

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	)	

ORDER

A hearing was held before the Kentucky Public Service Commission (Commission) on October 29, 2021, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Spriggs Construction LLC (Spriggs Construction) violated KRS 367.4911(8)(a) when, on May 21, 2019, at approximately 4:25 p.m. at 10424 Highway 44, Louisville, Kentucky 40047, it conducted excavation activities without contacting the protection notification center (811) to request remarking of underground facilities at the excavation site when the previous markings were no longer visible, and an underground ½-inch natural gas service line owned and operated by Louisville Gas and Electric Company (LG&E) and used to serve the public was damaged. Spriggs Construction failed to appear at the hearing. Following a review of the record and the taking of testimony the Commission determined that Spriggs Construction caused damage to an underground gas service line owned and operated by LG&E used to serve the public.

## FINDINGS OF FACT

The testimony presented at the hearing as well as the exhibits filed in the record establish that:

1. Spriggs Construction, at the time the damage occurred on May 21, 2019, was an excavator as defined by KRS 367.4903(4) who caused damage to a natural gas service line by means of excavation as defined by KRS 367.4903(2) and (6).

2. The natural gas service line was an underground facility owned and operated by LG&E to serve the public. The service line contained natural gas at the time it was damaged by Spriggs Construction, and one customer temporarily lost service due to the damage.

3. Spriggs Construction failed to call 811 to request remarking of underground facilities present at the excavation site at least two working days in advance of the expiration of its prior locate request or upon the prior markings becoming no longer visible, as required by KRS 367.4911(8)(a).

4. Spriggs Construction's excavation work was not emergency work within the scope of KRS 367.4907 or the definition of "Emergency" as defined in KRS 367.4903(7), and no exception to the call requirement is applicable to this case.

5. There are no known mitigating factors which would merit the imposition of a civil penalty less than the maximum provided by law. This violation is Spriggs Construction's first violation of KRS 367.4901 through KRS 367.4917.

## CONCLUSIONS OF LAW

1. Spriggs Construction violated KRS 367.4911(8)(a) when it conducted excavation activities without contacting 811 to request remarking of the excavation site when the previous markings were no longer visible.

2. As a consequence, the markings made in response to a valid locate request were no longer visible, and during the course of excavation activity Spriggs Construction struck and damaged a ½- inch natural gas service line owned, operated, and used by LG&E to serve the public.

3. At the time of the damage the service line contained natural gas, and due to the damage one customer temporarily lost service.

4. Spriggs Construction is subject to a civil penalty of \$1,250 for this violation by operation of KRS 367.4917(1) and KRS 367.4914(4).

IT IS THEREFORE ORDERED that:

1. Spriggs Construction is assessed a civil penalty of \$1,250 for violation of KRS 367.4911(8).

2. Spriggs Construction shall pay \$1,250 within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.

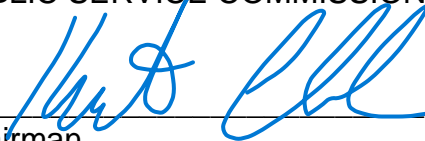
3. This case is closed and removed from the Commission's docket.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the Commission to act or, within 20 days after service of the final Order, as set out in KRS 278.410.

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PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner

ENTERED  
AUG 23 2022  
rCS  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Spriggs Construction LLC  
6130 Hwy 70 N  
Crossville, TENNESSEE 38571