

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROWIRE TECH, INC.)

_____)
ALLEGED VIOLATION OF UNDERGROUND)
FACILITY DAMAGE PREVENTION ACT)

CASE NO.
2021-00258

NOTICE OF FILING

Notice is given to all parties that the following have been filed into the record of this proceeding: (1) email communication between Investigator Tout and Mr. Raul Rodriguez, of ProWire Tech. Inc. dated September 28, 2020, (2) a Division of Inspections demand letter dated September 30, 2020, and (3) a 30-day past due notice from the Division of Inspections dated November 9, 2020.



Linda C. Bridwell, PE
Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40602

DATED AUG 19 2021

cc: Parties of Record

From: Tout, Eric V (PSC)
Sent: Thursday, August 19, 2021 12:01 PM
To: Park, John B (PSC)
Cc: Frederick, Tina (PSC); Norris-Canfield, Jessica D (PSC)
Subject: FW: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

2021-00258 Prowire Tech, here is the email Commissioner Chandler requested.

The DL and 30 day past due letters were sent to:

Raul Rodriguez
Prowire Tech Inc.
29126 Foxingham Cir.
Spring, TX 77386

And this letter was returned unable to deliver.

Raul Rodriguez, Registered Agent
Prowire Tech Inc.
601 Bizzell Dr. Ste# 200
Lexington, KY 40510

From: Raul Rodriguez <raulrod1981@prowiretech.com>
Sent: Monday, September 28, 2020 2:55 PM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Subject: Re: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Please send it to me at 29126 Foxingham Cir. Spring, TX 77386

Thank you

Raul Rodriguez

On Sep 28, 2020, at 11:07 AM, Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

I will send you a letter, via us mail, to whom and where do I send it?

Thanks,
Eric

From: Raul Rodriguez <raulrod1981@prowiretech.com>
Sent: Monday, September 28, 2020 11:51 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Subject: Re: FW: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Good morning sir,

Unfortunately I was not able to get any pictures from MetroNet supporting my claim, we'll have to go ahead and pay the total penalty amount of \$1,250.00. We've been done drilling in the state of KY and do not have anyone representing us for the monthly classes.

Please let me know where do I send the check to and who do I make it out to.

Thank you.

Raul Rodriguez

Operations Manager

Cell: [832-326-0802](tel:832-326-0802)

E: raulrod1981@prowiretech.com

W: www.prowiretech.com



On 2020-09-24 06:38, Tout, Eric V (PSC) wrote:

Mr. Rodriguez,

The below email was sent on 09/21/20 requesting a response and as of this email none has been received. This being your company's first offence there are three options to resolve this incident:

1. Pay the reduce penalty of \$250.00 and have a representative of the company attend the Damage Prevention course held in Frankfort at the Commission on the first Monday of each month from 1-3 p.m. (Postponed until further notice)
2. Pay the full penalty of \$1,250.00.
3. Request a hearing before the Commission. (Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky).

If you chose option one or two I will draft a letter outlining the details of the exact date of the course and 30 days to make the payment.

If no response is received by 09/28/20 option two will be chosen and in the event the penalty payment is no paid (30 days from the date of the letter to be sent) the hearing process will commence.

Please respond.

Respectfully

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

From: Tout, Eric V (PSC)
Sent: Monday, September 21, 2020 11:26 AM
To: raulrod1981@prowiretech.com
Subject: 32349, 12/12/2019, Morning Glory Ln, Lexington, Columbia Gas of Kentucky

Mr. Rodriguez,

As requested, photographs.

<image001.png>

<image002.png>

<image003.png>

Awaiting your response.

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



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Kent A. Chandler
Vice Chairman

Talina R. Mathews
Commissioner

September 30, 2020

Raul Rodriguez
Prowire Tech Inc.
29126 Foxingham Cir.
Spring, TX 77386
or
Raul Rodriguez, Registered Agent
Prowire Tech Inc.
601 Bizzell Dr. Ste# 200
Lexington, KY 40510

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 32349

DEMAND FOR PENALTY ASSESSMENT

Dear Mr. Rodriguez:

The Kentucky Public Service Commission (Commission) received a report on January 2, 2019, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Columbia Gas of Kentucky, Inc. Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate and assess civil penalties for any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

Following receipt of the damage notification, Commission Staff (Staff) performed an investigation of the incident and prepared the attached incident report. Based on its investigation of the incident, Staff has determined that Prowire Tech Inc. committed the following violation(s) of the Act:

KRS 367.4911

(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.

CIVIL PENALTY

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation within

one year, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation. Based on its investigation of this matter, Staff has determined that Prowire Tech should be assessed a civil penalty in the total amount of **\$1,250** for failing to comply with KRS 367.4911, first offense.

If Prowire Tech does not wish to contest the proposed penalty, Prowire Tech should mail or deliver a cashier's check or money order made payable to the "**Kentucky State Treasurer**", within 30 days of the date of this letter, to:

Kentucky Public Service
Commission 211 Sower Boulevard
Frankfort, Kentucky 40602

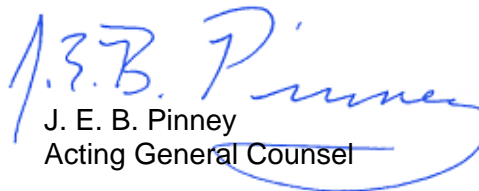
Please include the Incident Number **32349** on the cashier's check or money order submitted for payment.

Payment of the proposed civil penalty will satisfy and resolve any and all claims against Prowire Tech for any violation of the Act, arising out of the December 12, 2019 incident. Prowire Tech's payment of the proposed civil penalty will not be considered an admission by Prowire Tech that it willfully violated any provision of the Act.

If Prowire Tech does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Prowire Tech and hold a formal hearing during which Prowire Tech will have an opportunity to present evidence and show cause why it should not be assessed penalties under KRS 367.4917 as a result of the December 12, 2019 incident.

If you have any questions regarding this demand for penalty assessment, please contact Eric V. Tout, Division of Inspections at 502-782-2622.

Sincerely,


J. E. B. Pinney
Acting General Counsel



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Michael J. Schmitt
Chairman

Kent A. Chandler
Vice Chairman

Talina R. Mathews
Commissioner

November 9, 2020

Raul Rodriguez
Prowire Tech Inc.
29126 Foxingham Cir.
Spring, TX 77386
or
Raul Rodriguez, Registered Agent
Prowire Tech Inc.
601 Bizzell Dr. Ste# 200
Lexington, KY 40510

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 32349

30 Days Past Due

Dear Mr. Rodriguez:

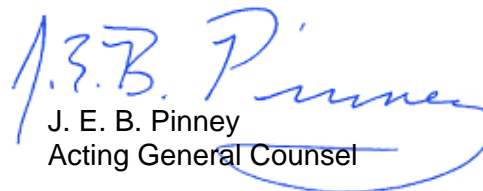
This is a reminder that your account is now past due in the amount of \$1,250.00. Attached is the demand letter and investigation report for the above Incident, which we show to be unpaid.

If we do not hear from you or receive payment within 10 days from the date of this letter, Incident Number 32349 will be referred to the Commission for an Administrative Hearing to be held at the Commission's offices.

Once a referral to the Commission is made, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that this penalty has already been paid, please contact Eric V. Tout, Division of Inspections at 502-782-2622.

Sincerely,


J. E. B. Pinney
Acting General Counsel

Attachment

November 9, 2020

Page 2 of 2

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*Prowire Tech, Inc.
20710 Sunshine Ln.
Spring, TEXAS 77388