

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

L&N UTILITIES LLC)	
)	
_____)	CASE NO.
)	2021-00267
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 L&N Utilities LLC (L&N) violated KRS 367.4911(10) when, on June 16, 2020, at approximately 10:17 a.m. at 1000 Samuel Street, Louisville, Kentucky 40204, it conducted excavation activities within the approximate location of a properly marked underground facility using mechanized equipment and thereby caused damage to an underground gas service line owned, operated and used by Louisville Gas and Electric Company (LG&E) to serve the public. L&N failed to appear at the hearing. Following a review of the record and the taking of testimony the Commission determined that L&N caused damage to an underground gas service line owned and operate by LG&E and 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. L&N, at the time the damage occurred on June 16, 2020, 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 approximate location of the line had been properly marked prior to the damage.

3. The service line contained natural gas at the time it was damaged by L&N and one customer temporarily lost service.

4. L&N'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. L&N failed when conducting excavation operations to hand dig or use non-intrusive means to avoid damage to the underground facility in violation of KRS 367.4911(10).

6. 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 L&N's third or subsequent violation of KRS 367.4901 through KRS 367.4917.

CONCLUSIONS OF LAW

1. L&N violated KRS 367.4911(10) when it failed to hand-dig or use nonintrusive means when conducting excavation activity within the approximate location of an underground facility.

2. As a consequence, L&N damaged a properly marked half-inch gas service while boring in conduit.

3. L&N is subject to a civil penalty of \$4,000 for this violation by operation of KRS 367.4917(1) and KRS 367.4914(4).

IT IS THEREFORE ORDERED that:

1. L&N Utilities LLC is assessed a civil penalty of \$4,000 for violation of KRS 367.4911(10).

2. L&N Utilities LLC shall pay \$4,000 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. Record of payment of the civil penalty assessed in this Order shall be placed in the post-case correspondence file.

4. 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.

PUBLIC SERVICE COMMISSION

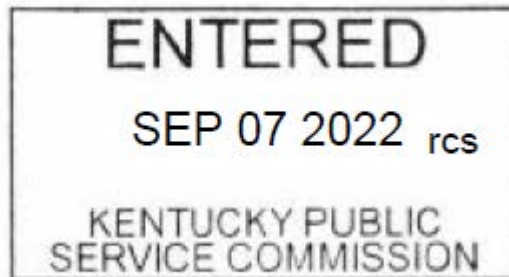


Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

*L & N Utilities LLC-Northwest Registered Agent
212 N 2nd St, Ste 100
Richmond, KENTUCKY 40475