and representations of its contractors and third-party inspectors as LTC does not directly oversee its contractors' excavations.

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For LTC's fiber-to-the-premise construction, the new law provides for these requests to get a response in four working days, which would be one working day less than the normal timeframe applicable to unmapped or untonable facilities. This would normally allow a contractor to put in a request on Monday and have any locates completed within one calendar week, unless the operator does not timely respond, in which case the excavator must make a second notice and wait.

To address these changes, LTC and its contractors either: (i) schedule construction resources further from the date the locate request is made; or (ii) submit the locate request earlier to compensate for the additional days and second notices allowed for unmapped or untonable facilities. If there is no response after all the additional days allowed under the amended law, LTC and its contractors would follow the procedures discussed in LTC's answer to Second Request No. 1(a), i.e., (i) typically contacting the operator directly to ensure it understood that it needs to respond to the locate request, and (ii) considering the risks, costs, and benefits associated with continuing the planned excavation.

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**VERIFICATION**

I, Greg Hale, verify, state, and affirm that the information request responses filed with this verification for which I am listed as a witness are true and accurate to the best of my knowledge, information, and belief formed after a reasonable inquiry.

*Gregory A. Hale*  
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 Greg Hale  
 General Manager  
 Logan Telephone Cooperative, Inc.

COMMONWEALTH OF KENTUCKY    )  
   ) ss:  
 COUNTY OF LOGAN                    )

SUBSCRIBED AND SWORN TO before me by Greg Hale on this the 11 day of March, 2022.

My commission expires: 9/26/24  
 #566729

*Jessica Duran*  
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 Notary Public

