

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GADDIS EXCAVATING)	
)	
_____)	CASE NO.
)	2022-00376
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.)

Gaddis Excavating 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).¹ 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

¹ 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 Gaddis Excavating 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 Gaddis Excavating 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. Gaddis Excavating shall submit to the Commission, via email sent to 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. Gaddis Excavating 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. Gaddis Excavating 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. Gaddis Excavating shall notify the Commission at least ten days prior to the hearing if Gaddis Excavating 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.**

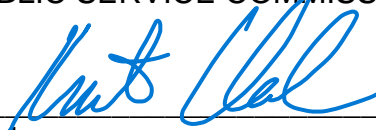
7. An individual may submit a response to the allegations contained in the Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 53553, 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. 2022-00376 DATED NOV 22 2022

THIRTY-NINE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53553 **Investigation** 8537
Incident Date 4/21/2021 10:00:00 AM **Report Submitted** 5/20/2021

Operator Information

Operator Atmos Energy Corporation **Reported By** Anthony Stallins
Phone (270) 925-6312 **Email** anthony.stallins@atmosenergy.com

Incident Location 210 Crabtree Ave **Locate Ticket Number** N/A
Owensboro KY 42301
210 Crabtree Ave, Owensboro
County Daviess

Excavator Information

Excavator Billy Joe Gaddis **Organization ID** 1061092
Gaddis Excavating
Phone 270-314-6779 **Email** gaddisdirt@gmail.com
Address PO Box 513 **Locate Ticket Number** N/A
Owensboro KY 42302

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 811	Yes	Yes	Not specified	\$303.00	\$303.00

The Operator reports that the Excavator damaged a ¾ inch gas service end cap, installing a driveway and parking lot and failed to contact the KY Contact Center (811).

The DR is included as Attachment 1.

INVESTIGATION

On 03/15/22 811, April Butler and/or Carly Dunsmore, conducted a search from 03/01/21 thru 04/24/21 and were unable to find any Locate Tickets (LT) submitted for 210 Crabtree Ave.

On 03/17/22 an attempt to contact the Excavator at 270-314-6779 resulted in a message stating you have reach my dad wherein a voice message was left. An attempt to contact the Excavator at 270-684-2030 (web #) resulted in Tom Early stating research was warranted and he would call back. Received a return/voice message from Billy Joe Gaddis stating he can be reached at 270-314-6779 and a return call resulted in a voice message begin left.

On 03/17/22 Mr. Gaddis stated that Gaddis Excavating held no valid Locate Ticket at the time of the damage. Mr. Gaddis was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS¹

¹ 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

PIPELINE DAMAGE INVESTIGATION REPORT

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 1st Offence Date (Last Offence Date +366 Days)
1 st	21196	11/19/18	11/20/19

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 5/20/2021 Incident ID: 53553

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53553\)](#)

Reported By:

Name: Anthony Stallins
Phone: (270) 925-6312
Email: anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date: 4/21/2021
Time: 10:00 AM

Details:

Reported Date: 4/28/2021 11:46 AM

Incident Location Address:

Location: 210 Crabtree Ave, Owensboro
Address: 210 Crabtree Ave
City: Owensboro
State: KY
County: Daviess
Zip: 42301
Confirm Code: Y
Number of Customers out: 0
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.: N/A
Excavator: Contractor

Excavator Address:

First Name: Billy Joe
Last Name: Gaddis
Organization ID: N/A
Company: Billy Joe Gaddis Excavating
Phone: 270-314-6779
Email: gaddisdirt@gmail.com

Address: PO Box 513
City: Owensboro
State: KY
Zip: 42302
Confirm Code: Y
Excavation Damage: No notification made to the One Call Center

Description of Incident Damaged 1/2" PE service. No locate ticket. No customers off. EFV activated. No injuries.

Summary Information

5/20/2021

Full details such as the cause Billy Joe Gaddis Excavating, installing a driveway and parking lot for Audubon Area Community Services (Public Transit), cut the end cap off a 3/4" PE service stub at 210 Crabtree Ave. The EFV was activated on the service. Billy Joe Gaddis Excavating had called in locate tickets for 2006 W 2nd St, Locate Ticket 21022309940 (expired ticket) and Locate Ticket 2104210921 (day of the damage) however, I could find no locate ticket for 210 Crabtree Ave where the damage occurred. Damage was due to Billy Joe Gaddis Excavating failing to call in a locate ticket for 210 Crabtree Ave prior to excavating.

Extent of the damage The damaged PE service stub was retired.

Cost of the damage \$303.00

Steps taken to prevent re-occurrence Billy Joe Gaddis Excavating was made aware of the importance to call in locate ticket with correct location and information. Also that locate request are valid for twenty-one (21) calendar days from the day of the initial request.

Amount billed to excavator \$303.00

Attachment 2

Tout, Eric V (PSC)

From: Ticket Research <ticketresearch2@usa811.org>
Sent: Tuesday, March 15, 2022 1:41 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 53553

Good Afternoon,

We searched for tickets from March 1st through April 24th 2021 but were unable to find any tickets submitted on 210 Crabtree Ave in Daviess County. If you have any more information, we would be happy to further assist you.

Thank you,
April Butler & 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.

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

On Tue, Mar 15, 2022 at 12:05 PM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket(s) for:

Incident Date: 4/21/2021 (Provided the date range for the search)

Operator: Atmos Energy Corporation

Incident Location: 210 Crabtree Ave., Owensboro

County: Daviess

Excavator: Gaddis Excavating

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

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53553 **Investigation** 8537
Incident Date 4/21/2021 10:00:00 AM **Report Submitted** 5/20/2021

Operator Information

Operator Atmos Energy Corporation **Reported By** Anthony Stallins
Phone (270) 925-6312 **Email** anthony.stallins@atmosenergy.com

Incident Location 210 Crabtree Ave **Locate Ticket Number** N/A
Owensboro KY 42301
210 Crabtree Ave, Owensboro
County Daviess

Excavator Information

Excavator Billy Joe Gaddis **Organization ID** 1061092
Gaddis Excavating
Phone 270-314-6779 **Email** gaddisdirt@gmail.com
Address PO Box 513 **Locate Ticket Number** N/A
Owensboro KY 42302

SUPPLEMENTAL INVESTIGATION

A Demand Letter dated 03/29/22 and a 30 Days Past Due & No Attendance Remedial Measure/Training Letter dated 05/03/22 was mailed to the Excavator.

The Demand and Past Due Letters are included as Attachment 3.

On 05/31/22, the Excavator paid the penalty payment of \$250.00. *Note:* Overpayment of \$53.00 was made and a request to refund the overpayment was made 06/16/22 by Administrative Assistant Ashley Rhodes.

On 07/06/22 a No Attendance Remedial Measure/Training Letter, dated 07/12/22 was mailed to the Excavator.

The No Attendance Remedial Measure/Training Letter is included as Attachment 4.

On 07/05/22, the Operator, Atmos's Anthony Stallins, stated that the Excavator paid Atmos \$302.86 for the damage repair and provided the following documentation:

- Show Compliance/Construction Order Detail: Which is outlined in the DR summary and Attachment 1.
- Photographs - 3: Indicating 2006 W 2nd street was located, LT 21022309940, as noted in Attachment 1. *Note:* The LT number is an incorrect number.
- Photographs - 4: Indicating the damage occur within several feet of a permanent gas marker with no visible flags/paint at 210 Crabtree Ave.

Atmos's documents are included as Attachment 5.

On 08/26/22, the Operator, Atmos's Anthony Stallins, stated that LT 21022309940 has too many digits; it should read 2102230994 for 2006 W. 2nd St.

Mr. Stallins's email is include as Attachment 6.

SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

Locate Ticket (LT) Summary

Ticket #	Valid / For	Initial Date	Expiration Date <small>(21 calendar days from Initial date)</small>	Incident Date	# of Days Expired	Within Scope of Excavation
2102230994	No / 2006 W. 2 nd St.	02/23/21	03/16/21	04/21/21 10:00	36	No
2104210921		04/21/21 11:15	N/A / No 2 day wait		N/A	

A review of:

- LT...0994 revealed the Excavator obtained it on 02/23/21 it expired on 03/16/21 indicating it was expired 36 days prior to the incident date of 04/21/21 for the address of 2006 W. 2nd St. indicating this LT is invalid.
- LT...0921 revealed the Excavator obtained it 1hr. 15min. after the incident occurred for the address of 2006 W. 2nd St. indicating this LT is invalid.

The LT is included as Attachment 7.

Attachment 3



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

Kent A. Chandler
Chairman

Amy D. Cabbage
Vice Chairman

March 29, 2022

Billy Joe Gaddis
Gaddis Excavating
P.O. Box 513
Owensboro KY 42302

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: **53553**

DEMAND FOR PENALTY ASSESSMENT AND REMEDIAL MEASURES

Dear Mr. Gaddis:

The Kentucky Public Service Commission (Commission) received a report on May 20, 2021, regarding damage to a natural gas or hazardous liquid facility owned and/or operated by the Atmos Energy Corporation. 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 Gaddis Excavating committed the following violation(s) 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.

CIVIL PENALTY

Based on its investigation of this matter, Staff has determined that Gaddis Excavating **should be assessed a penalty in the total amount of \$1,250, first offense, but that \$1,000 of the penalty should be suspended contingent upon Gaddis Excavating's completion of Damage Prevention training:**

REMEDIAL MEASURE/TRAINING

A representative of Gaddis Excavating shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to **<https://psc.ky.gov/classSignUp>**. You will need your incident number: **53553** and assigned key: **8537** to sign-up for one of the available training dates. **Please understand that this training will**

be required as a contingency for the reduced penalty amount.

Within **30 days** of the date of this letter Gaddis Excavating should mail or deliver a cashier's check or money order **made payable to** the:

“Kentucky State Treasurer”

The check should be in the amount of \$250.00 mailed to: 211 Sower Boulevard, Frankfort, Kentucky 40602.

Please include the Incident Number 53553 on the cashier's check or money order submitted for payment.

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.

Payment of the proposed civil penalty and completion of the remedial measure will satisfy and resolve any and all claims against Gaddis Excavating for any violation of the Act arising out of the April 21, 2021 incident. Gaddis Excavating's payment of the proposed civil penalty will not be considered an admission by Gaddis Excavating that it willfully violated any provision of the Act.

If Gaddis Excavating does not pay the proposed civil penalty within 30 days of the date of this letter, the Commission will institute an administrative proceeding against Gaddis Excavating and hold a formal hearing during which Gaddis Excavating will have an opportunity to present evidence.

If you have any questions regarding this demand for remedial measures and penalty assessment, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel

Nancy J. Vinsel
General Counsel

Attachment



Andy Beshear
Governor

Kent A. Chandler
Chairman

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

May 3, 2022

Billy Joe Gaddis
Gaddis Excavating
P.O. Box 513
Owensboro KY 42302

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 53553

30 Days Past Due & No Attendance Remedial Measure/Training

Dear Mr. Gaddis:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 **has not been paid** and **no representative** has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative of Gaddis Excavating shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **53553** and this key **8537** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter 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 these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel
General Counsel

Attachment 4



Andy Beshear
Governor

Kent A. Chandler
Chairman

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

July 12, 2022

Billy Joe Gaddis
Gaddis Excavating
P.O. Box 513
Owensboro KY 42302

Re: Violation of Kentucky Underground Facility Damage Prevention Act
Incident Number: 53553

No Attendance Remedial Measure/Training

Dear Mr. Gaddis:

Attached is the demand letter and investigation report for the above Incident. Our records indicate that a reduced penalty of \$250.00 has been paid, but no representative has attended the Remedial Measure/Training to receive this reduced penalty. Attendance is required for the penalty reduction to apply.

REMEDIAL MEASURE/TRAINING

A representative of Gaddis Excavating shall participate in a Damage Prevention training course. The Kentucky Public Service Commission will hold these classes online. Class dates have a limited capacity available on a first come-first served basis. To sign up for the class, go to <https://psc.ky.gov/classSignUp>. You will need your incident number, **53553** and this key **8537** to sign-up for one of the available training dates. **Please understand that this training will be required as a contingency for the reduced penalty amount.**

If we do not hear from you within 10 days from the date of this letter this matter 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 these requirements have been met, please contact Ashley Rhodes, Division of Inspections at 502-782-2578.

Sincerely,

Nancy J. Vinsel
General Counsel

Attachment 5

Tout, Eric V (PSC)

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Tuesday, July 5, 2022 11:28 AM
To: Tout, Eric V (PSC)
Cc: Townsend, Cody; Mayfield, Daniel; Hodskins, Frank; Stanley, Bill; Tucker, Mariam; Stallins, Anthony
Subject: RE: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating
Attachments: Pic 3 - 210 Crabtree.jpg; Pic 4 - 210 Crabtree.jpg

Damage Pictures 3 & 4.

Eric, let us know if you need anything else.

Thanks, Anthony

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Tuesday, July 5, 2022 10:26 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Hodskins, Frank <Frank.Hodskins@atmosenergy.com>; Stanley, Bill <Bill.Stanley@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating

Damage Pictures 1 & 2.

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Tuesday, July 5, 2022 10:24 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Hodskins, Frank <Frank.Hodskins@atmosenergy.com>; Stanley, Bill <Bill.Stanley@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating

Locate pictures 2 & 3.

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>

Sent: Tuesday, July 5, 2022 10:23 AM

To: Tout, Eric V (PSC) <ericv.tout@ky.gov>

Cc: Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Hodskins, Frank <Frank.Hodskins@atmosenergy.com>; Stanley, Bill <Bill.Stanley@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>

Subject: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating

Good morning Eric,

Information you requested for the damage at 210 Crabtree Ave in Owensboro.

Per Nicole, the invoice was paid 6/1/21. I've included the Atmos Third Party Damage Form and one picture of Heath's Locate picture for 2006 W 2nd St. I will include 2 additional locate pictures and then 4 pictures of the damage at 210 Crabtree St.

Thanks, Anthony

From: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>

Sent: Thursday, June 30, 2022 8:07 AM

To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Hodskins, Frank <Frank.Hodskins@atmosenergy.com>; Stanley, Bill <Bill.Stanley@atmosenergy.com>


Cc: Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>


Subject: Re: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating

This one was paid on 6/1/21.

Let me know if you need anything else.

	Invoice No	Inv Amt	Inv. Status	Cncl Reas	Claim Re...	Outst Bal	Claim Di...
<input type="checkbox"/>	308395	302.86	Closed		Collected	.00	

 **Payment History**

	Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Inv Act	Inv Act Re
<input type="checkbox"/>	1	308395	BILLY JOE GADDIS EXCAVATIN...	6444	302.86	06/02/2021	06/01/2021	RECEI...	

Nicole Kirkham
 Operations Assistant
 3510 Coleman Rd
 Paducah, KY 42001
 (270)702-6591



From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Thursday, June 23, 2022 9:16 AM
To: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>; Townsend, Cody <Cody.Townsend@atmosenergy.com>; Mayfield, Daniel <Daniel.Mayfield@atmosenergy.com>; Hodskins, Frank <Frank.Hodskins@atmosenergy.com>; Stanley, Bill <Bill.Stanley@atmosenergy.com>

Cc: Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Stallins, Anthony <Anthony.Stallins@atmosenergy.com>

Subject: PSC ID: 53553; Leak Asset 710212; 210 Crabtree Ave, Owensboro; Gaddis Excavating

Good morning,

Nicole, when you return from vacation, (hope you had a great time off!), would you please check and see if Gaddis Excavating paid the invoice.

Thanks, Anthnony

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>

Sent: Thursday, June 23, 2022 4:37 AM

To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>

Subject: [EXT] 53553, 4/21/2021,210 Crabtree Ave., Owensboro, Gaddis Excavating

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Anthony,

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

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40
Ky - eAM

LEAK710212

20887597 - 04/21/2021 - C - LKRP

LKRP

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 2 Cc2636

Run Time: 06/23/2022 09:59

Job Details

Status Complete
Type: Office: OWENSBORO Done: 04/21/2021 Source: Qk
Region: NORTHERN SubRegion: Central Ky District: Owensboro In MA:

Schedule Data

Start 10/18/2021 Base Date: Interval: 0 Printed: Print Date:
Date:

Asset

Description
Asset LEAKS Asset#: LEAK710212 Parent Asset#: LKS (2636)
Group: Activity: LEAK REPAIR 2 2636
Description: 210 CRABTREE AVE 5862000 OWENSBORO
Owning WC2636 Child Assets: Status: InActive
Department:

Location

Physical Information
GPS 37.77316 GPS Longitude: -87.13494 GPS Altitude: 0
Latitude: Address: 210 CRABTREE AVE State: KY
Town/City: 5862000 OWENSBORO Time Zone: DST:
In/Outside INSIDE Cross Street: W 2nd Street
City Limits:
Other Location Information: Class Location: 3
Map Number: Control Code:
County: 21059 DAVIESS
Property 90801 DAVIESS,OWENSBORO,OWENSBORO CTY & ISD
Tax Code:
School District:
Land Description: Certificate of Occupancy Required:
City Inspection Required:

Location Additional

Information
WorkArea/SubArea: KYOWENBR PipeLine #: Read Sequence:
Station Number: Corrosion Section:
System Number: Printer Name: noprnt Project Number:
Pipeline Balance Code: Task Number:
Operation Area: KYOBO Rate Division: 009 Facilities Classification: DIST
Retirement Unit Non Unitized Retirement Unit Zip:
Name:
Related SAP SO 100019115466 Number:

Leak Data

Date 2021/04/21 10:00 Time Classified: 10:01:29 Leak Grade: 2
Found: Grade 2 Interval: CGI Reading: 100
Leak Grade 18093 Ferrell, Zachariah Population Density: RES Unit of Measure: % GAS
By: Apparent SERVICE Surface Type: DIRT
Location: Ft To 50ft Leak Repaired: N Leak Located (LKFD - 2): 2 - Below Ground
Building: Leak N/A
Location: Comments: Contractor hit retired service with bobcat while grading, knocked off cap, not blowing, squeezed off, construction on site to make repairs, 4-21-21, tech zf

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404
40

Asset:

LEAK710212

Order# - Done - Status - Type:

20887597 - 04/21/2021 - C - LKRP

Job Code:

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 2 Cc2636

Run Time: 06/23/2022 09:59

(LKRP) Leak Repair Completion Data

Leak Found (Yes/No):
Reason Not Repaired:
Initial Cause: EXCAVATION GROUP
Condition of Coating: NA
Corrosion Removed: 0
Pit Depth (in):
Coating Type: NA
Repaired Date: 04/21/2021
Residual Gas Follow-Up: N
Welder ID:

Facility Involved: 2 - Service
Origin of Leak: 2 - Body of Pipe
Type of Pipe: 9 - Med. Density Polyethylene
Ferc Acct: 8740
Wall Thickness: 0
External Corrosion: NA
Internal Corrosion: NA
PS Reading: 0
Test Pressure:
Soap Test (Y/NNA): Y
Test Medium: GAS
Addit. Maint. Req: Y
Welding Performed:

Installed	Length Units:	Task:	Size:	Type:
Removed 1	Length Units:	Task:	Size: 0	Type:
Installed 2	Length Units:	Task:	Size:	Type:
Removed 2	Length Units:	Task:	Size: 0	Type:

Leak Located: 2 - Below Ground
Other Leak Cause:
Pipe Size: 3rd Party Y
Damage:

Cause Code: 22 - Other Third Party Excavators
Repair Method: 3 - Encapsulation
Fitting Type:
Astm Code: PE4 - Polyethylene PE 3408
Pipe Mfg Code: DC1 - Driscopipe
Joint Type:
Compr Coupling Data: N
Other Mfg:

(LK3P) Leak 3rd Party Data Completion Data

Activity: LEAK REPAIR 2 2636
Asset Num:
Task ID:
Damage Date: 2021/04/21
Leak Area Sq. IN: 0
Locate ID #: N
3rd Party Name: Billy Joe Gaddis Excavating
Locate Ticket #:
3rd Party Address: P.O. Box 513
Leak 1
Located By:
Duration Minutes:
Injuries or Deaths OnSite: 0
Damage to Property: Y
Date Located2:
Locate Mark within State Law: N
Repair Total:
3rd Party Phone #: 2703146779
Reason Damage Occurred: NOLOCATEREQ
Type of 3rd Party Work: GRADING
Date Locate Requested:
Locate Priority:
Ferc Acct: 8740
Equipment Causing Damage: GRADESCRAPE
Date Located:
Date Locate Requested: 2018/04/12
3rd Party Contact: Billy Joe Gaddis
Ins Company:
Ins Agent:
Agent Phone:
Type: CONTRACTOR
Damage Where:
City: Owensboro
Excavator: Facility DISTRIBUTION
Num Cust Affected: 0
State: KY

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40
Ky - eAM

LEAK710212

20887597 - 04/21/2021 - C - LKRP

LKRP

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 2 Cc2636

Run Time: 06/23/2022 09:59

Involved:		Billed:	Zip: 42301
Time Located:		Damage By: THIRDPTY	Title 16: N
Damage Location:		FAC Release Plan: Y	One Call Code:
FAC Material: BODYOFPIPE		FAC Locate Code: INTRA	FAC Pipe Diameter: 0
Damage: FAC 911 N		Excavator Ticket:	Excavator Notify Oper: Y
Damage Call:		Pipeline Material: POLYPLAS	Pipeline Year:
Excavator: N		Fire Comments:	Type of Injury:
Call:		Mark 2nd Call Rsn:	Mark 2nd Call Oth:
Pipeline IS: ACTIVE		Mark 2nd Call Date:	Mark 2nd Call Resp:
Prod Trans Code:		Mark Why and Rsn:	Mark Why Other:
Mark ::		Locator Other Explain:	
Positive Response:			
Mark 2nd Call Ticket:			
Mark ::			
Positive Response:			
Mark 0			
Variance Inches:		Incident Address: 210 Crabtree Ave	Incident Time: 10:0AM
SubDivision:		Latitude: 37.77316	Longitude: -87.13494
Lat Long DECIMAL			
LkUp:			

(LK3P) RRC Leak 3rd Party

Data Completion Data

Date of 2021/04/21	Excavator Name: Billy Joe Gaddis Excavating	Excavator Address: P.O. Box 513
Damage:	Excavator State: KY	Excavator Zip: 42301
Excavator Owensboro	Excavator Phone: 2703146779	Excavator Fax:
City:	Excavator Type Code: CONTRACTOR	Excavation Type: GRADESCRAPE
Excavator Contact Billy Joe Gaddis	Excavator Depth Ft: 0	Excavator Depth In: 0
Name:		
Excavator EMail:		
Work GRADING		
Performed Code:		
Was Called: N	Incident NO:	Country: US
State: KY	City: Owensboro	Address: 210 Crabtree Ave
Intersection: W 2nd Street	RightOfWay Type: LANDDOWN	Fac Damaged Code:
Fac Affected DISTRIBUTION	Fac Damaged Depth Ft: 3	Fac Damaged Depth In: 6
Code:	OneCall Member: Y	Locate Request: N
Joint U	OneCall Ticket#:	OneCall Ctr Notified Date: 2018/04/12
Trench:		
OneCall Center Code:		
Locate Org	Locator Name:	Fac Marks Visible: N
Code:		
Fac Marks Correct:	Marked Variance Ft: 0	Marked on Time:
Marked Locate Method:	Marked Loc. Meth Othr:	Marked by Paint:
Marked by Flags:	Marked by Other: N	Marked by Other Comnt:
Marked By White Lining:	Marked Spec Instruction:	Marked Using Maps:
Marked 48 HR Notice:	Marked Loc Met with Exc:	Marked Reps OnSite:
Marked Second Call:	Marked Procedure Used:	Marked Positive Response:
Excavator Down: N	Excavator Down Time: 0	Excavator Down Cost: -1

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404
40

Asset:

LEAK710212

Order# - Done - Status - Type:

20887597 - 04/21/2021 - C - LKRP

Job Code:

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 2 Cc2636

Run Time: 06/23/2022 09:59

Was Fac Damaged: Y	Service Interruption: N	Outage Hours: 0
Customers Affected: 0	Restoral Cost: 0	Number People Injured: 0
Number Fatalities: 0	Impact Fire Occurr: N	Impact Evac: N
Impact Evac No People: 0	Impact Evac Comnt:	Impact Media Covrg: N
Impact Media Covrg Comnt:	Impact Street: N	Impact Street Comnt:
Impact Explosion: N	Impact Explosion Comnt:	Impact Other: N
Impact Other Explanation: Damage	Impact No addl:	Damage Cause Code: NOLOCATEREQ
Other Desc:		

Comments & Labor

Comments: DSmith|Contractor hit retired service with bobcat while grading,knocked off cap,not blowing,squeezed off,construction on site to make repairs,4-21-21,tech zf
Tech: 26374 Smith, Darrel Travel: .02 OnSite: 36.8

Data Entry Stats

Order# 20887597

Asset Created:	04/21/2021	By: 8247	EAMADMIN
Order Created:	04/21/2021	By: 8247	EAMADMIN
Q. Results Entered:	05/04/2021	By: 8247	EAMADMIN

ET .117 Minutes RECORD Count

0



www.merit.com
1-800-444-4444

2
0
6

EMERGENCY







CAUTION

NOTICE: DAMAGE OR REMOVAL OF THIS SIGN IS A FEDERAL OFFENSE SUBJECT TO A \$5000 FINE AND/OR 1 YEAR IMPRISONMENT

811

IN EMERGENCY CALL 1-866-322-8667

ATMOS energy





WATER
METER

CAT

STOP

2nd St

Attachment 6

Tout, Eric V (PSC)

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Friday, August 26, 2022 1:41 PM
To: Tout, Eric V (PSC)
Subject: Re: 53553, 4/21/2021, 210 Crabtree Ave., Owensboro, Gaddis Excavating

Drop the 0 on the end. 2102230994. So sorry!

Get [Outlook for iOS](#)

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Friday, August 26, 2022 12:05:15 PM
To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: [EXT] 53553, 4/21/2021, 210 Crabtree Ave., Owensboro, Gaddis Excavating

CAUTION: Don't be quick to click. This e-mail originated from outside of Atmos Energy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Anthony,

LT 21022309940 too many digits?

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

Attachment 7

NORMAL NOTICE

Ticket : 2102230994 Date: 02/23/2021 Time: 11:44 Oper: RGREENWOOD Chan:000

State: KY Cnty: DAVIESS City: OWENSBORO
Subdivision:

Address : 2006
Street : W 2ND ST
Cross 1 : CRABTREE AVE
Location: LOCATE ENTIRE FRONT OF PROPERTY- FROM THE BUILDING- TO AND INCLUDING
THE STREET

:
Boundary: n 37.774112 s 37.772914 w -87.137461 e -87.134019

Work type : INSTALL PARKING LOT
Done for : OTTOMAN AREA PUBLIC TRANSPORTATI
Start date: 02/25/2021 Time: 12:00 Hours notice: 48/47 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 2 FEET

Company : BILLY JOE GADDIS EXCAVATING Type: CONT
Co addr : PO BOX 513
City : OWENSBORO State: KY Zip: 42302
Caller : BILLY JOE GADDIS Phone: (270)314-6779
Contact : BILLY JOE GADDIS - CELL Phone:
Mobile : (270)314-6779
Email : GADDISDIRT@GMAIL.COM

Submitted date: 02/23/2021 Time: 11:44
Members: 0038 0132 0139 0315 0372 0438 WINKY

* Responses are current as of 08/29/2022 08:26 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
OWENSBORO MUNICIPAL UTILITIES WATER AND ELECTRIC 0038	ELECTRIC, WATER		Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .
ATMOS ENERGY 0132	PIPELINE	ATMOS ENERGY CUSTOMER SERVICE (888) 954-4321	
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
REGIONAL WATER RESOURCE AGENCY 0315	SEWER		
TIME WARNER CABLE 0372	CABLE TV	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	Clear - No conflict
OWENSBORO MUNICIPAL UTILITIES FIBER OPTIC 0438	FIBER OPTIC		Clear - No conflict Respondant: MARK MESSER
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

NORMAL NOTICE

Ticket : 2104210921 Date: 04/21/2021 Time: 11:15 Oper: KENTUCKY811 Chan:000

State: KY Cnty: DAVIESS City: OWENSBORO
Subdivision:

Address : 2006

Street : W 2ND ST

Cross 1 : CRABTREE AVE

Location: LOCATE ENTIRE FRONT OF PROPERTY- FROM THE BUILDING- TO AND INCLUDING
THE STREET

:

Boundary: n 37.774112 s 37.772914 w -87.137461 e -87.134019

Work type : INSTALL PARKING LOT

Done for : OTTOMAN AREA PUBLIC TRANSPORTATI

Start date: 04/23/2021 Time: 11:15 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency: N

Duration : N/A Depth: 2 FT

Company : BILLY JOE GADDIS EXCAVATING Type: CONT

Co addr : PO BOX 513

City : OWENSBORO State: KY Zip: 42302

Caller : TOM EARLY Phone: (270)314-6779

Contact : BILLY JOE GADDIS - CELL Phone:

Mobile : (270)314-6779

Email : GADDISDIRT@GMAIL.COM

Submitted date: 04/21/2021 Time: 11:15

Members: 0038 0132 0139 0315 0372 0438 WINKY

* Responses are current as of 08/29/2022 08:28 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
OWENSBORO MUNICIPAL UTILITIES WATER AND ELECTRIC 0038	ELECTRIC, WATER		Marked - Underground facilities are in conflict. Hand-dig or use non-intrusive means within the tolerance zone to avoid damage to the underground facility. For more information, please visit https://kentucky811.org/homeowners/5-steps-to-safe-digging/ .
ATMOS ENERGY 0132	PIPELINE	ATMOS ENERGY CUSTOMER SERVICE (888) 954-4321	
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	
REGIONAL WATER RESOURCE AGENCY 0315	SEWER		
TIME WARNER CABLE 0372	CABLE TV	TIME WARNER CABLE CUSTOMER SERVICE (800) 892-2253	Clear - No conflict
OWENSBORO MUNICIPAL UTILITIES FIBER OPTIC 0438	FIBER OPTIC		Clear - No conflict
WINDSTREAM KENTUCKY INC WINKY	TELEPHONE		

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00376 DATED NOV 22 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 Andrea Wise, Commission Division of Inspections. Andrea.Wise@ky.gov or 502-782-2656.

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

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 3rd 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. 2022-00376 DATED NOV 22 2022

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

GADDIS EXCAVATING)	
_____)	
PRESUNTA INFRACCIÓN DE LA LEY DE)	CASO NO.
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	2022-00376
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.)

Gaddis Excavating 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).¹ 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

¹ 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 Earlywine Fence 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 Earlywine Fence 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. Gaddis Excavating 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 con el número de caso de este procedimiento en el asunto del mensaje

2. Gaddis Excavating comparecerá el January 27, 2023, 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, 2023, se llevará a cabo por videoconferencia.

4. Gaddis Excavating 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. Gaddis Excavating notificará a la Comisión, al menos diez días antes de la audiencia, si Gaddis Excavating 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 53553, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia January 27, 2023, 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. 2022-00376 FECHADO

TREINTA Y NUEVE PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO NO. 2022-00376 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 Andrea Wise, División de Inspecciones de la Comisión. Andrea.Wise@ky.gov o 502-782-2656.

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

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. 2022-00376 FECHADO

DIEZ PÁGINAS PARA SEGUIR

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