

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                  |   |            |
|----------------------------------|---|------------|
| TRI-CITIES CONSTRUCTION LLC      | ) |            |
|                                  | ) |            |
| _____                            | ) | CASE NO.   |
|                                  | ) | 2022-00090 |
| ALLEGED VIOLATION OF UNDERGROUND | ) |            |
| FACILITY DAMAGE PREVENTION ACT   | ) |            |

NOTICE OF FILING

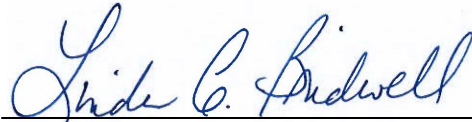
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on July 29, 2022 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on July 29, 2022 in this proceeding;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on July 29, 2022.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/tgTFty8c3UY>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 24<sup>th</sup> day of August 2022.



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Linda C. Bridwell

Executive Director

Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                  |   |            |
|----------------------------------|---|------------|
| TRI-CITIES CONSTRUCTION, LLC –   | ) | CASE NO.   |
| ALLEGED VIOLATION OF UNDERGROUND | ) | 2022-00090 |
| FACILITY DAMAGE PREVENTION ACT   | ) |            |

CERTIFICATION

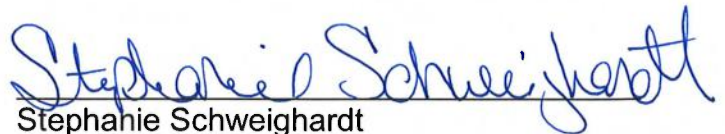
I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on July 29, 2022. The Formal Hearing Log, Exhibit List, and Exhibits are included with the recording on July 29, 2022;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of July 29, 2022; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of July 29, 2022, and the time at which each occurred.

Signed this 19<sup>th</sup> day of August, 2022.



Candace H. Sacre  
Administrative Specialist III



Stephanie Schweighardt  
Notary Public State at Large  
Commission Expires: January 14, 2023  
ID#: 614400



# Session Report - Detail

Damage Prevention 29Jul2022

2021-00357, 2021-00359, 2022-00169, 2022-00166, 2022-00178, 2022-00168, and 2022-00090

| Date:     | Type:                          | Location:      | Department:           |
|-----------|--------------------------------|----------------|-----------------------|
| 7/29/2022 | Public Hearing\Public Comments | Hearing Room 1 | Hearing Room 1 (HR 1) |

Witness: Linda Bridwell; Tina Frederick; James Rice; James Stallins; Eric Tout; Tom Weis  
 Judge: Kent Chandler; Mary Pat Regan  
 Clerk: Candace Sacre

| Event Time | Log Event  |  |
|------------|--|--|
| 9:12:43 AM | Session Started  |  |
| 9:12:49 AM | Camera Lock Deactivated                                  |  |
| 9:13:21 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Good morning, this is the Public Service Commission. My name is Kent Chandler. I am Chairman of the Kentucky Public Service Commission, and I will be presiding over the hearing today.  |
| 9:13:30 AM | Chairman Chandler<br>Note: Sacre, Candace H              | I am joined by Commissioner Mary Pat Regan.  |
| 9:13:40 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Today's hearings are for the purpose of hearing evidence in cases where the investigation division of the Public Service Commission has issued civil penalty assessments against individuals and business entities alleging violations of the Kentucky Underground Facility Damage Prevention Act.   |
| 9:14:03 AM | Chairman Chandler<br>Note: Sacre, Candace H              | The Public Service Commission has been authorized by KRS 367.4917(6) to enforce and assess civil penalties provided for in the Act and to seek injunctive relieve for any violation that results in damage to an underground facility used to transport gas or hazardous liquids subject to the federal pipeline safety laws located in 49 U.S.C. Sections 60101, et cetera. |
| 9:14:34 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Today, we are here for the purpose of holding a hearing in the following cases: Case Nos. 2022-00168, 2022-00178, 2022-00166, 2022-00171, 2022-00165, 2022-00090, 2022-00091, 2021-00437, 2021-00357, 2022-00169, and 2021-00359.  |
| 9:15:38 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Videoconferencing recommendations. (Click on link for further comments.)   |
| 9:16:00 AM | Chairman Chandler<br>Note: Sacre, Candace H              | The first case is 2022-00168, Oscar Navas, is Mr. Navas present?   |
| 9:16:35 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Recommendation for today's hearing?  |
| 9:16:42 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H | We would just proceed, ready to proceed. We have had contact, do have service.   |
| 9:16:50 AM | Chairman Chandler<br>Note: Sacre, Candace H              | This individual informed of ability participate in training and pay a fine? (Click on link for further comments.)  |
| 9:17:28 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Continue until September 30, order out next week.  |

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| 9:17:46 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Next case is 2022-00178, Adeldo Perez, is Adeldo Perez here?   |
| 9:18:11 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Recommendation on this case?   |
| 9:18:20 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H | Proceed in same manner, resubmit documents translated, and reset for September 30.   |
| 9:18:22 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Will enter order continuing until September 30. (Click on link for further comments.)  |
| 9:19:22 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Procedural discussions. (Click on link for further comments.)  |
| 9:20:14 AM | Chairman Chandler<br>Note: Sacre, Candace H              | 2022-00165, Matthew Freeman, pass over today, and same for Luxury Garden Center.   |
| 9:20:26 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H | Also settled 2022-00091, Winters Heating and Cooling, and 2022-00171, Hosler Excavating.   |
| 9:20:53 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Orders entered? (Click on link for further comments.)  |
| 9:21:13 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H | Contacted by representative 2022-00166, CCC Construction regarding settlement yesterday, are present.  |
| 9:21:48 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Before call cases, first find out whether anyone here represented by counsel, and if so, ask turn on camera and microphone, identify yourself and on whose behalf appearing? |
| 9:22:32 AM | Atty Ryan Columbia Kentucky<br>Note: Sacre, Candace H    | John Ryan, appearing on behalf of Columbia Gas of Kentucky for 2021-00357 and 2021-00359.  |
| 9:22:42 AM | Atty Carter Atmos Energy<br>Note: Sacre, Candace H       | Andrew Carter, in-house counsel on behalf of Atmos Energy, with respect to 2022-00169.   |
| 9:23:04 AM | Atty Pokrywka Duke Kentucky<br>Note: Sacre, Candace H    | Bryan Pokrywka, on behalf of Duke Energy Kentucky, in support of A. J. Wray from PRG, Case Nos. 2022-00178 and 2022-00166.   |
| 9:23:34 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Procedural discussion. (Click on link for further comments.)   |
| 9:24:03 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Call 2022-00166, CCC Construction Company, Inc. (Click on link for further comments.)  |
| 9:24:51 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Ready to proceed on 2022-00166, or have recommendation?  |
| 9:25:00 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H | Ready to proceed, under impression individual was present and requesting to continue case.   |
| 9:25:11 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Anyone on behalf of CCC Construction Company, Inc.?  |
| 9:25:49 AM | Chairman Chandler<br>Note: Sacre, Candace H              | Eddie Hounshell, speak up?   |
| 9:26:20 AM | Chairman Chandler<br>Note: Sacre, Candace H              | On behalf of CCC Construction Company, Inc.?   |
| 9:26:26 AM | Chairman Chandler<br>Note: Sacre, Candace H              | What was contact?  |

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| 9:26:31 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Eddie Hounshell.   |
| 9:26:41 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Recommendation to continue hearing today to enter into settlement, offer they provided?  |
| 9:26:52 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Requested to take training course and pay reduced penalty of \$250.  |
| 9:26:59 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Correct email address?   |
| 9:27:17 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Continue this today, provide ability conduct training and pay reduced fine, take up regardless at September 30 hearing.  |
| 9:28:45 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Thank you, Mr. Wray and Mr. Pokrywka, all cases asked to be part of.   |
| 9:29:16 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Procedural discussions. (Click on link for further comments.)  |
| 9:30:02 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Four cases to take up this morning, two with CAG Enterprises, 2021-00357 and 2021-00359, Case No. 2022-00169 Tom Weis, and 2020-00090, TriCities Construction. |
| 9:30:49 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Call first Case No. 2021-00357, CAG Enterprises and Concrete Construction, (click on link for further comments).   |
| 9:31:35 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Anyone here on behalf of CAG Enterprises and Concrete Construction, LLC?   |
| 9:31:48 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Ready to proceed?  |
| 9:31:52 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Call witness.  |
| 9:31:55 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Linda Bridwell.  |
| 9:32:04 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Witness is sworn.  |
| 9:32:11 AM | Chairman Chandler - witness Bridwell<br>Note: Sacre, Candace H              | Examination. Name and address?   |
| 9:32:30 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Direct Examination. Part of duties to maintain official records?   |
| 9:33:01 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Appears to be 12-page document, confirm true and accurate copy of investigation report compiled by former investigator John Gowins?                            |
| 9:33:19 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Previously filed, ask be marked and entered as DOI Exhibit 1.  |
| 9:33:26 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | So marked.   |
| 9:33:27 AM | DOI HEARING EXHIBIT 1<br>Note: Sacre, Candace H<br>Note: Sacre, Candace H   | STAFF ATTY NORRIS-CANFIELD PSC - WITNESS BRIDWELL<br>INCIDENT ID 32557 PIPELINE DAMAGE INVESTIGATION REPORT  |
| 9:33:28 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | What provision determined violated?  |
| 9:33:42 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | State whether prior violations?  |

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| 9:33:59 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Appear demand letter issued?  |
| 9:34:14 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | No further questions.   |
| 9:34:43 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Commissioner, questions for this witness?                                       |
| 9:34:47 AM | Commissioner Regan<br>Note: Sacre, Candace H                                | I do not.   |
| 9:34:52 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Call James Rice, Columbia Gas of Kentucky.                                      |
| 9:35:02 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Witness is sworn.   |
| 9:35:10 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H                  | Examination. Name and address?  |
| 9:35:24 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Direct Examination. Where employed?   |
| 9:35:30 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Job duties?   |
| 9:35:45 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Familiar with incident of damage at 2544 Mable Lane, Lexington, on Mar 27 2020? |
| 9:35:57 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Was Columbia Gas of Kentucky operator of gas facility damaged?                  |
| 9:36:04 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Personally participate in this investigation?                                   |
| 9:36:19 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Tell us if a locate ticket was requested?                                       |
| 9:36:34 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Familiar with Gas Excavation Damage Report?                                     |
| 9:36:40 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Report you submitted regarding incident of damage?                              |
| 9:36:46 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Describe contents of damage report?   |
| 9:37:15 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Describe information put in damage report?                                      |
| 9:37:31 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Describe incident of damage, what occurred on this date?                        |
| 9:38:10 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Images included in email?   |
| 9:38:23 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Accurately reflect damage?  |
| 9:38:33 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Please describe contents of each of images and damage sustained?                |
| 9:39:08 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Next image?   |
| 9:39:20 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Next image?   |
| 9:39:36 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Next image?   |
| 9:39:46 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Next image?   |
| 9:39:54 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Final image?  |

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| 9:40:03 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Representative of CAG present when Columbia investigated incident?  |
| 9:40:09 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Did they make any statements?   |
| 9:40:31 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | State what doing when damage occurred?  |
| 9:40:43 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Stated did not have locate ticket?  |
| 9:40:52 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | Underground facility contain natural gas at time damaged and was released?  |
| 9:41:11 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | State cost of damage and how much CAG billed for damage?  |
| 9:41:35 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H     | CAG was billed for damage?  |
| 9:41:45 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | No further.   |
| 9:41:53 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Commissioner, questions?  |
| 9:41:58 AM | Commissioner Regan<br>Note: Sacre, Candace H                                | I don't at this time.   |
| 9:42:16 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Additional witnesses?   |
| 9:42:21 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Final closing statements in this case.  |
| 9:42:30 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Filing anything post-hearing?   |
| 9:42:37 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Call next case, 2021-00359, CAG Enterprises and Concrete Construction, LLC, anyone here on behalf of CAG Enterprises?             |
| 9:43:05 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | CAG Enterprises and Concrete Construction, LLC, Case No. 2021-00359, (click on link for further comments).                        |
| 9:43:53 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Ready to proceed?   |
| 9:43:57 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Call first witness.   |
| 9:44:00 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Linda Bridwell.   |
| 9:44:07 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Witness is sworn.   |
| 9:44:14 AM | Chairman Chandler - witness Bridwell<br>Note: Sacre, Candace H              | Examination. Name and address?  |
| 9:44:31 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Direct Examination. Part of duties to maintain official records?  |
| 9:44:52 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Appears to be a 22-page document, confirm true and accurate copy report compiled in this case by former investigator John Gowins? |
| 9:45:57 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Previously filed, move be marked and entered as DOI Exhibit 1.  |
| 9:46:02 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | So ordered.   |



9:46:03 AM DOI HEARING EXHIBIT 1  
Note: Sacre, Candace H STAFF ATTY NORRIS-CANFIELD PSC - WITNESS BRIDWELL  
Note: Sacre, Candace H INCIDENT ID 43436 PIPELINE DAMAGE INVESTIGATION REPORT

9:46:04 AM Staff Atty Norris-Canfield PSC - witness Bridwell  
Note: Sacre, Candace H What provision of Act determined to be violated?

9:46:17 AM Staff Atty Norris-Canfield PSC - witness Bridwell  
Note: Sacre, Candace H State whether or not have prior violations?

9:46:40 AM Staff Atty Norris-Canfield PSC - witness Bridwell  
Note: Sacre, Candace H Appear demand letter issued?

9:46:54 AM Staff Atty Norris-Canfield PSC  
Note: Sacre, Candace H No further questions.

9:46:57 AM Chairman Chandler  
Note: Sacre, Candace H Questions, Commissioner?

9:47:00 AM Commissioner Regan  
Note: Sacre, Candace H No questions at this time.

9:47:04 AM Chairman Chandler  
Note: Sacre, Candace H Additional witnesses?

9:47:07 AM Staff Atty Norris-Canfield PSC  
Note: Sacre, Candace H James Rice.

9:47:09 AM Chairman Chandler  
Note: Sacre, Candace H Witness is sworn.

9:47:19 AM Chairman Chandler - witness Rice  
Note: Sacre, Candace H Examination. Name and business address?

9:47:35 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Direct Examination. Familiar with incident of damage that took place at 2143 Carnation Drive, Lexington, on Feb 23 2021?

9:47:45 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Columbia Gas of Kentucky operator of gas facility damaged?

9:47:50 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Personally participate in investigation?

9:48:03 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Familiar with Gas Excavation Damage Report?

9:48:08 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Is this report submitted regarding incident of damage?

9:48:14 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Describe contents of report and this incident of damage?

9:49:00 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H How determine CAG Enterprises and not Ball Homes at fault?

9:49:17 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Locate ticket requested?

9:49:33 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H What is this locate ticket?

9:49:51 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Familiar with this locate ticket?

9:50:18 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Images included with report, images given by Columbia Gas regarding damage?

9:50:30 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Accurately reflect incident?

9:50:36 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Describe contents of each image?

9:50:58 AM Staff Atty Norris-Canfield PSC - witness Rice  
Note: Sacre, Candace H Next image?

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| 9:51:23 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Next image?   |
| 9:51:34 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Next image?   |
| 9:51:52 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Final image?  |
| 9:52:10 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Stated not representative of CAG present when Columbia investigated?  |
| 9:52:23 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | In report, indicate facility contained natural gas and if was released?   |
| 9:52:41 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Was natural gas released?   |
| 9:52:48 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | State cost of damage by CAG and how much billed for this damage?  |
| 9:53:11 AM | Staff Atty Norris-Canfield PSC - witness Rice<br>Note: Sacre, Candace H | Know if paid?   |
| 9:53:21 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                | No further.   |
| 9:53:27 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H              | Examination. Gas Excavation Damage Report, page 3, see two questions, bottom of page, below number of customers out?    |
| 9:54:04 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H              | First question, was gas or hazardous liquids contained in facility, and, second, was gas or hazardous liquids released? |
| 9:54:27 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H              | How have affirmative answer second question without affirmative and answer to first question?                           |
| 9:55:17 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H              | Saying should have checked box for both of them?  |
| 9:55:24 AM | Chairman Chandler - witness Rice<br>Note: Sacre, Candace H              | Was gas in underground facility and damage caused gas to be released, combination of the answer to those two questions? |
| 9:55:44 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | If in any event marked second box, intend also answer first question in affirmative?                                    |
| 9:55:57 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Commissioner Regan, questions?  |
| 9:56:02 AM | Commissioner Regan<br>Note: Sacre, Candace H                            | No, asked question was going to ask.  |
| 9:56:06 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Anything else, counsel?   |
| 9:56:07 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                | DOI rests.  |
| 9:56:10 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Procedural discussion. (Click on link for further comments.)  |
| 9:56:54 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Call Case No. 2022-00169, Tom Weis, Incident 43142, Mr. Weis, are you here this morning?                                |
| 9:57:35 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Mr. Rice excused.   |

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| 9:57:43 AM  | Chairman Chandler<br>Note: Sacre, Candace H                                 | Commission issued Order entered in this case indicating prima facie evidence existed that following provision of Underground Facility Damage Prevention Act violated, specifically, KRS 367.4911(7)(a), which states: (click on link for further comments). |
| 9:58:38 AM  | Chairman Chandler<br>Note: Sacre, Candace H                                 | Procedural process. (Click on link for further comments.)   |
| 10:01:00 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | First witness?  |
| 10:01:02 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Linda Bridwell.   |
| 10:01:06 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Witness is sworn.   |
| 10:01:15 AM | Chairman Chandler - witness Bridwell<br>Note: Sacre, Candace H              | Examination. Name and address?  |
| 10:01:30 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Direct Examination. Part of duties maintain official records?   |
| 10:02:33 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Appears to be an 18-page document, as part of duty, confirm this is a true and accurate copy of investigation report by former DOI investigator John Gowins?  |
| 10:02:46 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | Document previously filed, move marked and entered as DOI Exhibit 1.  |
| 10:02:54 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Mr. Weis, received copy of report? (Click on link for further comments.)  |
| 10:03:06 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Report should have been attachment to information received in mail. (Click on link for further comments.)   |
| 10:03:22 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Objection being introduced? (Click on link for further comments.)   |
| 10:03:32 AM | DOI HEARING EXHIBIT 1<br>Note: Sacre, Candace H<br>Note: Sacre, Candace H   | STAFF ATTY NORRIS-CANFIELD PSC - WITNESS BRIDWELL<br>INCIDENT ID 43142 PIPELINE DAMAGE INVESTIGATION REPORT   |
| 10:03:36 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | What provision determined be violated?  |
| 10:03:50 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | From records, state whether excavator had prior violations?   |
| 10:04:08 AM | Staff Atty Norris-Canfield PSC - witness Bridwell<br>Note: Sacre, Candace H | Appear demand letter issued by DOI?   |
| 10:04:26 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | No further questions.   |
| 10:04:31 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Mr. Weis, questions for Bridwell?   |
| 10:04:35 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Commissioner, questions?  |
| 10:04:39 AM | Commissioner Regan<br>Note: Sacre, Candace H                                | Not at this time.   |
| 10:04:44 AM | Chairman Chandler<br>Note: Sacre, Candace H                                 | Additional witnesses?   |
| 10:04:48 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                    | James Stallins, Atmos Energy.   |

10:04:52 AM Chairman Chandler  
Note: Sacre, Candace H Witness is sworn.

10:05:07 AM Chairman Chandler - witness Stallins  
Note: Sacre, Candace H Examination. Name and address?

10:05:21 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Direct Examination. Where employed?

10:05:27 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Job duties with Atmos?

10:05:37 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Familiar with incident of damage took place at 4211 West 5th State Road, Owensboro, on Oct 29 2020?

10:05:50 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Atmos was operator of gas facility?

10:05:55 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Who is Heath Consultants and what is relationship with Atmos locate process?

10:06:09 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Who is Tim Owen in relation to process?

10:06:24 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Did you personally participate in investigation?

10:06:30 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Tell us if locate ticket requested regarding damage?

10:06:39 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Attachment 1, familiar with Gas Excavation Damage Report?

10:07:00 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Is in relation to this incident of damage?

10:07:06 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Mr. Weis owner of property?

10:07:18 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Was this location a pond?

10:07:29 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Attachment 3, four images, images accurately reflect location of incident?

10:08:04 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Last image, is pole permanent locate marker?

10:08:17 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H And the line placed on ground in response to emergency locate request?

10:08:25 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Pole always in that location?

10:08:35 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Mr. Weis present when investigated?

10:08:57 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Able to speak with Mr. Weis?

10:09:05 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H What did he state doing when damage occurred?

10:09:22 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Did he state if aware of Kentucky DIG law and locate ticket?

10:09:33 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Not appear report indicates whether gas located in facility and whether released, tell us if was?

10:09:45 AM Staff Atty Norris-Canfield PSC - witness Stallins  
Note: Sacre, Candace H Was a release?

|             |  |   |
|-------------|--|---|
| 10:09:53 AM | Chairman Chandler - witness Stallins<br>Note: Sacre, Candace H               | Examination. Why did report not say it?   |
| 10:10:19 AM | Staff Atty Norris-Canfield PSC - witness Stallins<br>Note: Sacre, Candace H  | Direct Examination (cont'd). Cost of damage by Weis and how much billed for damage?   |
| 10:10:56 AM | Staff Atty Norris-Canfield PSC - witness Stallins<br>Note: Sacre, Candace H  | Tell us consequence of damage?  |
| 10:11:31 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | No further questions.   |
| 10:11:35 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Mr. Weis, questions?  |
| 10:11:42 AM | Respondent Weis - witness Stallins<br>Note: Sacre, Candace H                 | Cross Examination. Talk about repairs, old line scarp, put in 2,000 feet new line, sent me for that, bill was over \$500,000, not sure where getting three hundred, was told would be \$100,000 to \$150,000, how escalated, why not repaired old line, (click on link for further comments)? |
| 10:12:59 AM | Chairman Chandler - witness Stallins<br>Note: Sacre, Candace H               | Examination. Why not mark gas in line or gas escaped in report, why would not have marked that if gas in line or gas escaped?   |
| 10:13:57 AM | Chairman Chandler - witness Stallins<br>Note: Sacre, Candace H               | Not clear from report, how find out facilities had been damaged?  |
| 10:15:20 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Not know if have documentary reference to those emails or phone calls.  |
| 10:15:42 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Commissioner, questions?  |
| 10:15:47 AM | Commissioner Regan<br>Note: Sacre, Candace H                                 | I do not.   |
| 10:15:50 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Redirect?   |
| 10:15:53 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | Point out, on this particular case and particular damage report, right after damage report changed, those two boxes added. (Click on link for further comments.)  |
| 10:16:38 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | No more questions.  |
| 10:16:40 AM | Chairman Chandler - witness Stallins<br>Note: Sacre, Candace H               | Examination. Aware of existence of boxes?   |
| 10:17:16 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Additional witnesses?   |
| 10:17:18 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | Tina Frederick.   |
| 10:17:40 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Witness is sworn.   |
| 10:17:46 AM | Chairman Chandler - witness Frederick<br>Note: Sacre, Candace H              | Examination. Name and address?  |
| 10:18:03 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | Direct Examination. Currently and at this time provide guidance for the 8-1-1 program   |
| 10:18:10 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | Provide guidance on Incident 43142?   |
| 10:18:17 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | Attachment 2, explain contents of attachment?   |

|             |  |  |
|-------------|--|--|
| 10:19:31 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | Your statement?  |
| 10:19:46 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | Through conversation or email, able to determine if able locate gas facility?  |
| 10:20:34 AM | Staff Atty Norris-Canfield PSC - witness Frederick<br>Note: Sacre, Candace H | So would not refuse locate request that involved standing water?   |
| 10:20:44 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Mr. Weis, questions?   |
| 10:20:49 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Commissioner, questions?   |
| 10:20:50 AM | Commissioner Regan<br>Note: Sacre, Candace H                                 | No.  |
| 10:20:55 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Additional witnesses?  |
| 10:20:58 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | Call Tom Weis.   |
| 10:21:12 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Witness is sworn.  |
| 10:21:19 AM | Chairman Chandler - witness Weis<br>Note: Sacre, Candace H                   | Examination. Name and address?   |
| 10:21:31 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Cross Examination. Address just stated address damage occurred?  |
| 10:21:42 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | What was address damage occurred?  |
| 10:21:59 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Call 8-1-1 to request a locate?  |
| 10:23:41 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Aware gas facility in vicinity?  |
| 10:23:53 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Offered opportunity to pay \$2,000 penalty?  |
| 10:24:10 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Paid penalty?  |
| 10:24:19 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Have option to pay prior to hearing, have paid that penalty?   |
| 10:24:28 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H      | Paid Atmos for damage to facility?   |
| 10:24:46 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | No further questions.  |
| 10:24:50 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Commissioner, questions?   |
| 10:24:55 AM | Commissioner Regan - witness Weis<br>Note: Sacre, Candace H                  | Examination. Flags on either side of where digging?  |
| 10:25:15 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Any additional witnesses or evidence?  |
| 10:25:18 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                     | DOI will rest.   |
| 10:25:20 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Opportunity provide your side of the story, provide testimony under oath for Commission consideration? (Click on link for further comments.) |
| 10:27:50 AM | Chairman Chandler<br>Note: Sacre, Candace H                                  | Closing statements, Counsel?   |

|             |   |  |
|-------------|---|--|
| 10:27:58 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Mr. Weis, additional closing statements?   |
| 10:28:11 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Counsel, plan on filing anything post-hearing?   |
| 10:28:15 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Mr. Weis, any intention file post-hearing anything in writing?   |
| 10:28:28 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Take case under consideration and render a decision. (Click on link for further comments.)   |
| 10:29:11 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Atmos can be excused.  |
| 10:29:26 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                  | Ms. Bridwell can also be excused.  |
| 10:30:28 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Final case is Case No. 2022-00090, Tri-Cities Construction, LLC, anybody here on behalf of Tri-Cities?   |
| 10:30:48 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Have evidence this hearing scheduled for different date, but provided notice new hearing date, appears service is in order.  |
| 10:31:03 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | This entity, Tri-Cities Construction, LLC, the Commission found prima facie evidence exists that they violated the Underground Facility Damage Prevention Act violated, specifically, KRS 367.4911(7)(a) that each excavator (click on link for further comments). |
| 10:31:40 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Counsel, prepared to move forward?   |
| 10:31:43 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | First witness?   |
| 10:31:45 AM | Staff Atty Norris-Canfield PSC - witness Weis<br>Note: Sacre, Candace H   | Eric Tout.   |
| 10:32:02 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | Witness is sworn.  |
| 10:32:07 AM | Chairman Chandler - witness Tout<br>Note: Sacre, Candace H                | Examination. Name and address?   |
| 10:32:20 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Direct Examination. Where currently employed?  |
| 10:32:33 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Job duties?  |
| 10:32:44 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Familiar with incident of damage that took place Nov 6 2020 at 1291 Mitchell Street, Catlettsburg, Kentucky?   |
| 10:32:56 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Investigate incident?  |
| 10:33:02 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Bring up investigation report for Incident 43199, appears to be a 12-page document, appear to be a true and accurate copy of investigation of this incident?   |
| 10:33:30 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                  | Document previously filed, move marked and entered as DOI Exhibit 1.   |
| 10:33:35 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | So ordered.  |
| 10:33:37 AM | DOI HEARING EXHIBIT 1<br>Note: Sacre, Candace H<br>Note: Sacre, Candace H | STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT<br>INCIDENT ID 43199 PIPELINE DAMAGE INVESTIGATION REPORT  |

|             |   |   |
|-------------|---|---|
| 10:33:39 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Was a supplement to this report?  |
| 10:33:43 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Bring up supplemental report, appears to be 17-page document, appear to be true and accurate copy of supplemental report? |
| 10:34:01 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                  | Also previously filed, move be marked and introduced DOI Exhibit 2.   |
| 10:34:06 AM | Chairman Chandler<br>Note: Sacre, Candace H                               | So ordered.   |
| 10:34:07 AM | DOI HEARING EXHIBIT 2<br>Note: Sacre, Candace H<br>Note: Sacre, Candace H | STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT<br>INCIDENT 43199 SUPPLEMENTAL REPORT                                       |
| 10:34:09 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Describe investigation?   |
| 10:34:40 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Who was operator made initial report?   |
| 10:34:48 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Report indicate excavator present when investigated incident?   |
| 10:35:14 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Able to speak with excavator?   |
| 10:35:38 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Did he ever return call?  |
| 10:36:03 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Excavator have locate ticket when damage occurred?  |
| 10:36:42 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Attachment 2, investigation report, is this one of those tickets?   |
| 10:36:59 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Is this the report by Tri-Cities or is this repair by Columbia?   |
| 10:37:48 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Ticket for repair by Columbia?  |
| 10:38:13 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Page 15, included in documentation are photographs, explain these photographs, what depicting?                            |
| 10:38:39 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | No indication were locate marks on ground prior to excavation?  |
| 10:38:47 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Page 16?  |
| 10:39:06 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Page 17 of supplemental report, invoice for cost of damage?   |
| 10:39:19 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Aware if damage paid for?   |
| 10:39:33 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Does report indicate facility contained natural gas and if it was released?   |
| 10:40:22 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | What provision determine violated?  |
| 10:40:38 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Demand letter issued?   |
| 10:40:46 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | To whom issued?   |
| 10:41:23 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H   | Know if excavator had prior violations?   |
| 10:41:37 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                  | No further questions.   |



|             |   |   |
|-------------|---|---|
| 10:41:39 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Commissioner, questions?  |
| 10:41:45 AM | Commissioner Regan - witness Tout<br>Note: Sacre, Candace H             | Examination. Could you go over again time frame for incident report and tickets?                                |
| 10:42:21 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Anything else?  |
| 10:42:25 AM | Staff Atty Norris-Canfield PSC - witness Tout<br>Note: Sacre, Candace H | Redirect Examination. Tri-Cities called in ticket at 9:15 and damage at 9:30, not waiting two days for marking? |
| 10:43:00 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | Additional witnesses?   |
| 10:43:03 AM | Staff Atty Norris-Canfield PSC<br>Note: Sacre, Candace H                | DOI will rest.  |
| 10:43:07 AM | Chairman Chandler<br>Note: Sacre, Candace H                             | All cases we have, if nothing else, we will adjourn.  |
| 10:43:24 AM | Session Ended   |   |



# Exhibit List Report

Damage Prevention 29Jul2022

**2021-00357, 2021-00359, 2022-00169, 2022-00166, 2022-00178, 2022-00168, and 2022-00090**

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| <b>Name:</b>          | <b>Description:</b>  |
|-----------------------|--|
| DOI HEARING EXHIBIT 1 | 2022-00090 INCIDENT 43199 PIPELINE DAMAGE INVESTIGATION REPORT |
| DOI HEARING EXHIBIT 1 | 2022-00169 INCIDENT 43142 PIPELINE DAMAGE INVESTIGATION REPORT |
| DOI HEARING EXHIBIT 1 | 2021-00357 INCIDENT 32557 PIPELINE DAMAGE INVESTIGATION REPORT |
| DOI HEARING EXHIBIT 1 | 2021-00359 INCIDENT 43436 PIPELINE DAMAGE INVESTIGATION REPORT |
| DOI HEARING EXHIBIT 2 | 2022-00090 INCIDENT 43199 SUPPLEMENTAL REPORT                  |

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43199 **Investigation** 8165  
**Incident Date** 11/6/2020 9:30:00 AM **Report Submitted** 11/23/2020

## Operator Information

**Operator** Columbia Gas of Kentucky, Inc. **Reported By** James Rice  
**Phone** (859) 537-2123 **Email** JamesRice@NiSource.com

**Incident Location** 1292 Mitchell St Catlettsburg KY 41129 **Locate Ticket Number** N/A

**County** Boyd

## Excavator Information

**Excavator** Cody Gussler **Organization ID** 1143505  
 Tri-Cities Construction, L.L.C.  
**Phone** 606-465-9186 **Email**  
**Address** 2710 Crawford St **Locate Ticket Number** N/A  
 Ashland KY 41101

## Damage Report (DR) Summary

| Excavation Within 18"<br>(Approximate Location) | Gas Or Hazardous Liquids |          | Type Of Equipment Used   | Cost of Damage | Amount Billed |
|---|--------------------------|----------|--------------------------|----------------|---------------|
|   | Contained                | Released |                          |                |               |
| No call to 811                                  | No                       | Yes      | Mechanized/Not specified | \$1,000.00     | \$1,000.00    |

The Operator reports the Excavator damaged three-inch gas main and a service tee with mechanized equipment and failed to contact the KY Contact Center (811). More specifically, the Excavator stated they contacted 811, but were not issued a Locate Ticket (LT) due to an invalid address, however the Operator states that the Excavator was able to obtain an emergency LT after the damage occurred. **The DR is included as Attachment 1.**

## INVESTIGATION

On 11/04/21:

- The Excavator, Tri-Cities Construction's Cody Gussler, stated that research was warranted and would call back on 11/08/21.
- 811, Jill Gast, provided two Emergency LTs, ...0516 & ...0613, obtained on the incident date, one obtained by the Excavator to report the damage and the other obtained by the Operator to repair the damage.

## Locate Ticket (LT) Summary

| Ticket #                | Obtained By             | Initial Date      | Expiration Date<br>(21 calendar days from Initial date) | Incident Date     | # of Days Expired | Within Scope of Excavation |
|-------------------------|-------------------------|-------------------|---|-------------------|-------------------|----------------------------|
| 2011060516<br>Emergency | Tri-Cities Construction | 11/06/20<br>09:15 | N/A - Obtained after damage reporting the damage        | 11/06/20<br>09:30 | 0                 | Yes                        |
| 2011060613<br>Emergency | Columbia Gas            | 11/06/20<br>09:39 | N/A - Obtained after damage to repair the damage        |                   |                   |                            |

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

## PIPELINE DAMAGE INVESTIGATION REPORT

On 11/08/21 a follow up call to Mr. Gussler resulted in a message indicating the voicemail box is full.

On 11/10/21 a follow up call to Mr. Gussler resulted in a message being left with the receptionist.

On 11/15/21 a follow up call to Mr. Gussler resulted in a message indicating the voicemail box is full.

Due to the difficulties in making contact with the Mr. Gussler a Demand Letter offering the reduced penalty of \$250.00 and the required attendance to the Damage Prevention Course will be sent.

### VIOLATIONS

**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 (Including this incident)

| Excavator       | Last Offence Incident # | Last Offence Incident Date | Revert to 1 <sup>st</sup> Offence Date<br>(Last Offence Date +365 Days) |
|-----------------|-------------------------|----------------------------|---|
| 1 <sup>st</sup> | N/A                     | N/A                        | N/A   |

# Attachment 1

# Gas Excavation Damage Report

## Columbia Gas of Kentucky, Inc.

Submitted 11/23/2020 Incident ID: 43199

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43199\)](#)

### Reported By:

**Name:** James Rice  
**Phone:** (859) 537-2123  
**Email:** JamesRice@NiSource.com

### Gas Line Incident Occured:

**Date:** 11/6/2020  
**Time:** 9:30 AM

### Details:

**Reported Date:** 11/16/2020 4:15 PM

### Incident Location Address:

**Location:**  
**Address:** 1292 Mitchell St  
**City:** Catlettsburg  
**State:** KY  
**County:** Boyd  
**Zip:** 41129  
**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?**  \*

**Locate Request Ticket No.:** N/A

**Excavator:** Contractor

### Excavator Address:

**First Name:** Cody  
**Last Name:** Gussler  
**Organization ID:**  
**Company:** Tri-Cities Construction  
**Phone:** 606-465-9186  
**Email:**

**Address:** 2710 Crawford St  
**City:** Ashland  
**State:** KY  
**Zip:** 41101  
**Confirm Code:** Y  
**Excavation Damage:** No notification made to the One Call Center

**Description of Incident** Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee with mechanized equipment.

Summary Information

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11/23/2020

**Full details such as the cause** Tri-Cities Construction was excavating an area without a locate ticket. While excavating with mechanized equipment, Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee. Tri-Cities Construction stated they contacted 811 but were not issued a dig ticket due to invalid address. However, Tri-Cities Construction was able to obtain an emergency locate ticket after the pipe was damaged.

**Extent of the damage** A steel three inch natural gas service main was damaged and the service tee was severed. A portion of the main was abandoned along with the unused service line.

**Cost of the damage** \$1,000.00

**Steps taken to prevent re-occurrence** CKY employees advised Tri-Cities Construction to always call 811 prior to any excavating activities.

**Amount billed to excavator** \$1,000.00

# Attachment 2



## Tout, Eric V (PSC)

---

**From:** Ticket Research <ticketresearch2@usa811.org>  
**Sent:** Thursday, November 4, 2021 3:37 PM  
**To:** Tout, Eric V (PSC)  
**Cc:** PSCrequest@kentucky811.org  
**Subject:** Re: 43199  
**Attachments:** 2011060613-Boyd-MitchellSt.pdf; 2011060516-Boyd-MitchellSt.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.**

---

Hi Eric,  
The 2 tickets found are attached.  
Have a good one!  
Thank you,

**Jill Gast, Ticket Research**

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 Thu, Nov 4, 2021 at 12:40 PM Tout, Eric V (PSC) <[ericv.tout@ky.gov](mailto:ericv.tout@ky.gov)> wrote:

| Please provide locate ticket for:

Incident Date: 11/6/2020  
Operator: Columbia Gas  
Incident Location: 1292 Mitchell St.  
County: Boyd  
Excavator: Tri-Cities Construction

The Excavator stated they contacted 811, but were not issued a LT due to an invalid address. If there is a record of this provided.

The Operator states that the Excavator was able to obtain an emergency LT after the damage occurred. Please provided all emergency tickets called in for this incident date and location.

*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*

DAMAGE SEE REMARKS

Ticket : 2011060516 Date: 11/06/2020 Time: 09:15 Oper: JWIMSATT Chan:000

State: KY Cnty: BOYD City: CATLETTSBURG  
Subdivision:

Address : 1292  
Street : MITCHELL ST  
Cross 1 : WATKINS ST  
Location: LOCATE THE ENTIRE FRONT OF THE PROPERTY  
:  
Boundary: n 38.435595 s 38.432863 w -82.611096 e -82.607009

Work type : NEW DRIVEWAY AND FOOTER FOR A PORCH  
Done for : ROBERT GARLOCK  
Start date: 11/06/2020 Time: 09:19 Hours notice: 0/0 Priority: EMER  
Ug/Oh/Both: U Blasting: NO Emergency: Y  
Duration : N/A Depth: 4 FEET

Company : TRICITIES CONSTRUCTION Type: CONT  
Co addr : 612 POLLARD RD  
City : ASHLAND State: KY Zip: 41101  
Caller : CODY GUSSLER Phone: (606)465-9186  
Contact : CODY GUSSLER - OFFICE Phone:  
Mobile : (606)465-9186  
Email : TRICITIESCONSTRUCTION1@GMAIL.COM

Remarks : DAMAGED COLUMBIA GAS LINE IN FRONT OF THE PROPERTY - CAN HEAR GAS, CAN  
SMELL GAS - CREW ON SITE - ADVISED TO CALL 911 AND ADVISED TO CALL UTILITY  
COMPANY TO REPORT THE DAMAGE -- NO PREVIOUS TICKET NUMBER  
:

Submitted date: 11/06/2020 Time: 09:15  
Members: 0023 0052 0173 0177 0367 0521

\* Responses are current as of 11/04/2021 03:33 PM

| <u>Service Area</u>                          | <u>Utility Type(s)</u> | <u>Damage Contact</u>                      | <u>Positive Response</u> |
|--|------------------------|--|--------------------------|
| TIME WARNER CABLE<br>0023                    | COMMUNICATIONS         | TIME WARNER CABLE DAMAGE<br>(800) 892-2253 | No Conflict              |
| SPRINT<br>0052                               | FIBER OPTIC            |  |                          |
| CITY OF ASHLAND<br>0173                      | SEWER, WATER           |  |                          |
| COLUMBIA GAS (SOUTH ASHLAND)<br>0177         | PIPELINE               | COLUMBIA GAS DAMAGE<br>(877) 242-8642      |                          |
| KENTUCKY POWER - AEP<br>0367                 | ELECTRIC               |  |                          |
| HOUSING AUTHORITY OF<br>CATLETTSBURG<br>0521 | MASTER METER           |  |                          |

EMERGENCY SEE REMARKS

Ticket : 2011060613 Date: 11/06/2020 Time: 09:39 Oper: JWEBER Chan:000

State: KY Cnty: BOYD City: CATLETTSBURG  
Subdivision:

Address :

Street : MITCHELL ST

Cross 1 : WADKINS ST

Location: STARTING AT THE ADDRESS OF 1292 MITCHELL STREET - LOCATE THE ENTIRE  
PROPERTY TO INCLUDE THE STREET EXTENDING NORTH AND SOUTH FOR 100 FEET FROM THE  
PROPERTY

:  
Boundary: n 38.435644 s 38.432793 w -82.611152 e -82.606980

Work type : REPAIRING DAMAGED GAS MAIN LINE

Done for : COLUMBIA GAS

Start date: 11/06/2020 Time: 09:40 Hours notice: 0/0 Priority: EMER

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

Duration : N/A Depth: UNKNOWN

Company : COLUMBIA GAS LOGISTIC CENTER Type: MEMB

Co addr : 290 NATIONWIDE BOULEVARD

City : COLUMBUS State: OH Zip: 43215

Caller : LIZ MAURICE Phone: (614)460-6261

Contact : CALEB WHEELER - CELL Phone:

Mobile : (606)254-7876

Email : EMAURICE@NISOURCE.COM

Remarks : CREW IS ENROUTE

:

Submitted date: 11/06/2020 Time: 09:39

Members: 0023 0052 0173 0177 0367 0521

\* Responses are current as of 11/04/2021 03:35 PM

| <u>Service Area</u>                          | <u>Utility Type(s)</u> | <u>Customer Service Contact</u>                            | <u>Positive Response</u>                                   |
|--|------------------------|--|--|
| TIME WARNER CABLE<br>0023                    | COMMUNICATIONS         | TIME WARNER CABLE CUSTOMER<br>SERVICE<br>(800) 892-2253    | No Conflict  |
| SPRINT<br>0052                               | FIBER OPTIC            |  |  |
| CITY OF ASHLAND<br>0173                      | SEWER, WATER           |  |  |
| COLUMBIA GAS (SOUTH ASHLAND)<br>0177         | PIPELINE               | COLUMBIA GAS CUSTOMER SERVICE<br>(800) 432-9345            | Does conflict, underground facilities<br>have been marked. |
| KENTUCKY POWER - AEP<br>0367                 | ELECTRIC               | KENTUCKY POWER - AEP CUSTOMER<br>SERVICE<br>(800) 956-4237 |  |
| HOUSING AUTHORITY OF<br>CATLETTSBURG<br>0521 | MASTER METER           |  |  |

# SUPPLEMENTAL PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 43199 **Investigation** 8165  
**Incident Date** 11/6/2020 9:30:00 AM **Report Submitted** 11/23/2020

## Operator Information

**Operator** Columbia Gas of Kentucky, Inc.  
**Phone** (859) 537-2123 **Reported By** James Rice  
**Email** JamesRice@NiSource.com

**Incident Location** 1292 Mitchell St  
Catlettsburg KY 41129 **Locate Ticket Number** N/A

**County** Boyd

## Excavator Information

**Excavator** Cody Gussler **Organization ID** 1143505  
Tri-Cities Construction, L.L.C.  
**Phone** 606-465-9186 **Email**  
**Address** 2710 Crawford St **Locate Ticket Number** N/A  
Ashland KY 41101

## INVESTIGATION

On 01/11/22 a 30 Days Past Due & No Attendance Remedial Measure/Training letter was sent to the Excavator. The certified mail hard copy receipt indicates that said letter was delivered on 01/08/22 to the address of 2710 Crawford St.

**The letter and receipt are included as Attachment 3.**

On 01/14/22, via email, the Operator, Columbia's James Rice, stated that the Excavator has not paid for the damage and Mr. Rice provided the following documents:

- PSC Gas Excavation Damage Report: Which have been outlined in Attachment 1 and the DR Summary.
- Two Photographs: One depicting the damage location and the other of a vehicle door with the Excavator's business logo.
- Invoice: Indicating the Excavator was billed \$1,965.09 for the damage.

**Columbia's documents are include as Attachment 4.**

# Attachment 3





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

Amy D. Cabbage  
Vice Chairman

Marianne Butler  
Commissioner

January 11, 2022

Cody Gussler  
Tri-Cities Construction, L.L.C.  
2710 Crawford St.  
Ashland KY 41101

Dakota Gussler, Registered Agent  
704 Bellefonte Princess Rd.  
Ashland, KY 41101

Re: Violation of Kentucky Underground Facility Damage Prevention Act  
Incident Number: 43199

**30 Days Past Due & No Attendance Remedial Measure/Training**

Dear Mr. Gussler:

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 Tri-Cities Construction 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, **43199** and this key **8165** 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  
[KentuckyUnbridledSpirit.com](http://KentuckyUnbridledSpirit.com)



An Equal Opportunity Employer M/F/D

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 3.05
- Return Receipt (electronic) \$ \_\_\_\_\_
- Certified Mail Restricted Delivery \$ \_\_\_\_\_
- Adult Signature Required \$ \_\_\_\_\_
- Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage

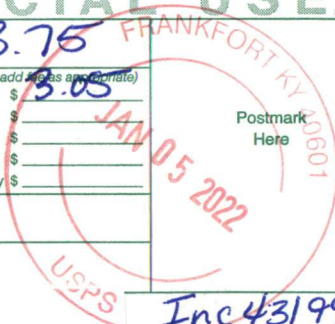
\$

0.73

Total Postage and Fees

\$

7.53



Postmark  
Here

Cody Gussler  
Tri-Cities Construction, L.L.C.  
2710 Crawford St.  
Ashland KY 41101

Inc 43199

FRANKFORD, KY 40601

## **Certified mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### **Important Reminders:**

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee

\$

3.75

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy)

\$ 3.05

Return Receipt (electronic)

\$

Certified Mail Restricted Delivery

\$

Adult Signature Required

\$

Adult Signature Restricted Delivery

\$

Postage

\$

0.73

**Total Postage and Fees**

\$

7.53

Postmark  
Here

FRANKFORT KY 40601  
JAN 05 2022  
USPS  
Inc. 43199

Dakota Gussler, Registered Agent  
704 Bellefonte Princess Rd.  
Ashland, KY 41101

1101 1000 9000 8000 7000 6000 5000 4000 3000 2000 1000 0000

## **Certified Mail service provides the following benefits:**

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### **Important Reminders:**

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. *Ino 43199*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Number

Cody Gussler  
 Tri-Cities Construction, L.L.C.  
 2710 Crawford St.  
 Ashland KY 41101



9590 9402 6901 1104 3986 35

2. Article Number

7020 3160 0001 8129 6501

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*[Handwritten Signature]* Agent Addressee

B. Received by (Printed Name)

*[Handwritten Signature]*

C. Date of Delivery

*1/8/22*
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

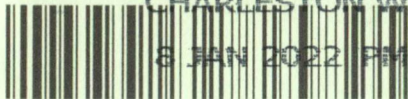
 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Insured Mail Restricted Delivery

Mail

 Insured Mail Restricted Delivery (over \$500) Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Signature Confirmation™ Signature Confirmation Restricted Delivery

USPS TRACKING #

CHARLESTON WV 250



8 JAN 2022 PM 2 L



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

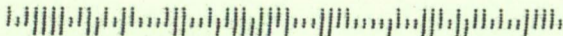
9590 9402 6901 1104 3986 35

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

**KENTUCKY PUBLIC SERVICE COMMISSION**  
**211 SOWER BLVD**  
**FRANKFORT KY 40602**

-829411



# Attachment 4



## Tout, Eric V (PSC)

---

**From:** JamesRice@nisource.com  
**Sent:** Friday, January 14, 2022 2:23 PM  
**To:** Tout, Eric V (PSC)  
**Subject:** Re: 43199, 11/6/2020, 1292 Mitchell St., Catlettsburg, Tri-Cities Construction  
**Attachments:** 1292 Mitchell St - Cattlettsburg - No notification made to 811.pdf; KY20-1168, 20-8587908-00\_Redacted.pdf; IMG\_1852.jpg; IMG\_1844.jpg

---

**\*\*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.**

---

Hi Eric,

My apologies for the delay. See attached info as requested. The invoice has not been paid to date.

Thanks,

James Rice  
Compliance Specialist  
Columbia Gas of Kentucky  
Cell: 859-537-2123  
Office: 859-288-6328  
Email: JamesRice@NiSource.com

---

**From:** "Tout, Eric V (PSC)" <ericv.tout@ky.gov>  
**To:** "JamesRice@nisource.com" <JamesRice@nisource.com>  
**Date:** 01/14/2022 06:30 AM  
**Subject:** 43199, 11/6/2020, 1292 Mitchell St., Catlettsburg, Tri-Cities Construction

---

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Hello James,

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*



## **PSC Gas Excavation Damage Report**

### **Excavation Damage Occurred**

**Date:** 11/06/2020

**Time:** 9:30 AM

**JO #:** 20-8587908-00

### **Incident Location**

**Address:** 1292 Mitchell St

**City:** Cattlesburg

**County:** Boyd

**Zip:** 41129

**# Cust. Lost:** 0

**Was gas released into the atmosphere?** Y

**Locate Request Ticket Number:** N/A

### **Excavator Information**

**Excavator Type:** Contractor

**First Name:** Cody

**Last Name:** Gussler

**Company:** Tri-Cities Construction

**Phone:** 606-465-9186

**Email:** Unknown

**Address:** 2710 Crawford St

**City:** Ashland

**State:** KY

**Zip:** 41101



## **Incident Details**

**KY PSC - Cause of Damage:** No notification made to the One Call Center

**Columbia DIMP Root Cause:** Failure to call one call center

**Description of Incident:** Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee with mechanized equipment.

**Full details such as the cause:** Tri-Cities Construction was excavating an area without a locate ticket. While excavating with mechanized equipment, Tri-Cities Construction struck a steel three inch natural gas service main and damaged the service tee. Tri-Cities Construction stated they contacted 811 but were not issued a dig ticket due to invalid address. However, Tri-Cities Construction was able to obtain an emergency locate ticket after the pipe was damaged.

**Extent of the damage:** A steel three inch natural gas service main was damaged and the service tee was severed. A portion of the main was abandoned along with the unused service line.

**Cost of the damage:** \$1,000

**Steps taken to prevent re-occurrence:** CKY employees advised Tri-Cities Construction to always call 811 prior to any excavating activities.

**Amount billed to excavator:** \$1,000



**TRI-CITIES**  
**CONSTRUCTION, LLC**



**606-465-9186**

**Columbia Gas/NiSource**  
**INVOICE**

**CLAIM NO.:** [REDACTED]

**JOB ORDER NO.:** [REDACTED]

**DATE:** January 14, 2021

**MRA ACCOUNT NUMBER:** [REDACTED]

PAYMENT DUE 28 DAYS FROM ABOVE DATE  
PLEASE MAKE REMITTANCE PAYABLE TO:

Tri Cities Construction, LLC  
2710 Crawford St  
Ashland, Kentucky 41102

Columbia Gas / NiSource  
3101 N. Ridge Rd. E.  
Lorain, Ohio 44055  
ATTN: Damage Prevention Support

| AMOUNT DUE |
|------------|
| \$1,965.09 |

-----  
PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 11/06/2020 in the vicinity of 1292 Mitchell St, Catlettsburg, Kentucky 41129.

| ITEMS                | AMOUNT            |
|----------------------|-------------------|
| Labor                | [REDACTED]        |
| Materials            |                   |
| Equipment            |                   |
| Gas Loss             |                   |
| Contracted Fees      |                   |
| Taxes                |                   |
| <b>TOTAL EXPENSE</b> | <b>\$1,965.09</b> |

Notes:

If you have any questions regarding this bill, please contact [REDACTED]  
Facility Damage Coordinator, at [REDACTED]



Know what's below.  
Call before you dig.

**Columbia Gas/NiSource**  
**INVOICE**

**CLAIM NO.:** [REDACTED]

**JOB ORDER NO.:** [REDACTED]

**DATE:** January 14, 2021

\*Dakota Gussler  
Tri-Cities Construction LLC  
704 Bellefonte Princess Rd.  
Ashland, KENTUCKY 41101

\*Cody Gussler  
Tri-Cities Construction LLC  
2710 Crawford Street  
Ashland, KENTUCKY 41101