

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TOM WEIS)	
)	
_____)	CASE NO.
)	2022-00169
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:

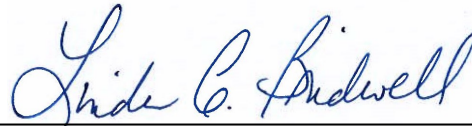
- The digital video recording of the evidentiary hearing conducted on July 29, 2022 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the evidentiary hearing conducted on July 29, 2022 in this proceeding;
- A written log listing, 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. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 24th day of August 2022.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a horizontal line underneath it.

Linda C. Bridwell

Executive Director

Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TOM WEIS –)	
ALLEGED VIOLATION OF UNDERGROUND)	CASE NO.
FACILITY DAMAGE PREVENTION ACT)	2022-00169

CERTIFICATION

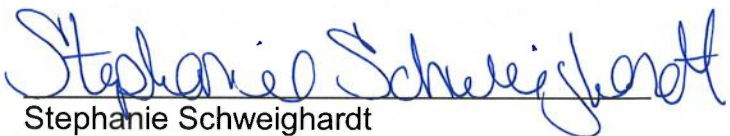
I, Candace H. Sacre, hereby certify that:

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 19th 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 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 Note: Sacre, Candace H	I am joined by Commissioner Mary Pat Regan.
9:13:40 AM	Chairman Chandler 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 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 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 Note: Sacre, Candace H	Videoconferencing recommendations. (Click on link for further comments.)
9:16:00 AM	Chairman Chandler Note: Sacre, Candace H	The first case is 2022-00168, Oscar Navas, is Mr. Navas present?
9:16:35 AM	Chairman Chandler Note: Sacre, Candace H	Recommendation for today's hearing?
9:16:42 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	We would just proceed, ready to proceed. We have had contact, do have service.
9:16:50 AM	Chairman Chandler 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 Note: Sacre, Candace H	Continue until September 30, order out next week.

9:17:46 AM	Chairman Chandler Note: Sacre, Candace H	Next case is 2022-00178, Adeldo Perez, is Adeldo Perez here?
9:18:11 AM	Chairman Chandler Note: Sacre, Candace H	Recommendation on this case?
9:18:20 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Proceed in same manner, resubmit documents translated, and reset for September 30.
9:18:22 AM	Chairman Chandler Note: Sacre, Candace H	Will enter order continuing until September 30. (Click on link for further comments.)
9:19:22 AM	Chairman Chandler Note: Sacre, Candace H	Procedural discussions. (Click on link for further comments.)
9:20:14 AM	Chairman Chandler 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 Note: Sacre, Candace H	Also settled 2022-00091, Winters Heating and Cooling, and 2022-00171, Hosler Excavating.
9:20:53 AM	Chairman Chandler Note: Sacre, Candace H	Orders entered? (Click on link for further comments.)
9:21:13 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Contacted by representative 2022-00166, CCC Construction regarding settlement yesterday, are present.
9:21:48 AM	Chairman Chandler 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 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 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 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 Note: Sacre, Candace H	Procedural discussion. (Click on link for further comments.)
9:24:03 AM	Chairman Chandler Note: Sacre, Candace H	Call 2022-00166, CCC Construction Company, Inc. (Click on link for further comments.)
9:24:51 AM	Chairman Chandler Note: Sacre, Candace H	Ready to proceed on 2022-00166, or have recommendation?
9:25:00 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Ready to proceed, under impression individual was present and requesting to continue case.
9:25:11 AM	Chairman Chandler Note: Sacre, Candace H	Anyone on behalf of CCC Construction Company, Inc.?
9:25:49 AM	Chairman Chandler Note: Sacre, Candace H	Eddie Hounshell, speak up?
9:26:20 AM	Chairman Chandler Note: Sacre, Candace H	On behalf of CCC Construction Company, Inc.?
9:26:26 AM	Chairman Chandler Note: Sacre, Candace H	What was contact?

9:26:31 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Eddie Hounshell.
9:26:41 AM	Chairman Chandler 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 Note: Sacre, Candace H	Requested to take training course and pay reduced penalty of \$250.
9:26:59 AM	Chairman Chandler Note: Sacre, Candace H	Correct email address?
9:27:17 AM	Chairman Chandler 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 Note: Sacre, Candace H	Thank you, Mr. Wray and Mr. Pokrywka, all cases asked to be part of.
9:29:16 AM	Chairman Chandler Note: Sacre, Candace H	Procedural discussions. (Click on link for further comments.)
9:30:02 AM	Chairman Chandler 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 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 Note: Sacre, Candace H	Anyone here on behalf of CAG Enterprises and Concrete Construction, LLC?
9:31:48 AM	Chairman Chandler Note: Sacre, Candace H	Ready to proceed?
9:31:52 AM	Chairman Chandler Note: Sacre, Candace H	Call witness.
9:31:55 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Linda Bridwell.
9:32:04 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
9:32:11 AM	Chairman Chandler - witness Bridwell Note: Sacre, Candace H	Examination. Name and address?
9:32:30 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	Direct Examination. Part of duties to maintain official records?
9:33:01 AM	Staff Atty Norris-Canfield PSC - witness Bridwell 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 Note: Sacre, Candace H	Previously filed, ask be marked and entered as DOI Exhibit 1.
9:33:26 AM	Chairman Chandler Note: Sacre, Candace H	So marked.
9:33:27 AM	DOI HEARING EXHIBIT 1 Note: Sacre, Candace H Note: Sacre, Candace H	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS BRIDWELL INCIDENT ID 32557 PIPELINE DAMAGE INVESTIGATION REPORT
9:33:28 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	What provision determined violated?
9:33:42 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	State whether prior violations?

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

9:40:03 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Representative of CAG present when Columbia investigated incident?
9:40:09 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Did they make any statements?
9:40:31 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	State what doing when damage occurred?
9:40:43 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Stated did not have locate ticket?
9:40:52 AM	Staff Atty Norris-Canfield PSC - witness Rice 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 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 Note: Sacre, Candace H	CAG was billed for damage?
9:41:45 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	No further.
9:41:53 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
9:41:58 AM	Commissioner Regan Note: Sacre, Candace H	I don't at this time.
9:42:16 AM	Chairman Chandler Note: Sacre, Candace H	Additional witnesses?
9:42:21 AM	Chairman Chandler Note: Sacre, Candace H	Final closing statements in this case.
9:42:30 AM	Chairman Chandler Note: Sacre, Candace H	Filing anything post-hearing?
9:42:37 AM	Chairman Chandler 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 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 Note: Sacre, Candace H	Ready to proceed?
9:43:57 AM	Chairman Chandler Note: Sacre, Candace H	Call first witness.
9:44:00 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Linda Bridwell.
9:44:07 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
9:44:14 AM	Chairman Chandler - witness Bridwell Note: Sacre, Candace H	Examination. Name and address?
9:44:31 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	Direct Examination. Part of duties to maintain official records?
9:44:52 AM	Staff Atty Norris-Canfield PSC - witness Bridwell 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 Note: Sacre, Candace H	Previously filed, move be marked and entered as DOI Exhibit 1.
9:46:02 AM	Chairman Chandler 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?

9:51:23 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Next image?
9:51:34 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Next image?
9:51:52 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Final image?
9:52:10 AM	Staff Atty Norris-Canfield PSC - witness Rice Note: Sacre, Candace H	Stated not representative of CAG present when Columbia investigated?
9:52:23 AM	Staff Atty Norris-Canfield PSC - witness Rice 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 Note: Sacre, Candace H	Was natural gas released?
9:52:48 AM	Staff Atty Norris-Canfield PSC - witness Rice 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 Note: Sacre, Candace H	Know if paid?
9:53:21 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	No further.
9:53:27 AM	Chairman Chandler - witness Rice 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 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 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 Note: Sacre, Candace H	Saying should have checked box for both of them?
9:55:24 AM	Chairman Chandler - witness Rice 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 Note: Sacre, Candace H	If in any event marked second box, intend also answer first question in affirmative?
9:55:57 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner Regan, questions?
9:56:02 AM	Commissioner Regan Note: Sacre, Candace H	No, asked question was going to ask.
9:56:06 AM	Chairman Chandler Note: Sacre, Candace H	Anything else, counsel?
9:56:07 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	DOI rests.
9:56:10 AM	Chairman Chandler Note: Sacre, Candace H	Procedural discussion. (Click on link for further comments.)
9:56:54 AM	Chairman Chandler 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 Note: Sacre, Candace H	Mr. Rice excused.

9:57:43 AM	Chairman Chandler 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 Note: Sacre, Candace H	Procedural process. (Click on link for further comments.)
10:01:00 AM	Chairman Chandler Note: Sacre, Candace H	First witness?
10:01:02 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Linda Bridwell.
10:01:06 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
10:01:15 AM	Chairman Chandler - witness Bridwell Note: Sacre, Candace H	Examination. Name and address?
10:01:30 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	Direct Examination. Part of duties maintain official records?
10:02:33 AM	Staff Atty Norris-Canfield PSC - witness Bridwell 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 Note: Sacre, Candace H	Document previously filed, move marked and entered as DOI Exhibit 1.
10:02:54 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, received copy of report? (Click on link for further comments.)
10:03:06 AM	Chairman Chandler 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 Note: Sacre, Candace H	Objection being introduced? (Click on link for further comments.)
10:03:32 AM	DOI HEARING EXHIBIT 1 Note: Sacre, Candace H Note: Sacre, Candace H	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS BRIDWELL INCIDENT ID 43142 PIPELINE DAMAGE INVESTIGATION REPORT
10:03:36 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	What provision determined be violated?
10:03:50 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	From records, state whether excavator had prior violations?
10:04:08 AM	Staff Atty Norris-Canfield PSC - witness Bridwell Note: Sacre, Candace H	Appear demand letter issued by DOI?
10:04:26 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	No further questions.
10:04:31 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, questions for Bridwell?
10:04:35 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
10:04:39 AM	Commissioner Regan Note: Sacre, Candace H	Not at this time.
10:04:44 AM	Chairman Chandler Note: Sacre, Candace H	Additional witnesses?
10:04:48 AM	Staff Atty Norris-Canfield PSC 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 Note: Sacre, Candace H	Examination. Why did report not say it?
10:10:19 AM	Staff Atty Norris-Canfield PSC - witness Stallins 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 Note: Sacre, Candace H	Tell us consequence of damage?
10:11:31 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	No further questions.
10:11:35 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, questions?
10:11:42 AM	Respondent Weis - witness Stallins 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 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 Note: Sacre, Candace H	Not clear from report, how find out facilities had been damaged?
10:15:20 AM	Chairman Chandler Note: Sacre, Candace H	Not know if have documentary reference to those emails or phone calls.
10:15:42 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
10:15:47 AM	Commissioner Regan Note: Sacre, Candace H	I do not.
10:15:50 AM	Chairman Chandler Note: Sacre, Candace H	Redirect?
10:15:53 AM	Staff Atty Norris-Canfield PSC 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 Note: Sacre, Candace H	No more questions.
10:16:40 AM	Chairman Chandler - witness Stallins Note: Sacre, Candace H	Examination. Aware of existence of boxes?
10:17:16 AM	Chairman Chandler Note: Sacre, Candace H	Additional witnesses?
10:17:18 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Tina Frederick.
10:17:40 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
10:17:46 AM	Chairman Chandler - witness Frederick Note: Sacre, Candace H	Examination. Name and address?
10:18:03 AM	Staff Atty Norris-Canfield PSC - witness Frederick 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 Note: Sacre, Candace H	Provide guidance on Incident 43142?
10:18:17 AM	Staff Atty Norris-Canfield PSC - witness Frederick Note: Sacre, Candace H	Attachment 2, explain contents of attachment?

10:19:31 AM	Staff Atty Norris-Canfield PSC - witness Frederick Note: Sacre, Candace H	Your statement?
10:19:46 AM	Staff Atty Norris-Canfield PSC - witness Frederick 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 Note: Sacre, Candace H	So would not refuse locate request that involved standing water?
10:20:44 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, questions?
10:20:49 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
10:20:50 AM	Commissioner Regan Note: Sacre, Candace H	No.
10:20:55 AM	Chairman Chandler Note: Sacre, Candace H	Additional witnesses?
10:20:58 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Call Tom Weis.
10:21:12 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
10:21:19 AM	Chairman Chandler - witness Weis Note: Sacre, Candace H	Examination. Name and address?
10:21:31 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Cross Examination. Address just stated address damage occurred?
10:21:42 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	What was address damage occurred?
10:21:59 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Call 8-1-1 to request a locate?
10:23:41 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Aware gas facility in vicinity?
10:23:53 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Offered opportunity to pay \$2,000 penalty?
10:24:10 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Paid penalty?
10:24:19 AM	Staff Atty Norris-Canfield PSC - witness Weis 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 Note: Sacre, Candace H	Paid Atmos for damage to facility?
10:24:46 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	No further questions.
10:24:50 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
10:24:55 AM	Commissioner Regan - witness Weis Note: Sacre, Candace H	Examination. Flags on either side of where digging?
10:25:15 AM	Chairman Chandler Note: Sacre, Candace H	Any additional witnesses or evidence?
10:25:18 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	DOI will rest.
10:25:20 AM	Chairman Chandler 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 Note: Sacre, Candace H	Closing statements, Counsel?

10:27:58 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, additional closing statements?
10:28:11 AM	Chairman Chandler Note: Sacre, Candace H	Counsel, plan on filing anything post-hearing?
10:28:15 AM	Chairman Chandler Note: Sacre, Candace H	Mr. Weis, any intention file post-hearing anything in writing?
10:28:28 AM	Chairman Chandler Note: Sacre, Candace H	Take case under consideration and render a decision. (Click on link for further comments.)
10:29:11 AM	Chairman Chandler Note: Sacre, Candace H	Atmos can be excused.
10:29:26 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	Ms. Bridwell can also be excused.
10:30:28 AM	Chairman Chandler 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 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 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 Note: Sacre, Candace H	Counsel, prepared to move forward?
10:31:43 AM	Chairman Chandler Note: Sacre, Candace H	First witness?
10:31:45 AM	Staff Atty Norris-Canfield PSC - witness Weis Note: Sacre, Candace H	Eric Tout.
10:32:02 AM	Chairman Chandler Note: Sacre, Candace H	Witness is sworn.
10:32:07 AM	Chairman Chandler - witness Tout Note: Sacre, Candace H	Examination. Name and address?
10:32:20 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace H	Direct Examination. Where currently employed?
10:32:33 AM	Staff Atty Norris-Canfield PSC - witness Tout Note: Sacre, Candace H	Job duties?
10:32:44 AM	Staff Atty Norris-Canfield PSC - witness Tout 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 Note: Sacre, Candace H	Investigate incident?
10:33:02 AM	Staff Atty Norris-Canfield PSC - witness Tout 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 Note: Sacre, Candace H	Document previously filed, move marked and entered as DOI Exhibit 1.
10:33:35 AM	Chairman Chandler Note: Sacre, Candace H	So ordered.
10:33:37 AM	DOI HEARING EXHIBIT 1 Note: Sacre, Candace H Note: Sacre, Candace H	STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT INCIDENT ID 43199 PIPELINE DAMAGE INVESTIGATION REPORT

10:33:39 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Was a supplement to this report?

10:33:43 AM Staff Atty Norris-Canfield PSC - witness Tout
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
Note: Sacre, Candace H Also previously filed, move be marked and introduced DOI Exhibit 2.

10:34:06 AM Chairman Chandler
Note: Sacre, Candace H So ordered.

10:34:07 AM DOI HEARING EXHIBIT 2
Note: Sacre, Candace H STAFF ATTY NORRIS-CANFIELD PSC - WITNESS TOUT
Note: Sacre, Candace H INCIDENT 43199 SUPPLEMENTAL REPORT

10:34:09 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Describe investigation?

10:34:40 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Who was operator made initial report?

10:34:48 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Report indicate excavator present when investigated incident?

10:35:14 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Able to speak with excavator?

10:35:38 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Did he ever return call?

10:36:03 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Excavator have locate ticket when damage occurred?

10:36:42 AM Staff Atty Norris-Canfield PSC - witness Tout
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
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
Note: Sacre, Candace H Ticket for repair by Columbia?

10:38:13 AM Staff Atty Norris-Canfield PSC - witness Tout
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
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
Note: Sacre, Candace H Page 16?

10:39:06 AM Staff Atty Norris-Canfield PSC - witness Tout
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
Note: Sacre, Candace H Aware if damage paid for?

10:39:33 AM Staff Atty Norris-Canfield PSC - witness Tout
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
Note: Sacre, Candace H What provision determine violated?

10:40:38 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Demand letter issued?

10:40:46 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H To whom issued?

10:41:23 AM Staff Atty Norris-Canfield PSC - witness Tout
Note: Sacre, Candace H Know if excavator had prior violations?

10:41:37 AM Staff Atty Norris-Canfield PSC
Note: Sacre, Candace H No further questions.

10:41:39 AM	Chairman Chandler Note: Sacre, Candace H	Commissioner, questions?
10:41:45 AM	Commissioner Regan - witness Tout Note: Sacre, Candace H	Examination. Could you go over again time frame for incident report and tickets?
10:42:21 AM	Chairman Chandler Note: Sacre, Candace H	Anything else?
10:42:25 AM	Staff Atty Norris-Canfield PSC - witness Tout 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 Note: Sacre, Candace H	Additional witnesses?
10:43:03 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace H	DOI will rest.
10:43:07 AM	Chairman Chandler 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

Name:	Description:
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 John Gowins **Incident ID** 43142 **Investigation** 8152
Incident Date 10/29/2020 4:50:00 PM **Report Submitted** 11/25/2020

Operator Information

Operator Atmos Energy Corporation **Reported By** Anthony Stallins
Phone (270) 779-4849 **Email** anthony.stallins@atmosenergy.com

Incident Location 4211 W 5th St Rd **Locate Ticket Number** N/A
 Owensboro KY 42301
 4211 W 5TH ST. RD., OWENSBORO
County Daviess

Excavator Information

Excavator Tom Weis **Organization ID**
Phone 270-993-1689 **Email** creativetmntn@aol.com
Address 5109 US Highway 60 W **Locate Ticket Number** N/A
 Owensboro KY 42301

Damage Report Summary

Excavation Within 18" (Approximate Location)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
NA	No	No	Mechanized	\$300,523.00	\$300,523.00

Locate Ticket Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from Initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
N/A	N/A	N/A	N/A	10/29/2020	N/A	NA

The operator reports that Tom Weis, property owner, was removing trees & clearing his land. While attempting to remove a tree at the edge of a slough with a trac-hoe, Mr. Weis damaged a 4" steel natural gas main causing release of natural gas. No locate ticket, 650 customers out.

PIPELINE DAMAGE INVESTIGATION REPORT

INVESTIGATION

Mr. Weis was found responsible for a previous violation, incident # 32396, and cited for failure to request a dig ticket.

The original Atmos report is provided in Attachment 1 below.

Phone number and address verified online (Reverse Phone Lookup).

November 5, 2021

- Called 270.993.1689, spoke to Mr. Weis, who said that he was pulling a stump out of the pond, and it's roots were wrapped around the gas line which ran beneath the pond. He stated the Atmos employee that came out said that even if he had called for a dig ticket they wouldn't have been able to mark the damage area due to the pond. I requested copies of any pictures he had and texted him my email address.

In response to questions from the PSC to Atmos regarding procedures, Atmos provided the documentation in Attachment 2 below. The first documentation is the response from Atmos, the second document are the procedures followed by their contract locator.

Pictures from Atmos are provided in Attachment 3 below.

Documentation regarding Atmos' efforts to recover damage repair costs is provided in Attachment 4 below.

Based on the documentation available, this is deemed to be Mr. Weis' second violation and a demand letter will be sent accordingly.

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 1st Offence Date (Last Offence Date +365 Days)
2 nd	32396	1/25/20	1/24/21

Attachment 1

Incident # 43142

Original Atmos Report

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 11/25/2020 Incident ID: 43142

[Set back to Edit](#)[Staff Edit](#)[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=43142\)](#)

Reported By:

Name: Anthony Stallins
Phone: (270) 779-4849
Email: anthony.stallins@atmosenergy.com

Gas Line Incident Occured:

Date: 10/29/2020
Time: 4:50 PM

Details:

Reported Date: 10/30/2020 10:28 AM

Incident Location Address:

Location: 4211 W 5TH ST. RD., OWENSBORO
Address: 4211 W 5th St Rd
City: Owensboro
State: KY
County: Daviess
Zip: 42301

Confirm Code:

Number of Customers out: 650

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: Home Owner

Excavator Address:

First Name: Tom
Last Name: Weis
Phone: 270-993-1689
Email: creativemtn@aol.com
Address: 5109 US Highway 60 W
City: Owensboro

State: KY
Zip: 42301
Confirm Code:
Excavation Damage: No notification made to the One Call Center

Description of Incident Damaged 4" steel gas main. No locate ticket. Approximately 650 customers off. No injuries

Summary Information

11/25/2020

Full details such as the cause Tom Weis, property owner, was removing trees & clearing his land. While attempting to remove a tree at the edge of a slough with a trac-hoe, Mr. Weis damaged a 4" steel natural gas main causing release of natural gas. On the following morning of October 30th, Cody Townsend, Owensboro Op Supervisor, and myself would meet with Mr. Weis and his son in the parking lot of the First Free Will Baptist Church across the street from the Weis property. I asked Mr. Weis if he had a locate ticket and he advised me that he did not. I then asked if he was aware of the KY Dig Law and the need to call KY 811 before digging and he acknowledged that he was aware. Atmos construction crews would weld on two 4" Williamson Stopper fitting to stop the flow of gas. Atmos crews and contractors installed temporary 4" main to restore gas service to the affected customers. Service was restored to the majority of the affected customers by 6:00 PM on Saturday, October 31st.

Extent of the damage \$300,523.00

Cost of the damage \$300,523.00

Steps taken to prevent re-occurrence Mr. Weis was advised of the need to call KY 811 before starting any excavation related activity.

Amount billed to excavator \$300,523.00

Attachment 2

Incident # 43142

Procedures Provided by Atmos

In answer to your questions;

Does Atmos have written policies on locating underground facilities near or through standing water?

- Atmos Energy does not have specific written procedures on locating lines that are located under water.

Do your training materials cover this?

Atmos Energy's contract line locator follows the following steps if a gas line or any section of gas line can't be located and marked with paint and/or marking flags on each locate request.

- The locator will contact the excavator/person requesting the locate directly by phone using number provided on locate request.
- The excavator will be informed of the issue with the locate and not to proceed until contacted directly by Atmos Energy personnel.
- The locator will also document specifics around locate and the message to excavator. This is captured in contract line locator's work management system.
- Atmos Energy personnel are notified immediately and systematically by email and text of the "unlocatable gas line".
- Also at the same time the excavator receives a direct "Positive Response" by email containing all locator's comments (excavator will be informed of the issue with the locate and not to proceed until contacted directly by Atmos Energy personnel).
- Atmos Energy personnel will contact the excavator directly and take all necessary steps to resolve the locate issue.

In this case the excavator did not follow the law and request a locate which led to the line being damaged. As you know if any piece of the law is circumvented damages occur. if you have further questions please let me know.

Best regards,
Tim



Your Safety...Our Commitment

Unlocateable Procedures

Updated 3/13/2020

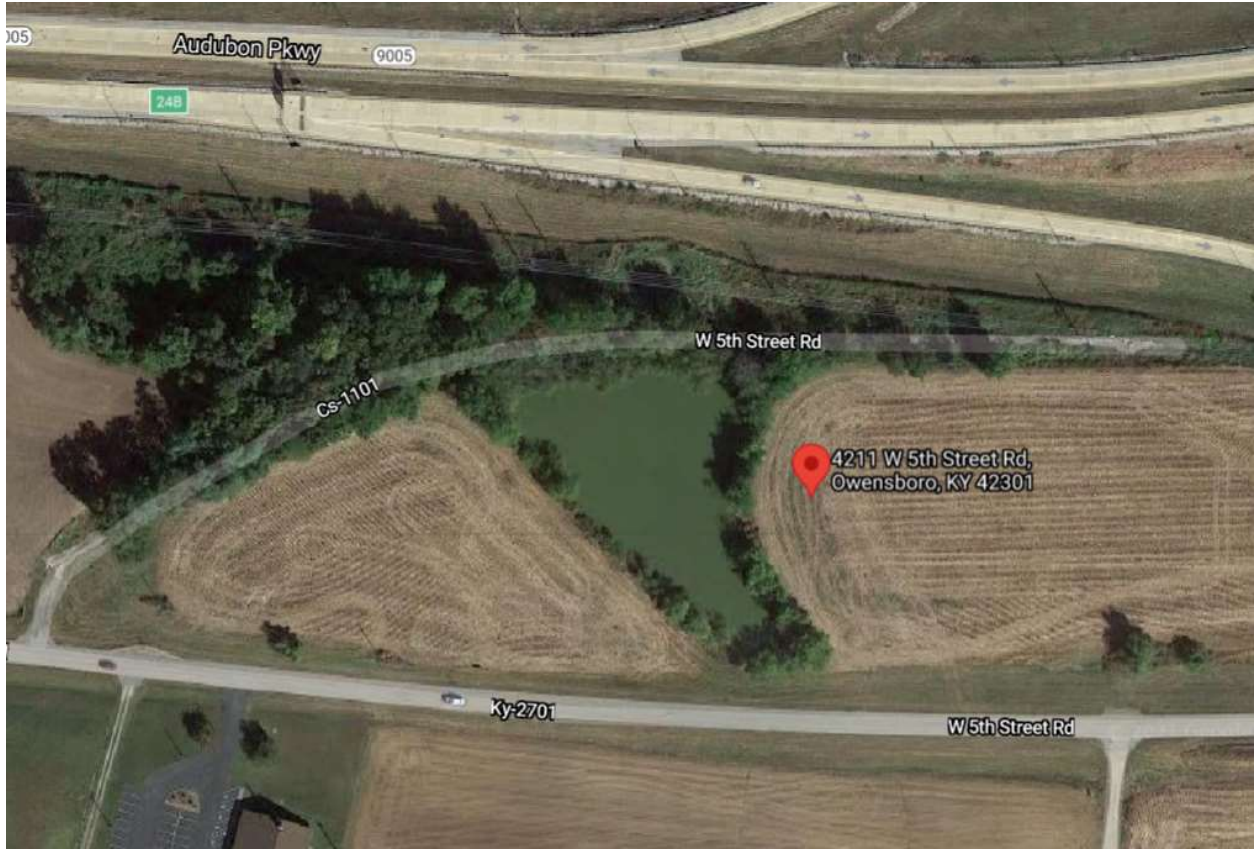
When a technician encounters an unlocateable, the following steps must take place.

- Technician completes all steps of the Unlocateable Process (attached)
- Unlocateable facility is turned over to Field Supervisor
- Field Supervisor either reports to the site or assigns unlocateable to Tech 1.
- Field Supervisor or Tech 1 try to locate facility using all means available to them; MetroTech 810, Pipe Horn, service cards and/or measurements, etc.
- If facility can be located, all information, including what steps were taken to complete the ticket, need to be documented in an email and sent over to the client with the subject line "Maintenance."
 - Ticket needs to be closed out with all documentation attached within DigTix.
- If facility cannot be located, all information, including what steps were taken to try and identify the unlocateable needs to be documented in an email and sent over to the client with the subject line "Unlocateable."
 - Ticket should not be closed but all documentation should be attached to the ticket within DigTix.
- A phone call to the excavator and a follow up email need to be sent making sure excavator is aware of the status of their ticket.
- A copy of all documentation needs to be added to the ticket in DigTix and the ticket must be rescheduled and/or put in ongoing status depending on state and/or client expectations. The ticket needs to remain open until we are certain that the repairs have been finished or we have been told by the client to close the ticket.
 - At no point should a ticket ever expire. If we run into those situations, the ticket needs to be closed out as marked with a note of the unlocateable facility. If an update ticket comes in, then all notes need to be transferred to the new ticket until such time repairs are completed.
- A ticket should not be closed out and unlocateable should not be selected until the ticket is closed. Locator who has the unlocateable should status the ticket as not complete and/or reschedule the ticket based on due date. Once the unlocateable has been checked by Field Supervisor and/or Tech Level 1, the ticket should be closed properly and if there is an unlocateable, then unlocateable should be selected within DigTix.

Attachment 3

Incident # 43142

Pictures from Atmos



Aerial view of pond and area of incident.



Approximate location of the damage.



Approximate location of the damage.



Approximate location of the damage.



Area behind location of damage.



Permanent locate marker behind location of damage.

Attachment 4

Incident # 43142

Damage Cost Recovery Efforts by Atmos

Gowins, John E (PSC)

From: Carter, Andrew F. <Andrew.Carter@atmosenergy.com>
Sent: Friday, November 5, 2021 11:27 AM
To: Gowins, John E (PSC)
Subject: Incident Number 43142
Attachments: 11.05.2021 Letter to Mr. John E. Gowins re Incident Number 43142.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Mr. Gowins,

I am an in-house attorney with Atmos Energy who is working on the above-referenced Incident Number. It is my understanding that the Kentucky Public Service Commission has asked for an update on the matter. To that end, please see the attached correspondence. Please also let me know if you have any questions or would like to further discuss.

Thank you,

Andrew F. Carter | Attorney | Atmos Energy Corporation | 5430 LBJ Freeway | 1800 Three Lincoln Centre | Dallas, TX 75240 | Direct Dial 972-855-3774

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Andrew F. Carter
Attorney

November 5, 2021

VIA EMAIL: john.gowins@ky.gov

John E. Gowins
Consumer Complaints Investigator II
Division of Inspections
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Dear Mr. Gowins:

I am an in-house attorney with Atmos Energy Corporation (“Atmos Energy”). Per your request, please allow this letter to serve as an update concerning Incident Number 43142. This incident stems from an individual performing excavation activities without first requesting line locates and, as a result, damaging Atmos Energy’s 4-inch steel line. The damage to this line resulted in an outage of hundreds of Atmos Energy customers. Atmos Energy incurred costs and expenses of approximately \$300,000.00 in connection with this incident.

Atmos Energy initially notified the responsible individual of the matter and Atmos Energy’s anticipated costs and expenses, for which Atmos Energy was entitled to be reimbursed. The responsible individual referred to the matter to his insurance company, and Atmos Energy is currently in discussions with that insurance company regarding reimbursement.

If you have any questions or would like to further discuss, please do not hesitate to contact me.

Sincerely,

/s/ Andrew F. Carter

Andrew F. Carter

*Tom Weis
5109 US HIGHWAY 60 W
Owensboro, KENTUCKY 42301-8446