

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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))	

ORDER

The Commission, on its own motion, hereby initiates this case to investigate jurisdictional utilities' compliance with excavator locate requests made pursuant to the Underground Facility Damage Prevention Act of 1994 (Act).¹ The Act requires each owner or operator of an underground facility to provide protection notification center access to excavators.² The Act further requires each owner or operator of an underground facility to respond to a facility locate request and provide a positive response within a certain timeframe, depending on the type and scope of the locate request.³

In response to the most recent amendment of the Act, the Commission sent letters to "Gas System Operators" on August 12, 2021, requesting information about each operator's respective "Positive Response" communication system.⁴ The Commission finds that this proceeding is necessary to ensure all underground facility operators'

¹ KRS 367.4901–KRS 367.4917.

² KRS 367.4909(1).

³ KRS 367.4909(5)–(7).

⁴ Re: Locate Gas Lines Notification System, https://psc.ky.gov/agencies/psc/industry/gas/20210812_PSCLettertoGasSystemOperatorsRegardingLocateGasLinesNotificationSystem.pdf.

compliance with the Act. The Commission further finds that a copy of this Order should be served on all non-municipal jurisdictional utilities.

IT IS THEREFORE ORDERED that:

1. The Commission opens this proceeding to conduct a formal review of each non-municipal utility's positive response communication system. All non-municipal utilities shall be made parties to this proceeding.

2. Each utility shall file within 45 days of the date of service of this Order the following information:

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);

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

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;

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);

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;

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;

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

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.

3. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties and commenters to the Commission's July 22, 2021 Order in Case No. 2020- 0008525 regarding filings with the Commission.⁵


⁵ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

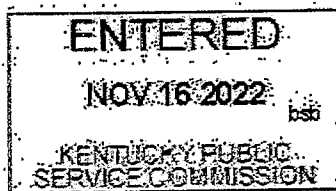
4. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

December 19, 2022
Kentucky Public Service Commission
PO Box 615, 211 Sower Boulevard
Frankfort, KY 40602-0615

IN THE MATTER OF: ELECTRONIC INVESTIGATION INTO COMPLIANCE WITH EXCAVATOR REQUEST PURSUANT TO KRS 367.409 AND KRS 367.4917 (7)

In response to Kentucky Public Service Commission Case Number 2022-00363, Oldham Woods Sanitation, Inc of LaGrange, KY states:

- 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) --- 0
- 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) --- 0
- 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) --- 0 time
- 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) --- 0
- 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. --- 0
- 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: --- There have been no (0) location requests since January 1, 2022. There has been no location activity – whether accurate or inaccurate – so no records or statistics to compile.
- G) Explain the method used to determine whether an underground facility has been located accurately versus inaccurately: --- There are various available methods to locate the underground facilities connected to the Oldham Woods Sanitation plant, including as-built plans, tracer wire, ground probing, and ground excavation. These methods have been successful at accurate location, as no instances of inaccurate location have been reported at any time in 2022, nor in recent history.
- H) State what policies 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: --- As there have been no instances of inaccurate location at any time in 2022 nor in recent history, there have been no policies implemented to reduce the number of inaccurately located facilities. With that in mind, if the occasion arises when an inaccurate location occurs, we would probe the ground, excavate as needed, and, once found, note the correct/accurate location on the as-builts or other maps, for future reference.

Respectfully submitted,



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