

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHAD PEERCY

ALLEGED VIOLATION OF UNDERGROUND
FACILITY DAMAGE PREVENTION ACT

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CASE NO.
2019-00339

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 of a report of excavation damage to its underground gas pipeline from an operator, 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 Chad Peercy, d/b/a Peercy Lawn Care (Chad Peercy) for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Chad Peercy 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. Chad Peercy shall submit to the Commission a written response to the allegations contained in the Staff Incident Report on or before October 21, 2019.
2. Chad Peercy shall appear on November 22, 2019, at 9 a.m., Eastern Standard 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 he 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 other person unless the person is an attorney licensed to practice law in Kentucky.

4. The November 22, 2019 hearing shall be recorded by video 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 Chad Peercy, d/b/a Peercy Lawn Care, 2341 Lancaster Road, Richmond, Kentucky 40475, and 5106 Walnut Meadow Road, Paint Lick, Kentucky 40461-8587.

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By the Commission

Commissioner Talina Mathews did not participate in this case.

ENTERED
SEP 20 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2019-00339

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00339 DATED **SEP 20 2019**

TWO PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31302
Incident Date 1/16/2019 4:30:00 PM	Report Submitted 1/25/2019 1:10:29 PM

OPERATOR INFORMATION

Operator Delta Natural Gas Company, Inc. Phone 859-744-6171 ext. 1160 Incident Location 113 Mountain View Drive 113 Mountain View Dr. Berea, KY 40403 Madison	Reported By Mary Virginia Rupard Email mvrupard@deltagas.com Locate Ticket Number 1901081786
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EXCAVATOR INFORMATION

Name of Excavator Peercy, Chad Phone 859-358-1934 Excavator Address Peercy Lawn Care 2341 Lancaster Rd Richmond, KY 40475	Organization ID Email chad.peercy@gmail.com Locate Ticket Number
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INCIDENT

The operator reports that Chad Peercy called 811 to request a line location prior to excavating. The line was located and marked correctly by a Delta employee. Mr. Peercy exposed the service line prior to excavating. The service line broke when he used the backhoe to remove some tree roots.

INVESTIGATION

Peercy Lawn Care is not registered with the Secretary of State's office.

This is the first violation.

Peercy Lawn Care and Property Maintenance Facebook page lists the above phone number.

July 18, 2019 called the above number, it was the voicemail for Chad Peercy, however; the mailbox was full and could not take any messages.

July 19, 2019 called again, same issue, full mailbox. Sent Mr. Peercy a message over messenger.

July 23, 2019 called again, this time was able to leave a voicemail for Mr. Peercy.

July 29, 2019 called again, left a message that a demand letter was coming.

VIOLATION

KRS 367.4911 (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

*Chad Peercy
2341 Lancaster Rd.
Richmond, KENTUCKY 40475

*Chad Peercy
5106 Walnut Meadow Road
, KENTUCKY 40461