

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SAPP'S PLUMBING, INC.)

ALLEGED VIOLATION OF UNDERGROUND)
FACILITY DAMAGE PREVENTION ACT)

CASE NO.
2019-00340

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 Sapp's Plumbing Inc. (Sapp's Plumbing) for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Sapp's Plumbing 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. Sapp's Plumbing shall submit to the Commission a written response to the allegations contained in the Staff Incident Report on or before October 21, 2019.
2. Sapp's Plumbing 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 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 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 upon Sapp's Plumbing by the Taylor County Sheriff.

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By the Commission

Commissioner Talina Mathews did not participate in this case.



ATTEST:


Executive Director
for Bowen R. Pinson

Case No. 2019-00340

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00340 DATED **SEP 18 2019**

ONE PAGE TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 21118
Incident Date 11/5/2018 9:53:00 AM	Report Submitted 11/5/2018 11:23:27 AM

OPERATOR INFORMATION

Operator Atmos Energy Corporation	Reported By Lisa Whitney
Phone (270) 901-1711	Email lisa.whitney@atmosenergy.com
Incident Location 527 Willow Way, Campbellsville, KY 527 Willow Way Campbellsville, KY 42718	Locate Ticket Number N/A
Taylor	

EXCAVATOR INFORMATION

Name of Excavator Sapp, Greg	Organization ID N/A
Phone 270-469-0984	Email N/A
Excavator Address Sapp's Plumbing 100 McLean Rd Campbellsville, KY 42718	Locate Ticket Number

INCIDENT

Sapp's Plumbing, cut 3/4" PE service, while installing a water line at 527 Willow Way. They did not have a locate ticket for this damage according to Atmos employees.

INVESTIGATION

Sapp's Plumbing, Inc. is a Kentucky corporation that is inactive and in bad standing with the Secretary of State's office.

June 12, 2019 called Sapp's Plumbing, the mailbox was full and wasn't accepting any new messages at this time.

June 13, 2019 called and was able to leave a voicemail for Mr. Sapp.

June 18, 2019 called and again left a voicemail.

June 24, 2019 called again, left a voicemail message that a demand letter with a \$1250 civil penalty was coming.

VIOLATION

367.4911 (1) (a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Greg Sapp
Sapp's Plumbing, Inc.
100 McLean Rd.
Campbellsville, KENTUCKY 42718