

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

*ELECTRONICALLY FILED*

In the Matter of:

ELECTRONIC INVESTIGATION INTO	)	
COMPLIANCE WITH EXCAVATOR LOCATE	)	CASE NO.
REQUESTS PURSUANT TO KRS 367.4909 AND	)	2022-00363
KRS 367.4917(7)	)	

---

**RESPONSE OF JESSAMINE – SOUTH ELKHORN WATER DISTRICT TO  
COMMISSION’S NOVEMBER 16, 2022 ORDER**

---

**INTRODUCTION**

The Jessamine-South Elkhorn Water District (“JSEWD”) does not track the information requested by the Commission herein. It relies upon the Kentucky 811 Call Center to accumulate and organize information about location requests. In the mid to latter part of 2022, there was a change in the entity which the Call Center engages to track information along with a change by the new entity in the manner in which the accumulated information was organized. The information reported for the first half of the year was not as complete as that reported in the second half. The responses below are based entirely upon information provided by these sources.

**RESPONSE**

In response to the Commission’s Order OF November 16, 2022, in the above-styled case, JSEWD provides the following information in response to ordering paragraph number 2.

- a. Since January 1, 2022, the number of locate requests received in total and broken out into the types of locate requests contained in KRS 367.4909(5);**

Since January 1, 2022 through and including October 31, 2022, JSEWD has received 2,316 locate requests. They are broken out under the KRS 367.4909(5)(a) categories as:

1. Normal - 2,283
2. Emergency - 27
3. Design - 6

Total: 2,316

**b. Since January 1, 2022, the number of second or subsequent requests for the same locate requests received in total and broken out into the types of locate requests contained in KRS 367.4909(5);**

1. Normal - 139 (due to the manner in which the second or subsequent requests were reported, the accuracy of this number is suspect particularly when you consider that a locate request for only one utility triggers a notice to all other utilities to mark the site again whether or not a marking has previously occurred.)
2. Emergency - 0
3. Design - 0

Total: 139 (01/01/22 – 10/31/22)

**c. Since January 1, 2022, the length of time required to respond to each requestor/excavator in total and broken out into the types of locate requests contained in KRS 367.4909(5). Also, provide information showing whether underground facilities are marked within the statutory window, and the average time it takes to respond to a locate request;**

1. Normal – 1-2 days
2. Emergency – Same day
3. Design – cannot be determined from Call Center reports.

**d. Since January 1, 2022, the number of times an agreement has been reached with an excavator outside of the statutory time limits required by KRS 367.4909, with the aggregate numbers and broken out into the types of locate requests contained in KRS 367.4909(5);**

JSEWD does not track this information and can only recall one such agreement reached outside of normal time limits caused by excess undergrowth at the project site on a design locate request. JSEWD is always willing to work with an excavator if the normal window does not meet its schedule.

**e. Since January 1, 2022, state whether locate requests have been performed by Utility personnel or by a third-party contractor. If the answer is both, provide the number of locate requests performed by Utility personnel and third-party contractors, respectively.**

All requests are performed by a third-party contractor – H & M Excavating, Inc.

**f. State whether records and statistics are kept of the number of underground facilities**

**located accurately versus inaccurately. Provide all records and statistics compiled since January 1, 2022.**

JSEWD does not keep records or statistics to differentiate between accurate and inaccurate locates, but it recalls only one incident from January 1, 2022 through and including October 31, 2022, where a locate was inaccurate.

- g. Explain the method used to determine whether an underground facility has been located accurately versus inaccurately.**

JSEWD considers a locate to be inaccurate if facilities were exposed or damaged outside of the tolerance area as marked.

- h. State what policies and procedures have been implemented to reduce the number of inaccurately located facilities. Provide information detailing the efficacy of those procedures on reducing the number of inaccurately located underground facilities.**

JSEWD uses several methods to prevent inaccurate locates. JSEWD is a member of 811. JSEWD uses maps and GPS to locate request coordinates provided by the Call Center. All new lines are marked with a locator wire and detectors are used to further verify these lines. Areas with underground facilities are sent to locators to be marked. A need to implement further policies and procedures is not warranted at this time.

Dated: December 28, 2022

Respectfully submitted,

/s/ Bruce E. Smith

---

Bruce E. Smith  
Smith Law Offices, PLLC  
201 South Main Street  
Nicholasville, KY 40356  
Ph.: (859)885-3393  
Fax: (859)8851152  
*bruce@smithlawoffice.net*  
*Counsel for JSEWD*

#### **CERTIFICATE OF COMPLIANCE**

This is to certify that the foregoing document was filed via the Commission's electronic filing system today, December 28, 2022; there are currently no parties that the Commission has excused from participation by electronic means in this proceeding and pursuant to Commission orders, no paper copies of this filing will be made.

/s/ Bruce E. Smith  

---

*Counsel for JSEWD*