

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY FRONTIER GAS, LLC	)	
	)	
_____	)	CASE NO.
	)	2019-00280
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

ORDER

Pursuant to KRS 278.495(2), the Kentucky Public Service Commission (Commission) has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, 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, 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 from an operator of a report of excavation damage to its underground gas pipeline, 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 Kentucky Frontier Gas, LLC, for violation of the following provision of the Act:

KRS 367.4909(6)(a) An operator shall, upon receiving an emergency locate request or a normal excavation locate request inform the excavator of the approximate location and the description of any of the operator's facilities that may be damaged or pose a safety concern because of excavation or demolition.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Kentucky Frontier Gas, LLC, 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. Kentucky Frontier Gas, LLC, shall submit to the Commission a written response to the allegations contained in the Staff Incident Report within 20 days of the date of this Order.
2. Kentucky Frontier Gas, LLC, shall appear on September 27, 2019, at 9 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act, and showing cause why it should not be subject to the penalties prescribed in KRS 367.4917(1) and (4) for this alleged violation.

3. A person shall not file a paper or appear at a hearing on behalf of, or otherwise represent, a partnership, corporation, or business entity (including a limited liability company) or another person unless the person is an attorney licensed to practice law in Kentucky.

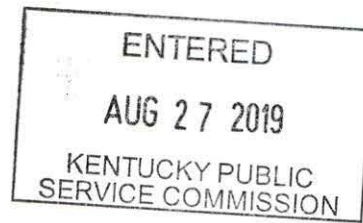
4. The September 27, 2019 hearing shall be recorded by videotape only.

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

6. This Order shall be served via certified mail, return receipt accepted, to Kentucky Frontier Gas, LLC, c/o CT Corporation System, Agent for Service of Process, 306 West Main Street, Suite 512, Frankfort, Kentucky, 40601.

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By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2019-00280 DATED **AUG 27 2019**

ONE PAGE TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> John E. Gowins	<b>Incident ID</b> 21110
<b>Incident Date</b> 10/6/2018 1:30:00 PM	<b>Report Submitted</b> 11/2/2018 11:04:05 AM

## OPERATOR INFORMATION

<b>Operator</b> Kentucky Frontier Gas, LLC	<b>Reported By</b> Heather Music
<b>Phone</b> 606-886-2431 ext 100	<b>Email</b> hmusic@kyfrontiergas.com
<b>Incident Location</b> 37.74397 -83.09326 290 Connelly Farm Rd Salyersville, KY 41465  Magoffin	<b>Locate Ticket Number</b> 1809061449

## EXCAVATOR INFORMATION

<b>Name of Excavator</b> May, Tim	<b>Organization ID</b>
<b>Phone</b> 606-349-1092	<b>Email</b>
<b>Excavator Address</b> 290 Conelley Road Salyersville, Ky 41465	<b>Locate Ticket Number</b>

## INCIDENT

This line was unlocateable, KFG field technician went out and met with the customer and indicated that he was not sure where the line was but that there was one in the area. During digging, a 1" service line was broken. The line was capped off at the break by KFG construction crew.

## INVESTIGATION

May 14, 2019 spoke with Heather Music. She expressed problems with such high penalties for these incidents. I said that I understood, but PSC was takes serious gas line incidents. She indicated that the company was investing in equipment to be able to locate the lines of the smaller systems the Frontier had purchased. She also said that we should have a conference call or meeting to work these issues out. I informed her that Frontier had approximately 31 incidents that we would be working, and that we would want to discuss all of them on any conference call. I stated that a demand letter with a \$2000 civil penalty would be coming and that if Frontier wanted a conference call or meeting it would be up to them to contact us about it.

## VIOLATION

KRS 367.4909 (6) (a) An operator shall, upon receiving an emergency locate request or a normal excavation locate request inform the excavator of the approximate location and description of any of the operator's facilities that may be damaged or pose a safety concern because of excavation or demolition.

CT Corporation System Register Agent  
Kentucky Frontier Gas, LLC  
306 W Main Street, Suite 512  
Frankfort, KENTUCKY 40601

\*Honorable John N Hughes  
Attorney at Law  
124 West Todd Street  
Frankfort, KENTUCKY 40601

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4891 Independence Street, Suite 200  
Wheat Ridge, CO 80033

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