

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BECKNELL-COGHILL, INC.	)	
	)	
_____	)	CASE NO.
	)	2021-00159
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

OPENING ORDER

Becknell-Coghill, Inc. (Becknell-Coghill) 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).<sup>1</sup>

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,

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<sup>1</sup> 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 Becknell-Coghill for violation of the following provision of the Act:

KRS 367.4911(6) – The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Becknell-Coghill 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. Becknell-Coghill shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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 32249 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 Becknell-Coghill 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.

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By the Commission

ENTERED  
APR 19 2021 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00159

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00159 DATED APR 19 2021

TWENTY-TWO PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

<b>KY PSC Investigator(s)</b> Eric V. Tout <b>Incident Date</b> 10/28/2019 9:56:00 AM	<b>Incident ID</b> 32249 <b>Report Submitted</b> 11/19/2019 1:14:41 PM
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## OPERATOR INFORMATION

<b>Operator</b> Duke Energy Kentucky, Inc. <b>Phone</b> (513) 287-2594 <b>Incident Location</b> 2119 Highwater Rd, Villa Hills 2119 Highwater Rd Villa Hills, KY 41017 Kenton	<b>Reported By</b> Laura Mate <b>Email</b> Laura.Mate@duke-energy.com <b>Locate Ticket Number</b> 1910190026
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## EXCAVATOR INFORMATION

<b>Name of Excavator</b> Coghill 859-393-2207, Bobby <b>Phone</b> 859-356-3063 <b>Excavator Address</b> Becknell-Coghill, Inc. PO Box 51 Morning View, KY 41063	<b>Organization ID</b> 0174448 <b>Email</b> <b>Locate Ticket Number</b>
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## INCIDENT

The Operator reports that the Excavator damaged a correctly marked gas service with a backhoe installing a water meter.

The Damage Report is include as Attachment 1.

### Excavation Summary

<b>Excavation Within 18"</b> (Approximate Location)	<b>Type Of Equipment Used</b>	<b>Cost of Damage</b> (Per Operator)	<b>Amount Billed</b> (Excavator)
Yes	Mechanized / Backhoe	\$647.86	\$647.86

### Locate Ticket (LT) Summary

<b>Ticket #</b>	<b>Valid</b>	<b>Initial Date</b>	<b>Expiration Date</b> (21 calendar days from Initial date)	<b>Incident Date</b>	<b># of Days Expired</b>	<b>Within Scope of Excavation</b>
1910190026	Yes	10/19/19	N/A	10/28/19	N/A	Yes

The Locate Ticket(s) is/are include as Attachment 2.

## INVESTIGATION

On 07/23/20 an attempt to contact the Excavator, Becknell-Coghill's Bobby Coghill (859-393-2207), result in a message stating that this is Bobby, wherein a message was left.

On 07/24/20 Mr. Coghill stated that he was aware that gas facilities were present, he, his two sons and a worker walked the area and this incident location was not marked, the curb stop was covered over and not marked. Mr. Coghill stated that he saw Duke's damage photographs and location marks were present in the photographs, but contends the marks were not visible when excavation began. Mr. Coghill stated that he took no photographs.

On 07/24/20 the Operator, Duke's Jim Collins, stated that the Excavator has refused to pay Duke for the damage. Mr. Collins provided the following documents:

- Project Resource Group (PRG) Invoice: Indicating the Excavator was billed \$647.86 for the damage.
- PRG Damage Investigation Findings: Indicating the service was marked correctly, the damage was close to the gas shutoff valve and was a direct result of a water meter installation/repair by Excavator.
- 10/23/19 Photographs: Indicating the incident location was marked five days before the incident date.
- 10/28/19 Photographs: Indicating the damage occurred within the approximant location/"tolerance zone" of 18 inches.

Mr. Collins email and documents are include as Attachment 3.

On 07/27/20 Mr. Coghill stated that the curb dox was not marked or exposed, no marks were present and he would have not been digging in the area if there were marks. Mr. Coghill stated that the area was marked five days prior to

the incident date, but rain and pine needles made it difficult to see the marks. It was being explained to Mr. Coghill the preservation of temporary underground facility markers is the excavator's responsibility when the telephone conversation abruptly ended. A Demand Letter requiring attendance to the Damage Prevention Course and payment of the reduced penalty of \$250.00 will be sent to Mr. Coghill.

**VIOLATION**  
**KRS 367.4911**

**(6)** The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.

**# of Offences**  
(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Last Offence Resolved Date</b>
1 <sup>st</sup>	N/A	N/A	N/A

# Attachment 1

# Gas Excavation Damage Report

## Duke Energy Kentucky, Inc.

Submitted 11/19/2019 Incident ID 32249

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=32249\)](#)

### Reported By:

Name	Laura Mate
Phone	(513) 287-2594
Email	Laura.Mate@duke-energy.com

### Gas Line Incident Occured:

Date	10/28/2019
Time	9:56 AM

### Details:

Reported Date	11/19/2019 1:14 PM
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### Incident Location Address:

Location	2119 Highwater Rd, Villa Hills
Address	2119 Highwater Rd
City	Villa Hills
State	KY
County	Kenton
Zip	41017

Confirm Code

Number of Customers out 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere?  \*

3/2020

Locate Request Ticket No. 1910190026

Excavator Contractor

### Excavator Address:

First Name	Bobby
Last Name	Coghill 859-393-2207
Organization ID	0174448
Company	BECKNELL-COGHLL, INC.
Phone	859-356-3063
Email	

<b>Address</b>	PO Box 51
<b>City</b>	Morning View
<b>State</b>	KY
<b>Zip</b>	41063
<b>Confirm Code</b>	Y
<b>Excavation Damage</b>	Failure to use hand tools where required

**Description of Incident** Gas service was damaged by a backhoe during a water meter installation/repair.

### Summary Information

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11/19/2019

<b>Full details such as the cause</b>	The service was marked correctly and the damage was close to the gas shutoff valve. Excavator failed to use hand tools near the gas service and damaged it with a backhoe.
<b>Extent of the damage</b>	Gas service damaged and required repair.
<b>Cost of the damage</b>	\$518.00
<b>Steps taken to prevent re-occurrence</b>	
<b>Amount billed to excavator</b>	\$518.00

# Attachment 2

NORMAL NOTICE

Ticket : 1910190026 Date: 10/19/2019 Time: 08:47 Oper: LWILLIAMS Chan:000

State: KY Cnty: KENTON City: VILLA HILLS  
Subdivision:

Address : 2119  
Street : HIGHWATER RD  
Cross 1 : COLINA DR  
Location: LOCATE ENTIRE FRONT OF THE PROPERTY AND BOTH SIDES OF THE ROAD  
:  
Boundary: n 39.071045 s 39.068641 w -84.581014 e -84.579073

Work type : INSTALL WATER METER  
Done for : NORTHERN KENTUCKY WATER DISTRICT  
Start date: 10/23/2019 Time: 07:00 Hours notice: 94/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 4 FEET

Company : BECKNELL COGHILL INC Type: CONT  
Co addr : P.O. BOX 51  
City : MORNING VIEW State: KY Zip: 41063  
Caller : BOBBY COGHILL Phone: (859)356-3063  
Contact : BOBBY COGHILL- CELL Phone:  
Mobile : (859)393-2207

Submitted date: 10/19/2019 Time: 08:47  
Members: 0122 0130 0416 0516

# Attachment 3

## Tout, Eric V (PSC)

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**From:** Collins, Jim <Jim.Collins@duke-energy.com>  
**Sent:** Friday, July 24, 2020 12:57 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** Mate, Laura L  
**Subject:** FW: 32249, 10/28/2019, 2119 Highwater Rd, Villa Hills, Becknell-Coghill, Inc.  
**Attachments:** 429195 - Claim Support Package.pdf

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Eric,  
Attached is the PRG claims report for this damage. It includes the pre-excitation and damage photos. PRG informed me that the contractor has refused to pay.

Please let me know if you need any additional information.

Thanks

Jim Collins, PE  
Duke Energy  
Manager, Damage Prevention  
(O) 513-287-1426 (M) 513-441-9680



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**From:** Mate, Laura L <Laura.Mate@duke-energy.com>  
**Sent:** Friday, July 24, 2020 11:07 AM  
**To:** Collins, Jim <Jim.Collins@duke-energy.com>  
**Cc:** Wray, AJ -prgconsulting <awray@prgconsulting.net>; Davis, Michael -prgconsulting <mdavis@prgconsulting.net>  
**Subject:** FW: 32249, 10/28/2019, 2119 Highwater Rd, Villa Hills, Becknell-Coghill, Inc.

Can you guys look into this one and reply back to Mr. Tout? It is PRG # 429195.

Thanks,  
Laura

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**From:** Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)>  
**Sent:** Friday, July 24, 2020 10:56 AM  
**To:** Mate, Laura L <[Laura.Mate@duke-energy.com](mailto:Laura.Mate@duke-energy.com)>  
**Subject:** [EXTERNAL] 32249, 10/28/2019, 2119 Highwater Rd, Villa Hills, Becknell-Coghill, Inc.

**\*\*\* CAUTION! EXTERNAL SENDER \*\*\***

**STOP & THINK! Do you know and trust this sender? Were you expecting this email? Is grammar and spelling correct? Does the content make sense? If suspicious, then do not click links, open attachments or enter your ID or password.**

Hello Laura,

The Excavator is claiming no marks were placed on this one. Please provided per-excavation and damage photos along with the **final** report. Were they billed and did they pay for the damage? If so need documentation.

*Thanks,  
Eric V. Tout  
Kentucky Public Services Commission  
Division of Inspections / Damage Prevention  
211 Sower Blvd., Frankfort, KY 40601  
Office: 502-782-2622  
Fax: 502-564-1582*



# INVOICE



Please Make Check Payable to: Project Resources Group

<b>Remit to:</b> Project Resources Group, Inc. Attn. Damage Claims 5340 S. Quebec St., Suite 250S Greenwood Village, CO 80111  EIN: 84-1576547	<b>Invoice #</b> DK-429195 <b>Date:</b> November 25, 2019 <b>Terms:</b> Due Upon Receipt <b>Conf. Code #</b> U3DAG
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<b>Responsible for Damages:</b> Becknell-Coghill Inc P.O. Box 51 Morningview, KY 41063
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<b>Date &amp; Address Where Damage Occurred:</b> 10/28/2019 2119 Highwater Rd Villa Hills, KY 41017
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<b>Labor and Materials Costs:</b>		<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>				
	Mechanic III - C&M (12049)	2.00	\$35.79	\$71.58
	Mechanic Operator I	2.00	\$73.70	\$147.40
	Mechanic Operator I	1.00	\$73.70	\$73.70
	Emergency Call Out	1.00	\$175.00	\$175.00
	SRW Utility	1.00	\$6.76	\$6.76
	DRW 15-26K Utility	2.00	\$15.87	\$31.74
	Damage Investigation/Quality Control			<u>\$130.00</u>
	Sub-Total			\$636.18
<i>Material Costs</i>				
	Coupling; Pipe; 1"	2.00	\$5.37	\$10.74
	Pipe; 1"	2.00	\$0.47	<u>\$0.94</u>
	Sub-Total			\$11.68
<b>Invoice Total</b>				<u>\$647.86</u> =====

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Mike Willingham, (704) 981-4521 or via email [mwillingham@prgconsulting.net](mailto:mwillingham@prgconsulting.net)

## Damage Investigation Findings

**PRG CLAIM:** DK-429195  
**DATE OF OUTAGE:** 10/28/2019 09:50 AM  
**NOTIFICATION:** 10/28/2019 09:58 AM  
**ARRIVAL:** 10/28/2019 11:15 AM  
**LOCATION:** 2119 Highwater Rd, Villa Hills , KY 41017  
**LOCATE TICKET:** 1910190026  
**INVESTIGATOR:** Jason Raleigh

### SUMMARY

On Monday, October 28, 2019, I was notified by Duke Energy about damage at 2119 Highwater Rd, Villa Hills, KY 41017. Duke Energy's Underground Facilities were damaged at the above stated location by a Backhoe.



## STATEMENTS

I arrived on site and spoke with Duke Energy. The service was marked correctly and the damage was close to the gas shutoff valve.

## DETERMINATION

On Monday, October 28, 2019, Duke Energy suffered damage to its facilities at the above stated location as a direct result of a water meter installation/repair by Becknell-Coghill Inc. In light of these circumstances, it has been determined that Becknell-Coghill Inc. will be held liable for this damage and the associated costs to Duke Energy.

## Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (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.



## ROOT CAUSE

Failure to properly expose and protect underground facilities

0416 00014 KUPIa 10/19/2019 08:48:53 1910190026-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 1910190026 Date: 10/19/2019 Time: 08:47 Oper: LWILLIAMS Chan:000

State: KY Cnty: KENTON City: VILLA HILLS

Subdivision:

Address : 2119

Street : HIGHWATER RD

Cross 1 : COLINA DR

Location: LOCATE ENTIRE FRONT OF THE PROPERTY AND BOTH SIDES OF THE ROAD

:

Boundary: n 39.071045 s 39.068641 w -84.581014 e -84.579073

Work type : INSTALL WATER METER

Done for : NORTHERN KENTUCKY WATER DISTRICT

Start date: 10/23/2019 Time: 07:00 Hours notice: 94/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO

Emergency: N

Duration : N/A

Depth: 4 FEET

Company : BECKNELL COGHILL INC Type: CONT

Co addr : P.O. BOX 51

City : MORNING VIEW State: KY Zip: 41063

Caller : BOBBY COGHILL Phone: (859)356-3063

Contact : BOBBY COGHILL- CELL Phone:

Mobile : (859)393-2207

Submitted date: 10/19/2019 Time: 08:47

Members: 0122 0130 0416 0516



429195 - Investigator1.JPG



429195 - Investigator2.JPG



429195 - Investigator3.JPG



429195 - Investigator4.JPG



429195 - Investigator5.JPG



429195 - Investigator6.JPG



429195 - Investigator7.JPG



429195 - Investigator8.JPG



429195 - Investigator9.JPG



429195 - Investigator10.JPG



429195 - Investigator11.JPG



429195 - Investigator12.JPG



429195 - Investigator13.JPG



429195 - Investigator14.JPG



429195 - Investigator15.JPG



Property of United States Infrastructure Corporation

Photo created on 10/23/2019 15:28:01 PM EDT

429195 - Locate Pre-Dig1.jpg



Property of United States Infrastructure Corporation  
Photo created on 10/23/2019 15:28:16 PM EDT

429195 - Locate Pre-Dig2.jpg



Property of United States Infrastructure Corporation  
Photo created on 10/23/2019 15:28:17 PM EDT

429195 - Locate Pre-Dig3.jpg



Property of United States Infrastructure Corporation  
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429195 - Locate Pre-Dig4.jpg



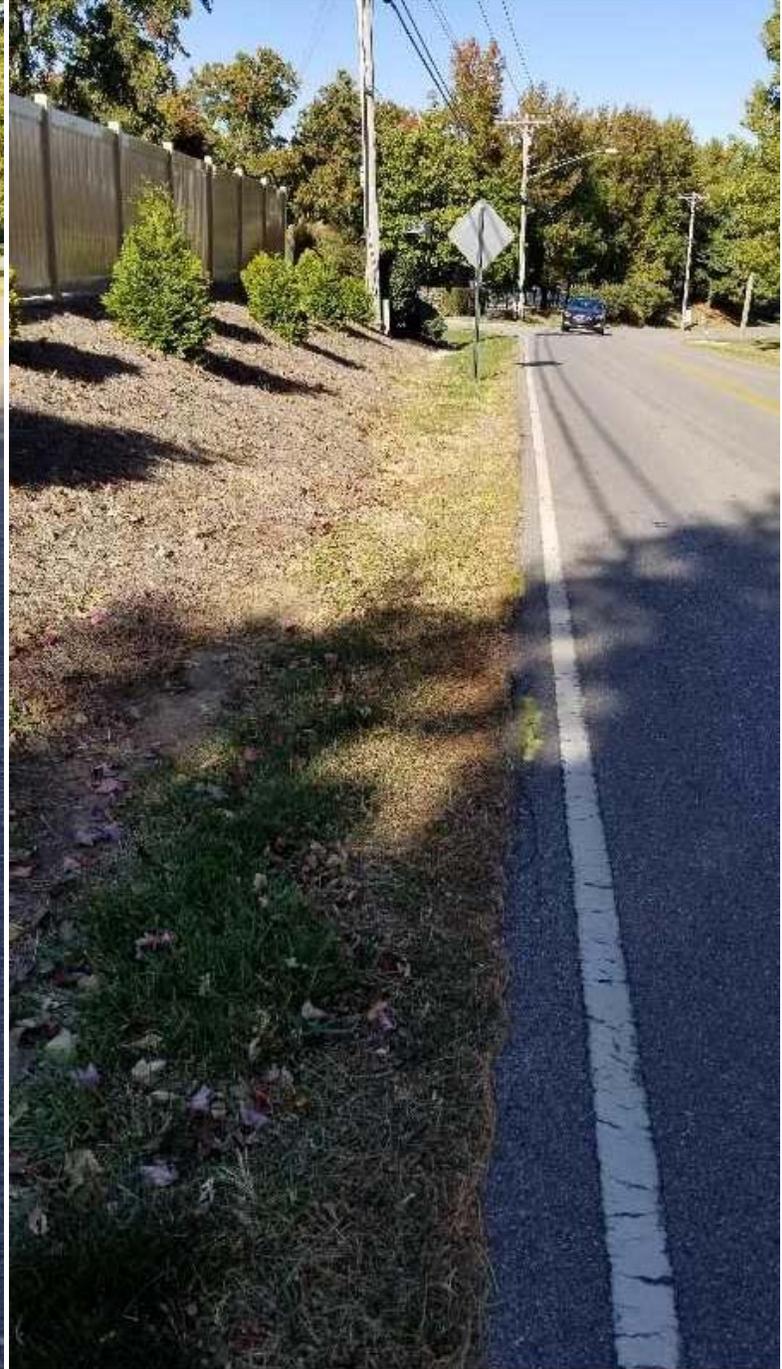
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429195 - Locate Pre-Dig6.jpg



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429195 - Locate Pre-Dig9.jpg



Property of United States Infrastructure Corporation

Photo created on 10/23/2019 15:28:36 PM EDT

429195 - Locate Pre-Dig10.jpg

Bobby Coghill  
2730 Cruise Creek Rd.  
Morning View, KENTUCKY 41063

Becknell-Coghill, Inc.  
P.O. Box 51  
Morning View, KENTUCKY 41063