

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SPRIGGS CONSTRUCTION LLC)	
)	
_____)	CASE NO.
)	2021-00083
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

OPENING ORDER

Spriggs Construction LLC (Spriggs Construction) has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, 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,

¹ KRS 367.4901 through KRS 367.4917.

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 Spriggs Construction for violation of the following provision of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if the markings of any underground facility have been removed or are no longer visible.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Spriggs Construction 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. Spriggs Construction shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

3. The Staff Incident Report 31674 in the Appendix to this Order is made a part of the record in this case.

4. **Please note that notice of a hearing to be held in this matter will be mailed to Spriggs Construction once proof of service is received by the Commission. Parties who fail to appear after service will be subject to entry of a default judgment against them.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00083 DATED MAR 01 2021

EIGHTEEN PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

KY PSC Investigator(s) John E. Gowins	Incident ID 31674
Incident Date 5/21/2019 4:25:00 PM	Report Submitted 6/17/2019 11:55:00 AM

OPERATOR INFORMATION

Operator Louisville Gas and Electric Company	Reported By Mike Jones
Phone (502) 364-8281	Email Mike.Jones@lge-KU.com
Incident Location 10424 Highway 44 Louisville, KY 40047 Jefferson	Locate Ticket Number 1905021356

EXCAVATOR INFORMATION

Name of Excavator Gibson, Cory	Organization ID
Phone 601-642-5077	Email
Excavator Address Spriggs Construction LLC 113 Highway 70 E Crossville, TN 38555	Locate Ticket Number

INCIDENT

Locate Ticket Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
1905021356	Yes	5/2/19	5/23/19	5/21/19	N/A	Yes

Excavation Summary			
Excavation Within Tolerance Zone	Type Of Equipment Used	Cost of Damage (Per Operator)	Amount Billed (Excavator)
Yes	Mechanized	\$714.00	\$0.00

The operator reports that the excavator damaged 1/2" plastic service because the marks were not visible where the damage occurred. The locate request was completed on 5/2 and 5/3. The locate request was marked accurately and validated in the post-marking photography, but was not maintained properly by the excavator for the entirety of the locate request.

INVESTIGATION

Manta has phone number of: 931.250.5253, same address.

This would be the company's first violation.

December 27, 2019

- Called 931.250.5253, left a v.m.
- Called 601.642.5077 left a v.m.

January 9, 2020

- Called 931.250.5253 left a v.m.
- Called 931.787.4783 (from dig ticket) spoke to Jim Spriggs. He said they were off the week of Christmas and were catching up on return calls. He was certain someone would get back with me.

January 16, 2020

- Called Mr. Spriggs at 931.787.4783, their building lost most of the roof in recent storms, gave me the number for Wendy Gentry 931.808.1767.
- Called Ms. Gentry, went to v.m. and the mailbox was full and couldn't take any messages.
- Called Mr. Spriggs back, explained the problem with trying to talk to Ms. Gentry, he will text her and ask her to contact me.

January 27, 2020

- Called Ms. Gentry at 931.808.1767, left a v.m.

February 7, 2020

- Called Ms. Gentry at 931.808.1767, spoke with her, explained my investigating of two incidents, she asked that I email her the information so she can research it to: wendy@spriggscon.com.

February 17, 2020

- Called Ms. Gentry at 931.808.1767, she has not been able to research yet, will try to get it looked at today.

February 28, 2020

- Called Ms. Gentry at 931.808.1767, she is still in the process of gathering pictures or other documentation.

March 9, 2020

- Sent Ms. Gentry a reminder email.

March 16, 2020

- Sent Ms. Gentry an email indicating two demand letters were coming, one for incident # 31674 and one for incident # 31694.

VIOLATION

KRS 367.4911 (8) (a) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if the markings of any underground facility have been removed or are no longer visible.

Gas Excavation Damage Report

Louisville Gas and Electric Company

Submitted 6/17/2019 Incident ID: 31674

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=31674\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 5/21/2019
Time: 4:25 PM

Details:

Reported Date: 6/17/2019 11:55 AM

Incident Location Address:

Location:
Address: 10424 Highway 44
City: Louisville
State: KY
County: Jefferson
Zip: 40047

Confirm Code:

Number of Customers out: 1
Locate Request Ticket No.: 1905021356
Excavator: Contractor

Excavator Address:

First Name: Cory
Last Name: Gibson
Organization ID:
Company: Spriggs Construction
Phone: 601-642-5077
Email:
Address: 113 Highway 70 E
City: Crossville
State: TN
Zip: 38555

Confirm Code: D

Excavation Damage: Facility marking or location not sufficient

Description of Incident Excavator damaged gas service after letting accurately marked service marks fade.

Summary Information

6/17/2019

Full details such as the cause	Excavator damaged 1/2" plastic service because the marks were not visible where the damage occurred. The locate request was completed on 5/2 and 5/3. The locate request was marked accurately and validated in the post-marking photography, but was not maintained properly by the excavator for the entirety of the locate request.
Extent of the damage	1/2" plastic service
Cost of the damage	\$714.00
Steps taken to prevent re-occurrence	Conducted a Safety Tailgate with the excavator on 5-24-19.
Amount billed to excavator	\$0.00



Tennessee Secretary of State

Tre Hargett

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Business Entity Detail

Available Entity Actions	File Annual Report
	Certificate of Existence
	More Business in Tennessee

Entity details cannot be edited. This detail reflects the current state of the filing in the system.

Return to the [Business Information Search](#).

000857353: Limited Liability Company - Domestic Printer Friendly Version

Name: Spriggs Construction LLC

Status: Active

Formed in: TENNESSEE

Fiscal Year Close: December

Term of Duration: Perpetual

Principal Office: 6130 HIGHWAY 70 N
CROSSVILLE, TN 38571-3636 USA

Mailing Address: 6130 HIGHWAY 70 N
CROSSVILLE, TN 38571-3636 USA

AR Exempt: No

Managed By: Member Managed

Initial Filing Date: 07/15/2016

Delayed Effective Date:

AR Due Date: 04/01/2020

Inactive Date:

Obligated Member Entity: No

Number of Members: 1

Assumed Names

History

Registered Agent

Name	Status	Expires
No Assumed Names Found...		

Division of Business Services
 312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
 Nashville, TN 37243
 615-741-2286
 8:00 a.m. until 4:30 p.m. (Central) Monday - Friday.
[Directions](#) | [State Holidays](#) | [Methods of Payment](#)

Business Filings and Information (615) 741-2286 | TNSOS.CORPINFO@tn.gov
 Certified Copies and Certificate of Existence (615) 741-6488 | TNSOS.CERT@tn.gov
 Motor Vehicle Temporary Liens (615) 741-0529 | TNSOS.MVTL@tn.gov
 Notary Commissions (615) 741-3699 | TNSOS.ATS@tn.gov

Uniform Commercial Code (UCC) (615) 741-3276 | TNSOS.UCC@tn.gov

Workers' Compensation Exemption Registrations (615) 741-0526 | TNSOS.WCER@tn.gov

Apostilles & Authentications (615) 741-0536 | TNSOS.ATS@tn.gov

Summons (615) 741-1799 | TNSOS.ATS@tn.gov

Trademarks (615) 741-0531 | TNSOS.ATS@tn.gov

Nonresident Fiduciaries (615) 741-0536 | TNSOS.ATS@tn.gov

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Tennessee Secretary of State
Tre Hargett

Gowins, John E (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Thursday, December 26, 2019 12:00 PM
To: Gowins, John E (PSC)
Subject: RE: Incident # 31674

The first two photos are of the post locate markings. You can see they are in line with the mailbox across the street and this sign.



Ticket: 1905021356.00 Timestamp: 5/2/2019 5:35:45 PM



The next images are of the damage location – right under the sign.





From: Gowins, John E (PSC) <john.gowins@ky.gov>
Sent: Thursday, December 26, 2019 11:13 AM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: Incident # 31674

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Mike,
The report mentions post-marking photographs. Can you provide those to me, and if you have any of the damage itself, those too.
Thanks.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

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NORMAL NOTICE

Ticket : 1905021356 Date: 05/02/2019 Time: 13:07 Oper: EBAYENS Chan:000

State: KY Cnty: BULLITT City: LOUISVILLE
Subdivision:

Address :

Street : OLD MILL RD

Cross 1 : N BARDSTOWN RD

Location: FROM THE INTERSECTION LOCATE SOUTH WEST ON THE NORTH SIDE OF THE ROAD
FOR 1410 FEET TO JUSTIN TRAIL

:

Boundary: n 38.048705 s 38.044580 w -85.545405 e -85.540915

Work type : INSTALL FIBER/DIRECTIONAL BORE

Done for : MCI METRO VERIZON

Start date: 05/06/2019 Time: 13:15 Hours notice: 96/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 6 FEET

Company : SPRIGGS CONSTRUCTION Type: CONT

Co addr : 113 TN RT 70 E

City : CROSSVILLE State: TN Zip: 38555

Caller : WENDY GENTRY Phone: (931)787-4783

Contact : CORY GIBSON - CELL Phone:

Mobile : (601)642-5077

Email : WENDY@SPRIGGSCON.COM

Remarks : *** GEOCODED PLACE IS MOUNT WASHINGTON

:

Submitted date: 05/02/2019 Time: 13:07

Members: 0002 0007 0054 0139 0641 WINKY

Gowins, John E (PSC)

From: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Sent: Tuesday, March 17, 2020 7:23 AM
To: Gowins, John E (PSC)
Subject: RE: Incident # 31674

John,

Here are 2 photos and the report from the responding crew. You will see they thought it was marked accurately and the excavator said it wasn't even at the time.



713.88 assigned 7/29, 2015

Incident Field Investigation Report — Gas



a PPL company

Damage report # 2019052808

Is this related to a capital project? Yes No

G# 6000870354

Project/task DTPDU19/MAINT

Resp. ctr. AOL

Damage to company facilities

Date of incident 5-21-19 Time 6:00 a.m. p.m. Police report # _____

Address/location of damage 10424 Highway 44 ZIP code 40047

Subdivision name _____ Time dispatched 4:25 a.m. p.m. Time of completion 8:30 a.m. p.m.

Who caused damage? Spriggs Construction

Address of party causing damage 113 TN Route 70 East Crossville (City) TN (State) (ZIP)

Phone number of party causing damage (Area code) 601 (Number) 642-5077

Was party causing damage still on the job? Yes No If yes, who was in charge? Cory Gibson

If no, how did you obtain name of party causing damage? _____

What was damaged? Company main Customer service Company service Other

What type of work was being performed? Boring In Fiber Conduit for MCI Metro

Explanation for damage: Repaired customer service

Repairs were made? Yes No If yes, by whom? _____

Additional work to be performed? Yes No If yes, by whom? _____

Possible damage to others

Incident _____ Time _____ a.m. p.m.

Was damaged? _____

Was LG&E doing at this location? _____

Description of damage _____

Address of property _____ Phone (Area code) _____ (Number)

Street address _____ (City) _____ (State) _____ (ZIP)

When was damage reported? _____

From: Gowins, John E (PSC) <john.gowins@ky.gov>
Sent: Monday, March 16, 2020 2:21 PM
To: Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>
Subject: Incident # 31674

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Mike,

The report says that the locate request was marked accurately and validated in the post-marking photography, but was not maintained properly by the excavator for the entirety of the locate request. Can you provide copies of the post-marking photographs?

Thanks.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

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Gowins, John E (PSC)

From: Gowins, John E (PSC)
Sent: Friday, February 7, 2020 9:42 AM
To: wendy@spriggscon.com
Subject: Incidents # 31674 and 31694
Attachments: 1905021356.pdf; email_from LG&E_31674.pdf; 1905260153.pdf

Ms. Gentry,

For incident # 31674, Louisville Gas and Electric reported that the excavator damaged 1/2" plastic service because the marks were not visible where the damage occurred. The locate request was completed on 5/2 and 5/3. The locate request was marked accurately and validated in the post-marking photography, but was not maintained properly by the excavator for the entirety of the locate request. The dig ticket # 1905021356 is attached. Also included is an email from LG&E with photographs.

For incident # 31694, Louisville Gas and Electric reported that the contractor was digging with track hoe when they damaged a 2-inch plastic gas main. Contractor failed to spot main with hand tools prior to using mechanized equipment. The main was located properly. The dig ticket # 1905260153 is attached as well.

Please contact me after your review.

Thank you.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

Gowins, John E (PSC)

From: Gowins, John E (PSC)
Sent: Monday, March 9, 2020 3:17 PM
To: wendy@spriggscon.com
Subject: FW: Incidents # 31674 and 31694
Attachments: 1905021356.pdf; email_from LG&E_31674.pdf; 1905260153.pdf

Ms. Gentry,

You and I spoke back on February 28 about these two incidents.

I really need to move forward on resolving these issues.

Have you had an opportunity to review your documentation?

Thanks.

From: Gowins, John E (PSC)
Sent: Friday, February 7, 2020 9:42 AM
To: wendy@spriggscon.com
Subject: Incidents # 31674 and 31694

Ms. Gentry,

For incident # 31674, Louisville Gas and Electric reported that the excavator damaged 1/2" plastic service because the marks were not visible where the damage occurred. The locate request was completed on 5/2 and 5/3. The locate request was marked accurately and validated in the post-marking photography, but was not maintained properly by the excavator for the entirety of the locate request. The dig ticket # 1905021356 is attached. Also included is an email from LG&E with photographs.

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Please contact me after your review.

Thank you.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

Gowins, John E (PSC)

From: Gowins, John E (PSC)
Sent: Monday, March 16, 2020 2:04 PM
To: wendy@spriggscon.com
Subject: Incidents # 31674 and 31694

Ms. Gentry,

I will be sending two demand letters to Spriggs Construction LLC for these gas line incidents. The letter for incident # 31674 will have a \$1250 civil penalty requirement since it is the first violation for the company.

The letter for incident # 31694 will have a \$2000 civil penalty requirement since it is the second violation for the company.

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
502.782.2656

Spriggs Construction LLC
6130 Hwy 70 N
Crossville, TENNESSEE 38571