

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HAYDEN BORDERS)	
)	
_____)	CASE NO.
)	2023-00031
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

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

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

Hayden Borders has been named as a party to an investigation before the Kentucky Public Service Commission (Commission) for allegedly violating the Kentucky Underground Facility Damage Prevention Act (Act).¹ A hearing in this case shall take place on April 28, 2023.

Pursuant to KRS 278.495(2), the Commission has jurisdiction to regulate the safety of natural gas facilities in Kentucky and to enforce minimum federal pipeline safety standards. Under the Act, the Commission has authority to investigate and assess civil penalties for any violation of the Act that results in excavation damage to an underground facility used to transport natural gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. § 60101, *et seq.* Any person who violates any provision of the Act is subject to assessment of a civil penalty in the amount of \$250 for the first offense, no more than \$1,000 for the second offense within one year, and no more than \$3,000 for

¹ KRS 367.4901 through KRS 367.4917.

the third and any subsequent offense. Additionally, any person whose violation of the Act results in damage to an underground facility containing any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material is subject to an additional penalty of up to \$1,000.

Following receipt of a report of excavation damage to its underground gas pipeline from an operator, Commission Staff (Staff) conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Staff cites Hayden Borders for violation of the following provision of the Act:

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

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

IT IS THEREFORE ORDERED that:

1. Hayden Borders shall submit to the Commission, via email sent to PSCED@ky.gov with the case number of this proceeding in the subject line of the message, a written response to the allegations contained in the Staff Incident Report within 20 days of receipt of this Order.

2. Hayden Borders shall appear on April 28, 2023, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower

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

3. The April 28, 2023 hearing shall be conducted via video conferencing.

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

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

6. **Any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky, and such representation includes the filing of papers with and appearances at hearings before the Commission.**

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

8. The Staff Incident Report 53833, attached to this Order as Appendix A, is made a part of the record in this case.

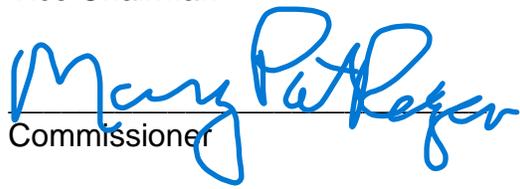
9. The April 28, 2023 hearing shall be recorded by video only.

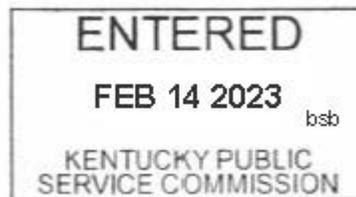
10. **Please note parties who fail to appear after service will be subject to entry of a default judgment against them.**

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

Case No. 2023-00031

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00031 DATED FEB 14 2023

TWENTY-EIGHT PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53833 **Investigation** 9050
Incident Date 7/31/2021 2:29:00 PM **Report Submitted** 8/23/2021

Operator Information

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

Incident Location 103 Mallory Ct **Locate Ticket Number** N/A
 Elkton KY 42220
 103 Mallory St, Elkton/Hopkinsville
County Todd

Excavator Information

Excavator Hayden Borders **Organization ID** N/A
 N/A
Phone 270-893-2326 **Email** N/A
Address 6135 Sharon Grove Rd **Locate Ticket Number** N/A
 Sharon Grove KY 42280

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No call – KY Contact Center (811)	Yes	Yes	Mechanized/Backhoe	\$1,009.00	\$1,009.00

The Operator reports that the Excavator, friend of the homeowner, damaged a ½-inch gas service with a backhoe conducting driveway work and failed to contact 811.

The DR is included as Attachment 1.

INVESTIGATION

On 08/30/22 811, Carly Dunsmore, conducted a search from 06/01/21 thru 08/02/21 finding no Locate Tickets (LT) for the Excavator and incident location.

Ms. Dunsmore's email is included as Attachment 2.

On 09/23/22, an attempt to contact the excavator resulted in a message stating 270-893-2326 is not a working number. A reverse look up for 270-893-2326 indicates the number is assigned to Hayden Borders of the above noted address. A search via Accurint revealed two addition phone numbers for Mr. Borders: 270-604-3977 & 270-604-7464. An attempt to contact Mr. Borders at 270-604-3977 resulted in a message stating this is not a working number and an attempt at the other number resulted in a message stating you have reached 270-604-7464 wherein a message was left.

On 09/26/22, an attempt to contact the Mr. Borders resulted in a message stating you have reached 270-604-7464 wherein a message was left.

On 10/10/22 the Operator, Atmos's Anthony Stallins provided the following documents:

- Show Compliance/Construction Order Details: Outlined in the DR Summary and Attachment 1.
- Photographs – 8: Depicting the incident location.
- Invoice: Indicating the Operator billed the Excavator \$1,008.51, which is marked uncollectable

PIPELINE DAMAGE INVESTIGATION REPORT

On 10/10/22, an attempt to contact the Mr. Borders resulted in a message stating you have reached 270-604-7464 wherein a message was left.

Due to the inability to make contact with Mr. Borders a Demand Letter requiring the attendance to the Damage Prevention Course and imposing the reduce penalty of \$250.00 will be mailed.

VIOLATIONS¹

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

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	07/31/21	08/01/22

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

Attachment 1

Gas Excavation Damage Report

Atmos Energy Corporation

Submitted 8/23/2021 Incident ID: 53833

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53833\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 7/31/2021
Time: 2:29 PM

Details:

Reported Date: 8/2/2021 7:40 AM

Incident Location Address:

Location: 103 Mallory St, Elkton/Hopkinsville
Address: 103 Mallory Ct
City: Elkton
State: KY
County: Todd
Zip: 42220
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

* 3/2020

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: N/A

Excavator: Home Owner

Excavator Address:

First Name: Hayden
Last Name: Borders
Phone: 270-893-2326
Email: N/A
Address: 6135 Sharon Grove Rd
City: Sharon Grove
State: KY
Zip: 42280
Confirm Code: Y

Excavation Damage: No notification made to the One Call Center

Description of Incident Damaged 1/2" PE service. No locate ticket. One customer off. No injuries.

Summary Information

8/23/2021

Full details such as the cause Hayden Borders, friend of the homeowner, working on the homeowner's drive, cut a 1/2" PE service with a backhoe. Mr. Borders did not have a locate ticket.
Extent of the damage The damage PE pipe was repaired and service restored to the one affected customer.
Cost of the damage \$1,009.00
Steps taken to prevent re-occurrence Mr. Borders advised of the need to call KY 811 for a locate ticket before starting any excavation project.
Amount billed to excavator \$1,009.00

Attachment 2

Tout, Eric V (PSC)

From: Carly Dunsmore <cdunsmore@usa811.org>
Sent: Tuesday, August 30, 2022 2:55 PM
To: Tout, Eric V (PSC)
Cc: PSCrequest@kentucky811.org
Subject: Re: 53833

Hello,

We searched between 6/1/2021 - 8/2/2021 but could find any tickets submitted by Hayden Borders/un-named homeowner for the address 103 Mallory Court in Todd County. If you have any more information, we would be happy to assist you further.

Thank you,
Carly Dunsmore, *Member Services*

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

Know what's below. 811 before you dig.

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

On Tue, Aug 30, 2022 at 12:15 PM Tout, Eric V (PSC) <ericv.tout@ky.gov> wrote:

Please provide locate ticket(s) for:

Incident Date: 7/31/2021 (Provided the date range for the search)

Operator: Atmos
Incident Location: 103 Mallory Ct., Elkton
County: Todd
Excavator: Hayden Borders or unnamed homeowner.

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

Attachment 3

Tout, Eric V (PSC)

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, October 10, 2022 9:14 AM
To: Tout, Eric V (PSC)
Cc: Stallins, Anthony
Subject: RE: KY PSC ID: 53833; Leak Asset 710502; 103 Mallory Ct., Elkton/Hopkinsville; Hayden Borders
Attachments: 103 Mallory Ct Pic 7.jpg; 103 Mallory Ct Pic 8.jpg

Eric,

Two more pictures that help identify the excavator.If you need anything else, please let us know.

Anthony

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, October 10, 2022 7:06 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: KY PSC ID: 53833; Leak Asset 710502; 103 Mallory Ct., Elkton/Hopkinsville; Hayden Borders

Picture 6.

Thanks, Anthony

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, October 10, 2022 7:05 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Subject: RE: KY PSC ID: 53833; Leak Asset 710502; 103 Mallory Ct., Elkton/Hopkinsville; Hayden Borders

Pictures 4 & 5

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, October 10, 2022 7:03 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>

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

Subject: RE: KY PSC ID: 53833; Leak Asset 710502; 103 Mallory Ct., Elkton/Hopkinsville; Hayden Borders

Pictures 2 & 3.

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

Sent: Monday, October 10, 2022 7:02 AM

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

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

Subject: KY PSC ID: 53833; Leak Asset 710502; 103 Mallory Ct., Elkton/Hopkinsville; Hayden Borders

Good morning Eric,

Here is the information you requested for the damage at 103 Mallory Ct. I just sent an email to Nicole asking if she would check to see if the invoice was paid for this damage. As soon Nicole has had a chance to investigate the invoice we will get back to you.

I found no other KY 811 Tickets for this address other than the ticket called in by Atmos Employee Justin Newby (2107310112) to repair the damage. I will be send the Atmos Third Party Damage Report and a total of 6 post damage pictures the guys took of the damage.

If you need anything else, please let us know.

Thanks, Anthony

From: Stallins, Anthony

Sent: Friday, October 7, 2022 8:39 AM

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

Subject: RE: 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

Good morning Eric,

I'm working in Owensboro today and on vacation next week.

I will try to get by the Bowling Green office Monday and this information together for you.

Thanks, Anthony

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

Sent: Thursday, October 6, 2022 9:33 AM

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

Subject: [EXT] 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

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

Hello Anthony,

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

Thanks,

Eric V. Tout

Kentucky Public Services Commission

Division of Inspections / Damage Prevention

211 Sower Blvd., Frankfort, KY 40601

Office: 502-782-2622

Fax: 502-564-1582

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404 40 Ky - eAM	Asset: LEAK710502	Order# - Done - Status - Type: 21699511 - 07/31/2021 - C - LKRP	Job Code: LKRP
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Order Description: **Leak Repair 1 Cc2736**
Run Time: 10/10/2022 08:23

Job Details

Status Complete	Office: HOPKINSVILLE	Done: 07/31/2021	Source: Qk
Type:	SubRegion: Central Ky	District:	In MA:
Region: NORTHERN			

Schedule Data

Start Date: 08/01/2021	Base Date:	Interval: 0	Printed:	Print Date:
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Asset Description

Asset Group: LEAKS	Asset#: LEAK710502	Parent Asset#: LKS (2736)
Asset: 103 MALLORY CT 2440000 ELKTON		Activity: LEAK REPAIR 1 2736
Description:	Owning: EB2736	Child Assets:
Department:		Status: InActive

Location Physical Information

GPS Latitude: 36.81091	GPS Longitude: -87.1568	GPS Altitude: 0
Address: 103 MALLORY CT		State: KY
Town/City: 2440000 ELKTON	Time Zone:	DST:
In/Outside: INSIDE	Cross Street: West Jefferson Street	
City Limits:		
Other: Hit service line in the front of 103 Mallory Ct.		
Location Information:		Class Location: 3
Map Number:		Control Code:
County: 21219 TODD		
Property: 93401 TODD,ELKTON,ELKTON CTY & COM SCH		
Tax Code:		
School District:		
Land Description:		Certificate of Occupancy Required:
City Inspection Required:		

Location Additional Information

WorkArea/SubArea: KYHOPVIL	PipeLine #:	Read Sequence:
Station Number:	Printer Name: noprnt	Corrosion Section:
System Number:		Project Number:
Pipeline Balance Code:		Task Number:
Operation Area: KYBGR	Rate Division: 009	Facilities Classification: DIST
Retirement Unit Name: Non Unitized Retirement Unit		Zip:
Related SAP SO Number: 100019594838		

Leak Data

Date Found: 2021/07/31 14:29	Time Classified: 14:30:14	Leak Grade: 1
Leak Grade: 30046 Newby, Justin	Grade 2 Interval:	CGI Reading: 100
By: SERVICE	Population Density: RES	Unit of Measure: % GAS
Apparent Location: 50ft	Surface Type: DIRT	
Building: Leak N/A	Leak Repaired: N	Leak Located (LKFD - 2): 2 - Below Ground
Location: Service line hit in the front yard of 103 Mallory Ct.		

(LKRP) Leak Repair

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404
40
Ky - eAM

Asset: LEAK710502

Order# - Done - Status - Type: 21699511 - 07/31/2021 - C - LKRP

Job Code: LKRP

Display Normal

Display Debug

ReSet

Order Description: Leak Repair 1 Cc2736

Run Time: 10/10/2022 06:23

Completion Data

Leak Found (Yes/No): Not Repaired: Initial Cause: EXCAVATION GROUP Condition of Coating: Corrosion 0 Pit Depth (M): Coating Type: Repaired Date: 07/31/2021 Residual Gas Follow-Up: Welder ID:

Facility Involved: 2 - Service Ferc Acct: 8740 Wall Thickness: 0 Internal Corrosion: NA Test Pressure: 120 Soap Test (Y/N/A): Y Test Medium: AIR Welding Performed:

Origin of Leak: 2 - Body of Pipe Type of Pipe: 9 - Med. Density Polyethylene External Corrosion: NA PS Reading: 0 Test Duration: 5 Info Chg Req: N Addit. Maint. Req: N

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

Leak Located: 2 - Below Ground Cause Code: 22 - Other Third Party Excavators Repair Method: 4 - Component Replaced Other Leak Cause: Fitting Type: Astm Code: OTP Pipe Size: 3rd Party Y Damage: Pipe Mfg Code: PP1 - PolyPipe Joint Type: Other Mfg: Compr Coupling Data: N

(LK3P) Leak 3rd Party Data

Completion Data Activity: LEAK REPAIR 1 2736 Asset Num: Task ID: Damage Date: 2021/07/31 Leak Area Sq. IN: 0 Locate ID #: N 3rd Party Name: Hayden Borders Locate Ticket #: 3rd Party Address: Leak 6 Located By: Duration Minutes: Injuries or Deaths OnSite: 0 Damage to Property: Y Date Located2: Locate Mark within State Law: N Repair Total: 3rd Party Phone #: 2708932326 Reason Damage Occurred: NOLOCATEREQ Type of 3rd Party Work: DRIVEWAY Date Locate Requested: Locate Priority: Ferc Acct: 8740 Equipment Causing Damage: BACKHOE Date Located: Date Locate Requested: 2018/04/12 3rd Party Contact: Hayden Borders Ins Agent: Agent Phone: Company: Type CONTRACTOR Damage Where: City: Elkton Excavator: Facility DISTRIBUTION Num Cust Affected: 1 State: KY

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404
40

Asset:

LEAK710502

Order# - Done - Status - Type:

21699511 - 07/31/2021 - C - LKRP

Job Code:

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 1 Cc2736

Run Time: 10/10/2022 06:23

Involved:	Billed:	Zip: 42220
Time Located:	Damage By: THIRDPTY	Title 16: N
Damage Location:	FAC Release Plan: Y	One Call Code:
FAC Material BODYOFPIPE	FAC Locate Code: INTER	FAC Pipe Diameter: 0
Damage: FAC 911 Y	Excavator Ticket:	Excavator Notify Oper: U
Call:	Pipeline Material: POLYPLAS	Pipeline Year:
Excavator U	Fire Comments:	Type of Injury:
Call:	Mark 2nd Call Rsn:	Mark 2nd Call Oth:
Pipeline IS: ACTIVE	Mark 2nd Call Date:	Mark 2nd Call Resp:
Prod Trans Code:	Mark Why and Rsn:	Mark Why Other:
Mark ::	Locator Other Explain:	
Positive Response:		
Mark 2nd Call Ticket:		
Mark ::		
Positive Response:		
Mark 0		
Variance Inches:	Incident Address: 103 Mallory CT	Incident Time: 2:29:PM
SubDivision:	Latitude: 36.81091	Longitude: -87.1568
Lat Long LkUp:		

(LK3P) RRC Leak 3rd Party

Data Completion Data

Date of 2021/07/31	Excavator Name: Hayden Borders	Excavator Address:
Damage:	Excavator State: KY	Excavator Zip: 42220
Excavator City: Elktion	Excavator Phone: 2708932326	Excavator Fax:
Excavator Contact Name: Hayden Borders	Excavator Type Code: CONTRACTOR	Excavation Type: BACKHOE
Excavator EMail:	Excavator Depth Ft: 0	Excavator Depth In: 0
Work Performed Code: DRIVEWAY	Incident NO:	Country: US
Was Called: N	City: Elktion	Address: 103 Mallory CT
State: KY	RightOfWay Type: NOTCOL	Fac Damaged Code:
Intersection: West Jefferson Street	Fac Damaged Depth Ft: 1	Fac Damaged Depth In: 0
Fac Affected Code: DISTRIBUTION	OneCall Member: Y	Locate Request: N
Joint U	OneCall Ticket#:	OneCall Ctr Notified Date: 2018/04/12
Trench:	Locator Name:	Fac Marks Visible: N
OneCall Center Code:	Marked Variance Ft: 0	Marked on Time:
Locate Org Code:	Marked Loc. Meth Oth:	Marked by Paint:
Fac Marks Correct:	Marked by Other: N	Marked by Other Comnt:
Marked Locate Method:	Marked Spec Instruction:	Marked Using Maps:
Marked by Flags:	Marked Loc Met with Exc:	Marked Reprs OnSite:
Marked By White Lining:	Marked Procedure Used:	Marked Positive Response:
Marked 48 HR Notice:	Excavator Down Time:	Excavator Down Cost:
Marked Second Call:		
Excavator N		

Atmos Energy Corporation - Show Compliance/Construction Order Details

Business: 3404

Asset:

Order# - Done - Status - Type:

Job Code:

40

LEAK710502

21699511 - 07/31/2021 - C - LKRP

LKRP

Ky - eAM

Display Normal



Display Debug

ReSet

Order Description: Leak Repair 1 Cc2736

Run Time: 10/10/2022 06:23

Down:		
Was Fac Y	Service Interruption: Y	Outage Hours: 1
Damaged:		
Customers 1	Restoral Cost: -1	Number People Injured: 0
Affected:		
Number 0	Impact Fire Occurr: N	Impact Evac: Y
Fatalities:		
Impact Evac 0	Impact Evac Comnt: 4 houses and a gas station were evacuated	Impact Media Covrg: N
No People:		
Impact	Impact Street: Y	Impact Street Comnt: Mallory CT, Elkton KY
Media Covrg		
Comnt:		
Impact N	Impact Explosion Comnt:	Impact Other: N
Explosion:		
Impact	Impact No addl:	Damage Cause Code: NOLOCATEREQ
Other		
Explanation:		
Damage		
Other Desc:		

Comments & Labor

Comments: Customer failed to call 811 And have the gas located

Tech: 30046 Newby, Justin

Travel: .02

OnSite: 7.95

Data Entry Stats	Order#		
	21699511		
Asset	07/31/2021	By: 8247	EAMADMIN
Created:			
Order	07/31/2021	By: 8247	EAMADMIN
Created:			
Q	07/31/2021	By: 8247	EAMADMIN
Results			
Entered:			

ET .267 Minutes RECORD Count

0





Bobcat

BigTex

DAMAGE
↓



DAMAGE
↓

Bobcat

Big Tex



DAMAGE

BigTex

GFL

103





D
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Tout, Eric V (PSC)

From: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Sent: Monday, October 10, 2022 9:06 AM
To: Kirkham, Nicole; Tout, Eric V (PSC)
Cc: Tucker, Mariam; White, Eric
Subject: RE: 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

Thank you Nicole!!!
Here you go Eric. Please let us know if you need anything else.

Anthony

From: Kirkham, Nicole <Nicole.Kirkham@atmosenergy.com>
Sent: Monday, October 10, 2022 8:03 AM
To: Stallins, Anthony <Anthony.Stallins@atmosenergy.com>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>; Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>; Tout, Eric V (PSC) <ericv.tout@ky.gov>; Newby, Justin <Justin.Newby@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Tolbert, Ryan <Ryan.Tolbert@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Andrew Tucker <a.tucker@heathus.com>; s.manley@heathus.com
Subject: Re: 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

Good morning

Looks like this one was uncollectible as efforts were exhausted.

Thanks

	Invoice No	Inv Amt	Inv. Status	Cncl Reas	Claim Resolution	Outst Bal	Claim Di...
<input type="checkbox"/>	311814	1,008.51	Closed	UNCOLLECTIBL...	Efforts Exhausted	.00	

 [Payment History](#)

	Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Invoice Activity	Inv Act Reason
<input type="checkbox"/>	3	311814		318887	1008.51	02/24/2022	02/24/2022	CREDIT MEMO	UNCOLLECTIBL...
<input type="checkbox"/>	2	311814				10/18/2021	10/18/2021	50 DAY LETTER UPDATE	
<input type="checkbox"/>	1	311814				09/28/2021	09/28/2021	30 DAY LETTER UPDATE	

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



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

Sent: Monday, October 10, 2022 6:31 AM

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

Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>; Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>; Tout, Eric V (PSC) <ericv.tout@ky.gov>; Newby, Justin <Justin.Newby@atmosenergy.com>; Tucker, Mariam <Mariam.Tucker@atmosenergy.com>; Tolbert, Ryan <Ryan.Tolbert@atmosenergy.com>; Sanders, Jack <Jack.Sanders@atmosenergy.com>; Andrew Tucker <a.tucker@heathus.com>; s.manley@heathus.com <s.manley@heathus.com>

Subject: RE: 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

Good morning all,

Hope everyone had a great weekend!

Nicole, would you please check to see if the invoice for this damage was paid. I will start putting together the information requested by Eric and see if we have pictures for this damage.

Thanks, Anthony

From: Stallins, Anthony

Sent: Friday, October 7, 2022 8:39 AM

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

Subject: RE: 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

Good morning Eric,

I'm working in Owensboro today and on vacation next week.

I will try to get by the Bowling Green office Monday and this information together for you.

Thanks, Anthony

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

Sent: Thursday, October 6, 2022 9:33 AM

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

Subject: [EXT] 53833. 7/31/2021, 103 Mallory Ct., Hayden Borders

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

Hello Anthony,

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

Thanks,
Eric V. Tout
Kentucky Public Services Commission
Division of Inspections / Damage Prevention
211 Sower Blvd., Frankfort, KY 40601
Office: 502-782-2622
Fax: 502-564-1582

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00031 DATED FEB 14 2023

TWO PAGES TO FOLLOW

Information and Instructions for Hearing

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

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

Please direct any questions to Andrea Wise, Commission Division of Inspections: Andrea.Wise@ky.gov or 502-782-2656.

To download the GoToMeeting app go to:

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

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

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

More information about using GoToMeeting can be found at:

GoToMeeting - Attendee Quick Start

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

GoToMeeting - How to Join a Meeting

https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Technical Requirements for Using GoToMeeting

Operating System:

Windows 7 – Windows 10

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

Linux/Ubuntu (Web App only)

Google Chrome OS (Web App only)

iOS 11 – iOS 13

Android OS 5 (Lollipop) – Android 10

Web Browser: (Applies to Web App only)

Google Chrome v72 or newer

Microsoft Edge v77 or newer

Internet Connection:

Computer: 1 Mbps or better (broadband recommended)

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

Software:

GoToMeeting desktop app (JavaScript enabled)

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

Hardware:

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

Webcam device*

Microphone and speakers** (USB headset recommended)

Mobile Device:

iPhone 5 or newer

iPad 3rd gen or newer

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

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

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00031 DATED FEB 14 2023

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

HAYDEN BORDERS ALLEGED VIOLATION OF)
UNDERGROUND FACILITY DAMAGE)
PREVENTION ACT)

CASO NO.
2023-00031

_____)
)
PRESUNTA INFRACCIÓN DE LA LEY DE)
PREVENCIÓN DE DAÑOS EN INSTALACIONES)
SUBTERRÁNEAS)

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

Hayden Borders Alleged Violation of Underground Facility Damage Prevention Act (Hayden Borders) ha sido implicado como parte de una investigación ante la Comisión de Servicios Públicos de Kentucky (Comisión) por la presunta infracción de la Ley de Prevención de Daños a Instalaciones Subterráneas de Kentucky (la Ley).¹ Una audiencia sobre este caso tendrá lugar el April 28, 2023.

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

¹ KRS 367.4901 a KRS 367.4917.

de tuberías, 49 U.S.C. §. 60101 *et seq.* Toda persona que infrinja cualquier disposición de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares por la primera infracción, no más de 1.000 dólares por la segunda infracción en el plazo de un año, y no más de 3.000 dólares por la tercera infracción y las siguientes. Además, cualquier persona cuya infracción de la ley provoque daños en una instalación subterránea que contenga cualquier material inflamable, tóxico, corrosivo o peligroso, o que provoque la liberación de cualquier material inflamable, tóxico, corrosivo o peligroso, está sujeta a una sanción adicional de hasta 1.000 dólares.

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

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

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

POR LO TANTO SE ORDENA que:

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

2. Hayden Borders comparecerá el April 28, 2023, a las 9 a.m. Eastern Standard Time, en la sala de audiencias Richard Raff de las oficinas de la Comisión en 211 Sower Boulevard en Frankfort, Kentucky, con el fin de presentar pruebas relativas a la supuesta violación de la Ley de Prevención de Daños a Instalaciones Subterráneas.

3. La audiencia April 28, 2023 se llevará a cabo por videoconferencia.

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

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

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

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

8. El Informe de Incidentes del Personal 53833, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia April 28, 2023 se grabará únicamente por vídeo.

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

COMISIÓN DE SERVICIOS PÚBLICOS

Presidente

Vicepresidente

Comisionado/a

HACE CONSTAR:

Director/a Ejecutivo/a

APÉNDICE A

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS
PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00031 FECHADO

VIENTEOCHO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2023-00031 FECHADO

DOS PÁGINAS PARA SEGUIR

Información e instrucciones para la audiencia

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

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

Sírvase dirigir cualquier pregunta a Andrea Wise, División de Inspecciones de la Comisión: Andrea.Wise@ky.gov o 502-782-2656.

Para descargar la aplicación GoToMeeting vaya a:

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

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

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

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

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

GoToMeeting - Cómo unirse a una reunión

https://www.youtube.com/embed/Ojl1q_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0

Requisitos técnicos para utilizar GoToMeeting

Sistema operativo:

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

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

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

Conexión a Internet:

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

Software:

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

Hardware:

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

Dispositivo móvil:

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

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

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

APÉNDICE C

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2023-00031 FECHADO

DIEZ PÁGINAS PARA SEGUIR

Hayden Borders
6135 Sharon Grove Road
Sharon Grove, KENTUCKY 42280