

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DIAZ IRRIGATION, LLC	)	
	)	
_____	)	CASE NO.
	)	2022-00373
ALLEGED VIOLATION OF UNDERGROUND	)	
FACILITY DAMAGE PREVENTION ACT	)	

INITIATING ORDER FOR ALLEGED 811 VIOLATION OF THE KENTUCKY  
UNDERGROUND FACILITY DAMAGE PREVENTION ACT

(Se proporciona la traducción al español de este documento como anexo/apéndice.)

Diaz Irrigation, LLC (Diaz Irrigation) 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> A hearing in this case shall take place on January 27, 2023.

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

---

<sup>1</sup> KRS 367.4901 through KRS 367.4917.

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, 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 Appendix A. In its Incident Report, Staff cites Diaz Irrigation for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Diaz Irrigation violated the Underground Facility Damage Prevention Act. The Commission further finds that a formal investigation into the excavation damage incident shall be conducted.

IT IS THEREFORE ORDERED that:

1. Diaz Irrigation 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. Diaz Irrigation shall appear on January 27, 2023, at 9 a.m. Eastern Standard Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower

Boulevard in Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of the Underground Facility Damage Prevention Act.

3. The January 27, 2023 hearing shall be conducted via video conferencing.

4. Diaz Irrigation shall attend the hearing by using the following link: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; information and instructions are attached to this Order as Appendix B.

5. Diaz Irrigation shall notify the Commission at least ten days prior to the hearing if Diaz Irrigation is unable to appear by video conferencing and will therefore appear in person.

6. **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.**

7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 53838, attached to this Order as Appendix A, is made a part of the record in this case.

9. The January 27, 2023 hearing shall be recorded by video only.

10. **Please note parties who fail to appear after service will be subject to entry of a default judgment against them.**

PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00373 DATED NOV 23 2022

FIFTY-NINE PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 53838 **Investigation** 8755  
**Incident Date** 7/5/2021 11:39:00 AM **Report Submitted** 8/3/2021

## Operator Information

**Operator** Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones  
**Phone** (502) 364-8281 **Email** Mike.Jones@lge-KU.com

**Incident Location** 15600 Beckley Crossing Dr **Locate Ticket Number** NA  
 Louisville KY 40245

**County** Jefferson

## Excavator Information

**Excavator** Leoncio Diaz **Organization ID** 0779616  
 Diaz Irrigation, LLC  
**Phone** 502-379-3780 **Email**  
**Address** 3101 Eastwood Fisherville Rd **Locate Ticket Number** NA  
 Fisherville KY 40023

## Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call to KY Contact Center (811)	Yes	Yes	Not specified	\$716.00	\$0.00

The Operator reports that the Excavator damaged a one-inch gas service installing irrigation at a newly built home and failed to contact 811.

**The DR is included as Attachment 1.**

## INVESTIGATION

On 05/27/22 811, Carly Dunsmore, conducted a search from 06/01/21 thru 07/08/21 and found one Locate Ticket (LT) obtained by the excavator for the incident location.

LT Summary						
Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	Obtained After Damage	Within Scope of Excavation
2107050339	No	07/05/21 12:46	N/A	7/5/2021 11:39	1hr. 7min.	Yes

A review of LT...0339 reveals the excavator obtained it on the incident date at 12:46 and with the damage occurring at 11:39 indicates the LT was obtained 1 hour 7 minutes after the damage occurred.

On 05/31/22 an attempt to contact the Excavator at 502-379-3780 resulted in a message stating the mailbox is full and not accepting messages.

On 06/01/22 the Excavator, Diaz Irrigation's Artemio Diaz Jarquin, requested a copy of the DR be email to [diazjarquin@gmail.com](mailto:diazjarquin@gmail.com) (See Attachment 4 for email).

On 06/06/22 the Operator, LG&E's Mike Jones, provided the following documents:

## PIPELINE DAMAGE INVESTIGATION REPORT

- Facts-Based Investigation & Incident Field Investigation Report: Which are outlined in the DR Summary and Attachment 1.
- Damage Photographs - 35: Depicting the incident location.
- Invoice: Billing the Excavator \$715.55 for the damage repair and Mr. Jones indicates the bill is with collections.

**LG&E document are included as Attachment 3.**

On 06/07/22 a follow up email and telephone call to Mr. Diaz resulted in Mr. Diaz stating, via telephone, that no valid LT was held at the time of the damage. Mr. Diaz stated that the gas service was installed approximately one year ago and the gas service was installed incorrectly, six inches deep. Mr. Diaz stated that he would provide photographs indicating the depth. Said photographs were forwarded to the Inspection Section for any action deemed necessary. Mr. Diaz was receptive to attending the Damage Prevention Course and paying the reduce penalty of \$250.00.

**The email is included as Attachment 4.**

### VIOLATIONS<sup>1</sup>

**KRS 367.4911 (1)(a)** Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

#### # of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1 <sup>st</sup> Offence Date (Last Offence Date +366 Days)
1 <sup>st</sup>	See above	7/5/2021	N/A

---

<sup>1</sup> A revision of the Underground Facility Damage Prevention Act took effect on January 1, 2022. All incidents of damage dated prior to January 1, 2022 will be reviewed under the former version of the Act

# Attachment 1

# Gas Excavation Damage Report

## Louisville Gas and Electric Company

Submitted 8/3/2021 Incident ID: 53838

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53838\)](#)

### Reported By:

---

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

### Gas Line Incident Occured:

---

**Date:** 7/5/2021  
**Time:** 11:39 AM

### Details:

---

**Reported Date:** 8/3/2021 4:33 PM

### Incident Location Address:

---

**Location:**  
**Address:** 15600 Beckley Crossing Dr  
**City:** Louisville  
**State:** KY  
**County:** Jefferson  
**Zip:** 40245  
**Confirm Code:** Y

**Number of Customers out:** 1

Was gas or hazardous liquids contained in the underground facility?

\* 3/2020

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: NA

Excavator: Contractor

### Excavator Address:

First Name: Leoncio

Last Name: Diaz

Organization ID:

Company: Diaz Irrigation

Phone: 502-379-3780

Email:

Address: 3101 Eastwood Fisherville Rd

City: Fisherville

State: KY

Zip: 40023

Confirm Code:

Excavation Damage: No notification made to the One Call Center

Description of Incident ?Excavator damaged unmarked service digging without locates.

### Summary Information

8/3/2021

Full details such as the cause

Diaz Irrigation was contracted by the homeowner to install irrigation around the entire perimeter of the newly built home at 15600 Beckley Crossing Drive . While trenching in the new white PVC, Diaz Irrigation damaged a 1" medium pressure plastic gas service (SVC#412353). The gas service was damaged in front of the property on the customer side of the line, at an approximate depth of 9". Leoncio Diaz, the crew leader for Diaz, stated that he thought the gas line would be deeper and that they could trench over the line without hitting it.

Extent of the damage

Damaged 1" plastic gas service

Cost of the damage

\$716.00

<b>Steps taken to prevent re-occurrence</b>	Excavator encouraged to contact 811 in the future and told about Dig Laws.
<b>Amount billed to excavator</b>	\$0.00

# Attachment 2



## Tout, Eric V (PSC)

---

**From:** Carly Dunsmore <cdunsmore@usa811.org>  
**Sent:** Friday, May 27, 2022 1:11 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** PSCrequest@kentucky811.org  
**Subject:** Re: 53838  
**Attachments:** 2107050339.pdf

**\*\*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.**

---

Good afternoon,

We searched between 6/1/2021 and 7/8/2021 and found one ticket submitted by Diaz Irrigation for the address 15600 Beckley Crossing Drive in Jefferson County. If you have any questions, please do not hesitate to contact us.

Thank you,  
Carly Dunsmore, *Member Services*

Office [833-538-0923](tel:833-538-0923) | Fax [317-386-7820](tel:317-386-7820)

**Know what's below. 811 before you dig.**

[Indiana811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

[Kentucky811](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

On Fri, May 27, 2022 at 11:09 AM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

Please provide locate ticket(s) for:

Incident Date: 7/5/2021 (Provided the date range for the search)

Operator: Louisville Gas and Electric

Incident Location: 15600 Beckley Crossing Dr., Louisville

County: Jefferson

Excavator: Diaz Irrigation

*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*

## NORMAL NOTICE

Ticket : 2107050339 Date: 07/05/2021 Time: 12:46 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE  
Subdivision: BECKLEY CROSSING

Address : 15600  
Street : BECKLEY CROSSING DR  
Cross 1 : N BECKLEY STATION RD  
Location: LOCATE ENTIRE PROPERTY  
:  
Boundary: n 38.253287 s 38.246583 w -85.475304 e -85.467516

Work type : INSTALL IRRIGATION SYSTEM  
Done for : HOME OWNER  
Start date: 07/08/2021 Time: 07:00 Hours notice: 66/48 Priority: NORM  
Ug/Oh/Both: U Blasting: NO Emergency: N  
Duration : N/A Depth: 2 FT

Company : DIAZ IRRIGATION Type: CONT  
Co addr : 8909 PROSPECT ST  
City : LOUISVILLE State: KY Zip: 40242  
Caller : LEONCIO DIAZ Phone: (502)881-5148  
Contact : LEONCIO DIAZ - CELL Phone:  
Mobile : (502)881-5148  
Email : LDIAZJARQUIN@GMAIL.COM

Submitted date: 07/05/2021 Time: 12:46  
Members: 0002 0004 0006 0007 0052 0139

\* Responses are current as of 05/27/2022 01:07 PM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	The excavator has performed the excavation prior to the locator's arrival.
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	The excavator has performed the excavation prior to the locator's arrival.
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	
SPRINT 0052	FIBER OPTIC		
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	

# Attachment 3

## Tout, Eric V (PSC)

---

**From:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Sent:** Monday, June 6, 2022 8:38 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: 53838, 7/5/2021, 15600 Beckley Crossing Dr., Louisville, Diaz Irrigation  
**Attachments:** 2021073008.pdf; digitix\_attachments\_1654516297.zip; DigTix\_Incident\_Report.pdf; Yellow Report 15600 Beckley Crossing Dr.pdf

---

**\*\*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.**

---

This has gone to collections.

---

**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Friday, June 03, 2022 5:57 AM  
**To:** Jones, Mike (Auburndale) <Mike.Jones@lge-ku.com>  
**Subject:** 53838, 7/5/2021, 15600 Beckley Crossing Dr., Louisville, Diaz Irrigation

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

Hello Mike,

Please send repots, photos, invoices and payment info (copy of check) if paid.

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or

taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



## Facts-Based Investigation

Internal Claim ID: INC-20210705-001 Customer Claim ID: \_\_\_\_\_  
Site Investigator: Steve Delap Notified At: 07/05/21 12:17:00  
Notified By: Gas Operations Dispatch 5025891444  
Damage Location: 15600 Beckley Crossing Drive Louisville KY 40245  
Incident Time: 07/05/21 12:00:00

Original Locate Request: None found Assigned Locator: \_\_\_\_\_  
Locate Request Due: \_\_\_\_\_ Locate Request Completed: \_\_\_\_\_  
Photos Taken Before Damage? N  
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 1  
Depth: < 18" (0.5m) Below Grade  
Description and Extent of Damage: Diaz Irrigation was contracted by the homeowner to install irrigation around the entire perimeter of the newly built home at 15600 Beckley Crossing Drive . While trenching in the new white PVC, Diaz Irrigation damaged a 1" medium pressure plastic gas service (SVC#412353). The gas service was damaged in front of the property on the customer side of the line, at an approximate depth of 9". Leoncio Diaz, the crew leader for Diaz, stated that he thought the gas line would be deeper and that they could trench over the line without hitting it.

Equipment Used: Trencher  
Excavation Company Name: DIAZ IRRIGATION  
Company Address: 3101 Eastwood Fisherville Rd, Wilsonville, KY 40023  
Phone: 5023793780 Contact Name: Leoncio Diaz  
Working For: \_\_\_\_\_  
Repair Company: LG&E  
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N  
Impact Comments: \_\_\_\_\_  
Was Locate requested?: N Locate Request Completed?: N  
Locate Accurate (Within Tolerance Zone): N/A If No, Distance Markings Off: N/A  
Marks Visible at Time of Damage: \_\_\_\_\_ Damage Within Scope of Ticket: N





## Facts-Based Investigation

**Repair Contact Name:** Gary Shelton **Phone:** 5025891444

**Repair Comments:** LG&E dead ended the gas service on 7/5/21. LG&E is requesting that the plumber lower the service.

**Witness:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

**Witness:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

**Root Cause Explanation:** \_\_\_\_\_

**Responsible Party:** Diaz Irrigation

**Responsible Party Comments:** Leoncio Diaz 502-881-5148  
damage came thru at 12:17pm, new ticket(2107050339) was called in at  
12:46pm.

**Date of Investigation:** 07/05/21 **Investigation Time (Hours):** \_\_\_\_\_

**Site Investigator's Name:** Steve Delap **Phone:** 5029911135

**Site Investigator's Signature:** Steve Delap **Date:** 07/06/2021

**Damage Status:** One Call Notification Issue

**Cause Code:** No notification made to One-Call Center / 811

**Damage Claims Manager:** \_\_\_\_\_





**NOTE:** Only 12 most recent photos shown. To view all 35 attachments, please view the ticket within DigTix.



# Incident Field Investigation Report — Gas



Damage report # 2021073008  
 Is this related to a capital project?  Yes  No  
 G# 6001027801

Project/task OTPD419/MAINT  
 Resp. ctr. 4280

**Damage to company facilities**

Date of incident 7/5/21 Time 11:35  a.m.  p.m. Police report # \_\_\_\_\_  
 Address/location of damage 15600 Beckley Crossing Dr ZIP code 40245  
 Subdivision name Beckley Crossing Estate  
 Time dispatched 11:39  a.m.  n. Time of completion 3:00  a.m.  p.m.  
 Who caused damage? Diaz Irrigation LLC (Name of contractor, utility, individual, etc.)  
 Address of party causing damage 3101 Eastwood-Fischerville Rd (Street) (City) (State) (ZIP)  
 Phone number of party causing damage (502) 881-5148 (Area code) (Number)  
 Was party causing damage still on the job?  Yes  No If yes, who was in charge? Leoncio Diaz  
 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? installing irrigation  
 Party's explanation for damage thought gas line would be deep enough to go over with plow  
 What repairs were made? \_\_\_\_\_  
 Any additional work to be performed?  Yes  No If yes, by whom? \_\_\_\_\_ Number of customers out 1

**Possible damage to others**

Date of incident \_\_\_\_\_ Time \_\_\_\_\_  a.m.  p.m.  
 What was damaged? \_\_\_\_\_  
 What was LG&E doing at this location? \_\_\_\_\_  
 Description of damage \_\_\_\_\_  
 Owner of property \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_ (Area code) (Number)  
 Owner's address \_\_\_\_\_ (Street) (City) (State) (ZIP)  
 To whom was damage reported? \_\_\_\_\_  
 Was an LG&E contractor notified?  Yes  No If yes, name of contractor \_\_\_\_\_  
 Is the LG&E contractor responsible for the damage?  Yes  No  
 Were photos taken?  Yes  No If yes, from whom can the photos be obtained? \_\_\_\_\_  
 Were there any injuries?  Yes  No If yes, name of injured party \_\_\_\_\_  
 Were there any witnesses to the incident?  Yes  No  

Name	Address	Phone

**BUD/KY 811/VA 811 information**

BUD number and requesting party's name 2107050339 Leoncio Diaz " " "  
 Were facilities marked?  Yes  No Did excavator agree?  Yes  No  
 If yes, were facilities properly marked?  Yes  No Did excavator agree?  Yes  No  
 If no, how were they mismarked? (be specific) ticket not due yet, ticket due 7/8/21  
 Was line locating contractor on the job?  Yes  No

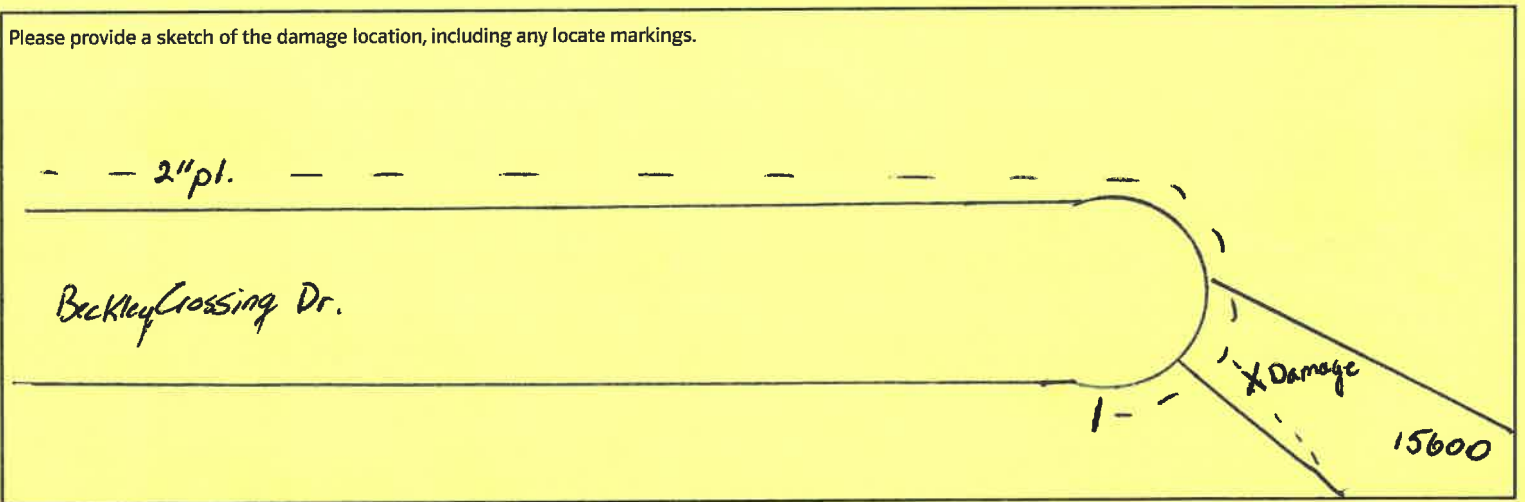
7-5-21 (Date of report) Jay Shelton (Signature of employee) 10173 (Employee number)  
 Approved \_\_\_\_\_ Date 07-28-2021

Put any additional comments on back

Comments Irrigation contractor at new construction vacant residence broke 1" plastic customer service. Service only 8" deep -- Per B. England on-call supervisor dead-end both ends for now potentially having builder install new sleeve at correct depth. Douthitt made repairs on 07-08-21

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Gary Shelton	10173	3 1/2				<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Dustin Hartlage	28315		2		8372	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Taylor Douthitt	29001	2			4955	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Jordan Watson	20681	2				<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.



Material Used		
Qty.	Material	IIN#
	ft. Pipe PE 2406: 1/2" IPS	1170051
3	ft. Pipe PE 2406: 1" CTS	1170078
	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
	ea. 1/2" IPS Permasert coupling	0394943
2	ea. 1" CTS Permasert coupling	0394935
	ea. 2" IPS Electrofusion CPL	0394894
	ea. 4" IPS Electrofusion CPL	0394901
	ea. 1" Prefab Meterloop w/reg.	0532951
	ea. Flex Riser 1" male by 1/2" IPS	0530927
	ea. Flex Riser 1" male by 1" CTS	0530935
	ea. Farm tap (w/o regulator)	ARM WR 5695012
	ea. Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
2	1" CTS Permasert Couplings	









2021-07-05 19:17:06  
38,2474331,-85,4691891





2021-07-05 13:17:07  
36.2474331,-85.4691881





2021-07-05 13:17:07  
38.2474333,-85.4691891





2021-07-05 13:17:08  
38.2473884,-85.4685492





2021-07-05 13:17:26  
36.2470762,-85.4574489





2021-07-05 13:17:27  
38.2470762,-85.4674409

MEETING ROOM





2021-07-05 13:17:29  
38.2478762,-85.4674489





2021-07-05 13:17:30  
38.2470762,-85.4674409





2021-07-05 13:17:32  
38.2470762,-85.4674489





2021-07-05 13:17:32  
38.2470880,-85.4675414





2021-07-05 13:17:33  
68.2473471, -85.4689582







STM F48  
-DWY  
M D2665











2021-07-05 13:19:43  
38,2472238,-85,681567





2021-07-05 13:19:56  
38.2471042,-85.4578146





2021-07-05 13:19:57  
38,2471455,-85,4677814





2021-07-05 13:20:11  
38.2468688,-85.4674387





2021-07-05 13:20:15  
38.2471919,-85.4679232





2021-07-05 13:20:18  
38.2471919,-85.4679232





2021-07-05 13:28:19  
38.2471919,-85.4678832





2021-07-05 13:20:47  
33,2473579, +85,4675276





2021-07-05 13:20:48  
38.2473578,-85.4676276





2021-07-05 13:20:50  
38.2471430,-85.4676528





2021-07-05 13:20:53  
38.2471430,-85.4370528





2021-07-05 13:20:58  
88.2471430,-85.4676526





2021-07-05 13:21:01  
38.2471430,-85.4676528









2021-07-05 13:31:59  
38.2472308,-85.4677432





Green River  
Waste,  
(502) 759-4122









2021-07-05 13:32:54  
38.2481189,-85.4689817





2021-07-05 13:33:08  
38.2470888,-85.4676078





2021-07-05 13:37:05  
38.2471042,-85.4676381





**Invoice**  
**Louisville Gas and Electric Company**  
 820 West Broadway  
 Louisville, KY 40202  
 Attn: Remittance and Collection  
 800-928-1340

INVOICE DATE: 03/22/2022

REFERENCE: OTPD419  
 NO.:  
 DTS INVOICE: 2021073008  
 NO.:

AMOUNT DUE: **\$715.55**  
 DUE DATE: **04/21/2022**

DIAZ IRRIGATION LLC  
 3101 EASTWOOD FISHERVILLE ROAD  
 FISHERVILLE KY 40023

**PLEASE RETURN TOP PORTION WITH YOUR PAYMENT**  
**PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES**

COST TO REPAIR: Damaged Customer Gas Service  
 DAMAGE DATE: 07/05/2021  
 DAMAGE LOCATION: 15600 Beckley Crossing Dr  
 Louisville, KY 40245

LABOR HOURS: 9.50

LABOR COST: \$631.63

MATERIAL COST: \$21.40

TRANSPORTATION/EQUIPMENT COST: \$62.52

CONTRACTOR COST: \$0.00

OTHER DAMAGE COSTS: \$0.00

**TOTAL DUE: \$715.55**



# Attachment 4



## Tout, Eric V (PSC)

---

**From:** Tout, Eric V (PSC)  
**Sent:** Tuesday, June 7, 2022 8:38 AM  
**To:** diazjarquin@gmail.com  
**Subject:** FW: 53838, 7/5/2021, 15600 Beckley Crossing Dr., Louisville, LG&E  
**Attachments:** Attach 1- DR.pdf; Attach 2- Email & LT.pdf

Mr. Diaz,

As of this email I have not received a response to the below.

---

**From:** Tout, Eric V (PSC)  
**Sent:** Wednesday, June 1, 2022 12:23 PM  
**To:** diazjarquin@gmail.com  
**Subject:** FW: 53838, 7/5/2021, 15600 Beckley Crossing Dr., Louisville, LG&E

---

**From:** Tout, Eric V (PSC)  
**Sent:** Wednesday, June 1, 2022 12:18 PM  
**To:** [dizajarquin@gmail.com](mailto:dizajarquin@gmail.com)  
**Subject:** 53838, 7/5/2021, 15600 Beckley Crossing Dr., Louisville, LG&E

Mr. Diaz,

As discussed over the telephone the Kentucky Public Service Commission (Commission) received a damage report occurring on 07/05/21 at 15600 Beckley Crossing Dr., Louisville KY, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by Louisville Gas and Electric Company (LG&E). 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.

LG&E reports that Diaz Irrigation damaged a one-inch gas service installing irrigation at a newly built home and failed to contact the KY Contact Center (811) (See Attach 1).



811 conducted a search from 06/01/21 thru 07/08/21 and found one invalid Locate Ticket (LT) 2107050339 (See Attach 2) obtained by Diaz Irrigation for the incident location. A review of LT...0339 reveals Diaz Irrigation obtained it on the incident date, 07/05/21, at 12:46 and with the damage occurring at 11:39 indicates the LT was obtained 1 hour 7 minutes after the damage occurred.

This being a violation of KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

This being your company's first offence there are three options to resolve this incident:

1. If you are in agreement with the information provided pay the reduce penalty of \$250.00, first offence and have a representative attend the Damage Prevention Course held on line typically the first Monday of each month from 9-10 a.m. EST.
2. If you are in agreement with the information provided pay the full penalty of \$1,250.00.
3. If you disagree please provide evidence indicating otherwise. (If a hearing is required 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 how to register for the course and /or make the penalty payment. (Please provided a mailing address and to whom the letter should be addressed).

If you chose option three email, [ericv.tout@ky.gov](mailto:ericv.tout@ky.gov), or mail to my attention, 211 Sower Blvd. P.O. Box 615, Frankfort, KY 4060, this information.

A timely response will be appreciated.

*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*



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00373 DATED NOV 23 2022

TWO PAGES TO FOLLOW

**Information and Instructions for Hearing**



You are required to attend a formal hearing with the Kentucky Public Service Commission. Please note the hearing is scheduled in the **Eastern Time Zone**, and the hearing date and time are on the Order that accompanied these instructions.

You are **strongly encouraged** to download the GoToMeeting app now and be ready for your hearing. If you cannot appear via video using this app, at least ten days prior to your scheduled hearing you must call the Commission's offices at the number provided below. You will receive instructions on appearing in person in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky at the time and date of your scheduled hearing.

Please direct any questions to Ashley Rhodes, Commission Division of Inspections. [AshleyB.Rhodes@ky.gov](mailto:AshleyB.Rhodes@ky.gov) or 502-782-2578.

**To download the GoToMeeting app go to:**

<https://global.gotomeeting.com/install/258846301>

On the day of your hearing using your computer, tablet, or video enabled smartphone. **Access the proceeding at:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

More information about using GoToMeeting can be found at:

GoToMeeting - Attendee Quick Start

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - How to Join a Meeting

[https://www.youtube.com/embed/Ojl1q\\_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0](https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0)



# Technical Requirements for Using GoToMeeting

## Operating System:

Windows 7 – Windows 10

Mac OS X 10.9 (Mavericks) – mac OS Big Sur (11)

Linux/Ubuntu (Web App only)

Google Chrome OS (Web App only)

iOS 11 – iOS 13

Android OS 5 (Lollipop) – Android 10

## Web Browser: (Applies to Web App only)

Google Chrome v72 or newer

Microsoft Edge v77 or newer

## Internet Connection:

Computer: 1 Mbps or better (broadband recommended)

Mobile device and Chromebook: 3G or better (WiFi recommended for VoIP)

## Software:

GoToMeeting desktop app (JavaScript enabled)

GoToMeeting app from the Apple Store, Google Play Store, or Windows Store

## Hardware:

2GB of RAM (minimum), 4GB or more of RAM (recommended)

Webcam device\*

Microphone and speakers\*\* (USB headset recommended)

## Mobile Device:

iPhone 5 or newer

iPad 3<sup>rd</sup> gen or newer

Note: \* You MUST have a camera on your device or connected to your device to appear at the hearing.

\*\* Most devices have built-in speakers, but you will get better audio quality while connected via VoIP if you use a headset



APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00373 DATED NOV 23 2022

TEN PAGES TO FOLLOW



ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

DIAZ IRRIGATION, LLC	)	
	)	
_____	)	CASO NO.
	)	2022-00373
PRESUNTA INFRACCIÓN DE LA LEY DE	)	
PREVENCIÓN DE DAÑOS EN INSTALACIONES	)	
SUBTERRÁNEAS	)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY  
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE  
KENTUCKY

**(Se proporciona la traducción al español de este documento como anexo/apéndice.)**

Diaz Irrigation, LLC (Diaz Irrigation) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).<sup>1</sup> Una audiencia sobre este caso tendrá lugar el January 27, 2023.

Conforme a la norma KRS 278.495(2), la Comisión tiene jurisdicción para regular la seguridad de las instalaciones de gas natural en Kentucky y para hacer cumplir las normas federales mínimas de seguridad de las tuberías. En virtud de la Ley, la Comisión tiene autoridad para investigar y evaluar las sanciones civiles por cualquier infracción de la Ley que resulte en daños de excavación a una instalación subterránea utilizada para transportar gas natural o líquidos peligrosos sujetos a las leyes federales de seguridad de tuberías, 49 U.S.C. §. 60101 *et seq.* Toda persona que infrinja cualquier disposición

---

<sup>1</sup> KRS 367.4901 a KRS 367.4917.



de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares por la primera infracción, no más de 1.000 dólares por la segunda infracción en el plazo de un año, y no más de 3.000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1.000 dólares.

Tras recibir un informe de daños por excavación en su gasoducto subterráneo por parte de un operador, el personal de la Comisión (el Personal) llevó a cabo una investigación y preparó un Informe de Incidentes, cuya copia se adjunta a esta Orden como Apéndice A. En su Informe de Incidentes, el Personal cita a Diaz Irrigation por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Diaz Irrigation violó la Ley de Prevención de Daños a Instalaciones Subterráneas. La Comisión considera, además, que debe llevarse a cabo una investigación formal sobre el incidente de los daños causados por la excavación.

POR LO TANTO SE ORDENA que:



1. Diaz Irrigation deberá presentar a la Comisión una respuesta por escrito a las alegaciones contenidas en el Informe de Incidencia del Personal en un plazo de 20 días a partir de la recepción de esta Orden a través de un correo electrónico enviado a [PSCED@ky.gov](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje

2. Diaz Irrigation comparecerá el January 27, 2022, a las 9 A.M. Eastern Standard Time, en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia January, 27, 2022 se llevará a cabo por videoconferencia.

4. Diaz Irrigation deberá asistir a la audiencia utilizando el siguiente enlace: <https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>; la información y las instrucciones se adjuntan a esta Orden como Apéndice B.

5. Diaz Irrigation notificará a la Comisión, al menos diez días antes de la audiencia, si Diaz Irrigation no puede comparecer por videoconferencia y, por lo tanto, comparecerá en persona.

**6. Cualquier sociedad, corporación o entidad comercial (incluyendo una sociedad de responsabilidad limitada) debe ser representada por un abogado con licencia para ejercer la abogacía en Kentucky y dicha representación incluye la presentación de documentos y las comparecencias en las audiencias ante la Comisión.**

7. Un individuo puede presentar una respuesta a las alegaciones contenidas en el Informe de Incidentes del Personal sin la representación de un abogado.



8. El Informe de Incidentes del Personal 53838, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 27, 2022 se grabará únicamente por vídeo.

10. **Tenga en cuenta que las partes que no comparezcan después de la notificación estarán sujetas a que se asiente una sentencia en rebeldía contra ellos.**



COMISIÓN DE SERVICIOS PÚBLICOS

---

Presidente

---

Vicepresidente

---

Comisionado/a

HACE CONSTAR:

---

Director/a Ejecutivo/a



APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS  
PÚBLICOS DE KENTUCKY EN EL CASO NO. 2022-00373 FECHADO

CINCUENTA Y NUEVE PÁGINAS A SEGUIR



APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE  
KENTUCKY EN EL CASO NO. 2022-00373 FECHADO

DOS PÁGINAS PARA SEGUIR



## Información e instrucciones para la audiencia

Se le obliga a asistir a una audiencia formal con la Comisión de Servicios Públicos de Kentucky. Tenga en cuenta que la audiencia está programada en la **huso horario del este**, y que la fecha y la hora de la audiencia figuran en la Orden que acompaña a estas instrucciones.

**Se le recomienda encarecidamente** que descargue la aplicación GoToMeeting ahora y esté preparado para su audiencia. Si no puede comparecer por vídeo utilizando esta aplicación, debe llamar a las oficinas de la Comisión al número que se indica a continuación al menos diez días antes de la audiencia programada. Recibirá instrucciones para presentarse en persona en la sala de audiencias Richard Raff de las oficinas de la Comisión en el 211 Sower Boulevard en Frankfort, Kentucky, a la hora y fecha de su audiencia programada.

Sírvase dirigir cualquier pregunta a Ashley Rhodes, División de Inspecciones de la Comisión. [AshleyB.Rhodes@ky.gov](mailto:AshleyB.Rhodes@ky.gov) o 502-782-2578.

**Para descargar la aplicación GoToMeeting vaya a:**

<https://global.gotomeeting.com/install/258846301>

El día de su audiencia utilizando su computadora, tableta o teléfono inteligente con capacidad de vídeo. **Acceda al procedimiento en:**

<https://meet.goto.com/pscformalhearing/psc-damage-prevention-hearing>

Puede encontrar más información sobre el uso de GoToMeeting en  
GoToMeeting - Inicio rápido del asistente

<https://www.youtube.com/embed/8VaHHVP0FCU?autoplay=1&showinfo=0&controls=0&rel=0>

GoToMeeting - Cómo unirse a una reunión

[https://www.youtube.com/embed/Ojl1q\\_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0](https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0)



# Requisitos técnicos para utilizar GoToMeeting

## Sistema operativo:

Windows 7 – Windows 10  
Mac OS X 10.9 (Mavericks) – Mac OS Big Sur (11)  
Linux/Ubuntu (sólo aplicación web)  
Google Chrome OS (sólo aplicación web)  
iOS 11 - iOS 13  
Android OS 5 (Lollipop) - Android 10

## Navegador web: (Sólo se aplica a la aplicación web)

Google Chrome v72 o más reciente  
Microsoft Edge v77 o más reciente

## Conexión a Internet:

Computadora: 1 Mbps o superior (se recomienda la banda ancha)  
Dispositivo móvil y Chromebook: 3G o superior (se recomienda WiFi para VoIP)

## Software:

Aplicación de escritorio de GoToMeeting (con JavaScript activado)  
La aplicación GoToMeeting de Apple Store, Google Play Store o Windows Store

## Hardware:

2 GB de RAM (mínimo), 4 GB o más de RAM (recomendado)  
Dispositivo de cámara web\*  
Micrófono y altavoces\*\* (se recomiendan auriculares USB)

## Dispositivo móvil:

iPhone 5 o más reciente  
iPad de 3ª generación o más reciente

Nota: \* Para comparecer en la audiencia, ES PRECISO tener una cámara en su dispositivo o conectada a él.

\*\* La mayoría de los dispositivos tienen altavoces incorporados, pero obtendrás una mejor calidad de audio mientras estás conectado por VoIP si utilizas unos auriculares.



APÉNDICE C

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE  
KENTUCKY EN EL CASO NO. 2022-00373 FECHADO

DIEZ PÁGINAS PARA SEGUIR



Darren C. Wolf  
2615 Taylorsville Road  
Louisville, KENTUCKY 40205

DIAZ IRRIGATION, LLC  
P.O. Box 221468  
Louisville, KENTUCKY 40252-146

DIAZ IRRIGATION, LLC  
8909 Prospect Street  
Louisville, KENTUCKY 40242

\*DIAZ IRRIGATION, LLC  
3101 Eastwood Fisherville Rd.  
Fisherville, KENTUCKY 40023