

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAVE FILLY PLUMBING, LLC)	
)	
_____)	CASE NO.
)	2023-00032
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.)

Dave Filly Plumbing, LLC (Dave Filly Plumbing) 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 Dave Filly Plumbing for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing shall notify the Commission at least ten days prior to the hearing if Dave Filly Plumbing 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.

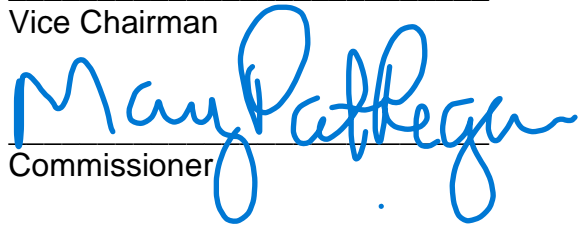
8. The Staff Incident Report 53901, attached to this Order as Appendix A, is made a part of the record in this case.

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

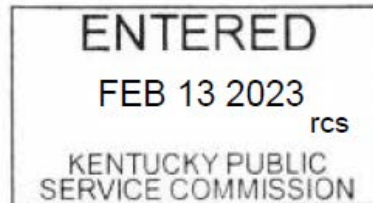
10. Please note parties who fail to appear after service will be subject to entry of a default judgment against them.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner



ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00032 DATED FEB 13 2023

THIRTY-THREE PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53901 **Investigation** 9031
Incident Date 7/23/2021 12:00:00 PM **Report Submitted** 8/16/2021

Operator Information

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

Incident Location 7511 E Manslick Rd **Locate Ticket Number** 2107210874
Louisville KY 40228

County Jefferson

Excavator Information

Excavator Dave Filiatreau **Organization ID** 1221805
Dave Filly Plumbing LLC
Phone 502-500-1305 **Email**
Address 2101 Glenworth Ave **Locate Ticket Number** 2107210874
Louisville KY 40218

Damage Report (DR) Summary

Excavation Within 18" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Backhoe	\$773.00	\$0.00

The Operator reports that the Excavator damaged a correctly marked half-inch gas service with a backhoe replacing a water and sewer line.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	IncidentDate	# of Days Expired	Within Scope of Excavation
2107210874	Yes	07/21/21	08/11/21	7/23/2021	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 08/31/22, the Excavator, Dave Filly Plumbing's Dave Filiatreau, stated that the markings were off by approximately 2-3 feet, but he had no evidence to support his statement and he has not paid LG&E for the damage repair.

On 08/31/22, the Excavator, LG&E's Chad Seewer, stated that the Excavator has not paid LG&E for the damage repair and Mr. Seewer provided the following documents:

- Facts-Based Investigation & Incident Field Investigation Report: Which are outlined in the DR Summary and Attachment 1.
- Photographs - 16: Indicating the damage occurred within the tolerance zone of 18 inches.

LG&E's documents are included as Attachment 3.

PIPELINE DAMAGE INVESTIGATION REPORT

On 09/01/22, Mr. Filiatreau was informed of the above information received from LG&E and he was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS¹

KRS 367.4911(10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

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	07/23/21	07/24/22

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

Louisville Gas and Electric Company

Submitted 8/16/2021 Incident ID: 53901

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53901\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 7/23/2021
Time: 12:00 PM

Details:

Reported Date: 8/16/2021 10:00 AM

Incident Location Address:

Location:
Address: 7511 E Manslick Rd
City: Louisville
State: KY
County: Jefferson
Zip: 40228
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.: 2107210874

Excavator: Contractor

Excavator Address:

First Name: Dave
Last Name: Filiatreau
Organization ID:
Company: Dave Filly Plumbing
Phone: 502-500-1305
Email:
Address: 2101 Glenworth Ave
City: Louisville
State: KY
Zip: 40218
Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident Contractor damaged service digging mechanically.

Summary Information

8/16/2021

Full details such as the cause Contractor damaged accurately marked .5 inch plastic customer service digging with a backhoe to replace a water and sewer line.
Extent of the damage Broken 1/2" plastic gas service
Cost of the damage \$773.00
Steps taken to prevent re-occurrence Discussion with excavator about dig law and digging by hand in the tolerance zone
Amount billed to excavator \$0.00

Attachment 2

NORMAL NOTICE

Ticket : 2107210874 Date: 07/21/2021 Time: 11:12 Oper: KENTUCKY811 Chan:000

State: KY Cnty: JEFFERSON City: LOUISVILLE
Subdivision:

Address : 7511
Street : E MANSLICK RD
Cross 1 : BEULAH CHURCH RD
Location: LOCATE ENTIRE PROPERTY INCLUDING FROM THE EDGE OF THE ROAD TO THE
HOUSE - PAINT AND FLAG
:
Boundary: n 38.130060 s 38.125653 w -85.624500 e -85.613504

Work type : INSTALLING SEWER/WATER SERVICE
Done for : TAMMIE CARNEY
Start date: 07/23/2021 Time: 11:15 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 3 FT

Company : DAVE FILLY PLUMBING Type: CONT
Co addr : 2101 GLENWORTH AVE
City : LOUISVILLE State: KY Zip: 40218
Caller : DAVE FILIATREAU Phone: (502)500-1305
Contact : DAVE FILIATREAU - CELL Phone:
Mobile : (502)500-1305
Email : DAVIDFILIATREAU68@GMAIL.COM

Submitted date: 07/21/2021 Time: 11:12
Members: 0002 0004 0006 0007 0139

* Responses are current as of 08/30/2022 09:00 AM

<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Customer Service Contact</u>	<u>Positive Response</u>
LOUISVILLE GAS AND ELECTRIC 0002	ELECTRIC, GAS	LOUISVILLE GAS AND ELECTRIC CUSTOMER SERVICE (502) 589-1444	
LOUISVILLE WATER CO 0004	WATER	LOUISVILLE WATER CUSTOMER SERVICE (502) 569-3600	Clear - No conflict
MSD 0006	SEWER	MSD CUSTOMER SERVICE (502) 587-0603	Clear - No conflict
INSIGHT COMMUNICATIONS 0007	CABLE TV	INSIGHT COMMUNICATIONS CUSTOMER SERVICE (502) 357-4400	Clear - No conflict
AT&T DISTRIBUTION 0139	COMMUNICATIONS	AT&T DISTRIBUTION CUSTOMER SERVICE (888) 757-6500	

Attachment 3

Tout, Eric V (PSC)

From: Seewer, Chad <Chad.Seewer@lge-ku.com>
Sent: Wednesday, August 31, 2022 2:47 PM
To: Tout, Eric V (PSC)
Subject: RE: 53901, 7/23/2021, 7511 E Manslick Rd., Louisville, Dave Filly Plumbing
Attachments: 7511 E Manslick.pdf; digitix_attachments_1661971486.zip; DigTix_Incident_Report_7511_Manslick.pdf

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

Hi Eric,

See attachments. This damage was not paid and turned over to the Credit Clearing House collection agency on 1/31/22.

Business Use

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, August 31, 2022 12:36 PM
To: Seewer, Chad <Chad.Seewer@lge-ku.com>
Subject: 53901, 7/23/2021, 7511 E Manslick Rd., Louisville, Dave Filly Plumbing

You don't often get email from ericv.tout@ky.gov. [Learn why this is important](#)

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

Hello Chad,

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

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

Fax: 502-564-1582

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.



Facts-Based Investigation

Internal Claim ID: INC-20210723-001 Customer Claim ID: _____
Site Investigator: Tracy Reesor Notified At: 07/23/21 12:37:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 7511 E Manslick Rd Louisville KY 40228
Incident Time: 07/23/21 12:15:00

Original Locate Request: 2107210874 Assigned Locator: ELM Locating
Locate Request Due: 07/23/21 11:13:41 Locate Request Completed: 07/23/21 11:00:15
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 0.5
Depth: 18" to < 36" (0.5 to < 1m)
Description and Extent of Damage: Contractor damaged accurately marked .5 inch plastic customer service digging with a backhoe to replace a water and sewer line.

Equipment Used: Backhoe/Trackhoe
Excavation Company Name: DAVE FILLY PLUMBING
Company Address: 2101 GLENWORTH AVE, Louisville, KY 40218
Phone: 5025001305 Contact Name: DAVE FILIATREAU
Working For: TAMMIE CARNEY
Repair Company: LG&E
Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____
Was Locate requested?: Y Locate Request Completed?: Y
Locate Accurate (Within Tolerance Zone): Y If No, Distance Markings Off: N/A
Marks Visible at Time of Damage: Y Damage Within Scope of Ticket: Y



Facts-Based Investigation

Repair Contact Name: Matt Carwile Phone: _____

Repair Comments: Splice

Witness: _____ Phone: _____

Comments: _____

Witness: _____ Phone: _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Dave Filly

Responsible Party Comments: _____

Date of Investigation: 07/23/21 Investigation Time (Hours): _____

Site Investigator's Name: Tracy Reesor Phone: 5022694079

Site Investigator's Signature: Tracy Reesor Date: 07/26/2021

Damage Status: Excavation Issue

Cause Code: Failure to use hand tools within tolerance zone

Damage Claims Manager: _____





NOTE: Only 12 most recent photos shown. To view all 16 attachments, please view the ticket within DigTix.

Incident Field Investigation Report — Gas

91 773.48



Damage report # 2021072709

Project OTPDY19 Task Maint.

Is this related to a capital project? Yes No

Project/task G001030225

G# 001030225

Resp. ctr. _____

Damage to company facilities

Date of incident 7-23-2021 Time 12:00 a.m. p.m. Police report # _____
 Address/location of damage 7511 E Manslick Rd ZIP code 40228
 Subdivision name _____
 Time dispatched 12:00 a.m. p.m. Time of completion 18:00 a.m. p.m.
 Who caused damage? Dave Filly Plumbing (Name of contractor, utility, individual, etc.)
 Address of party causing damage 2101 Glenworth Ave Louisville KY 40218
(Street) (City) (State) (ZIP)
 Phone number of party causing damage (502) 500 1305
(Area code) (Number)
 Was party causing damage still on the job? Yes No If yes, who was in charge? Dave Filiatreau
 If no, how did you obtain name of party causing damage? _____
 What was damaged? Company main Customer service Company service Other _____
 What type of work was being performed? sewer and water install
 Party's explanation for damage lost track
 What repairs were made? repaired 1/2" cust. service with 2 permasert fittings & 3 ft of 1/2" pipe
 Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out 1

Possible damage to others

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

Name	Address	Phone
_____	_____	_____
_____	_____	_____

BUD/KY 811/VA 811 information

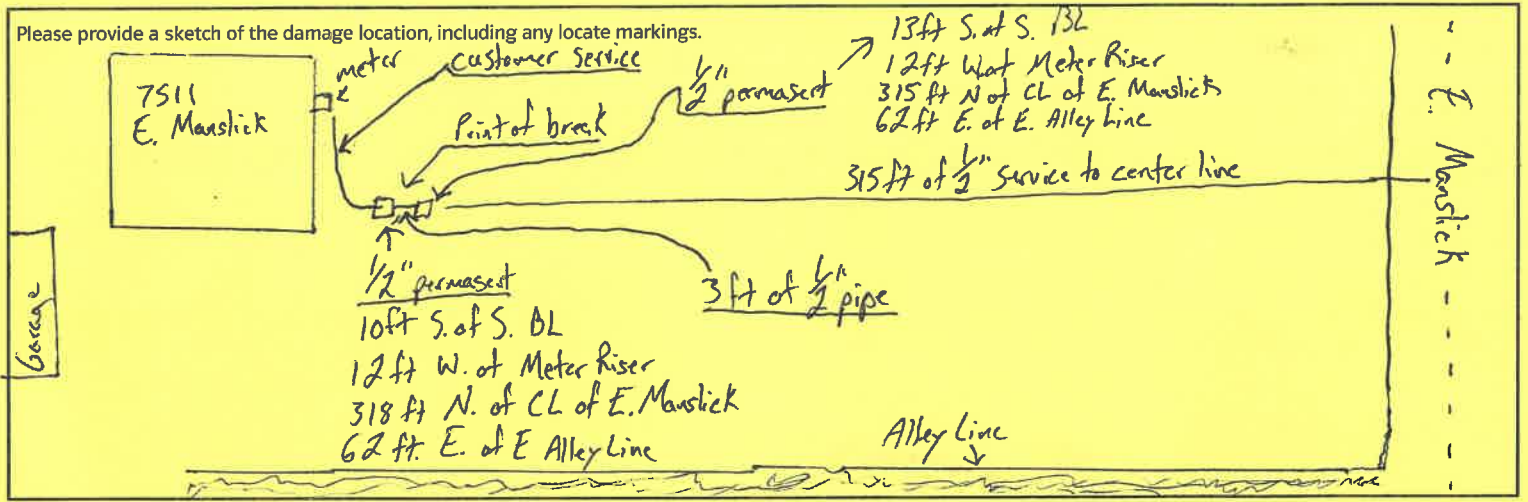
BUD number and requesting party's name 2107210874 Dave Filly Plumbing
 Were facilities marked? Yes No Did excavator agree? Yes No
 If yes, were facilities properly marked? Yes No Did excavator agree? Yes No
 If no, how were they mismarked? (be specific) _____
 Was line locating contractor on the job? Yes No ELM

7-23-21 (Date of report) _____ (Signature of employee) _____ E027327 (Employee number)
 Approved Eric Miller Date July 27 2021

Put any additional comments on back

Comments: Plumber hit our 1/2" service line while digging sewer & water to home. Made repairs to customer service with 2 1/2" IPS permasert fittings & 3ft of 1/2" IPS pipe. Performed GITT to record fittings & location.

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Matthew Carville	17327	3	3		8111	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Eugene Fey	030160	3	3		8111	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
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						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota



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



HIGHVIEW
FIRE DISTRICT

31
ENGINE

7014



2021-07-23 12:51:20
38.1268010,-85.6222165



2021-07-23 12:51:32
38.1269317,-85.6224076







2021-07-23 13:07:03







2021-07-23 13:07:15



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2021-07-23 13:07:26





2021-07-23 13:07:49



2021-07-23 13:07:50



APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00032 DATED FEB 13 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. 2023-00032 DATED FEB 13 2023

TEN PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

DAVE FILLY PLUMBING, LLC ALLEGED)
VIOLATION OF UNDERGROUND FACILITY)
DAMAGE PREVENTION ACT)
_____)
PRESUNTA INFRACCIÓN DE LA LEY DE)
PREVENCIÓN DE DAÑOS EN INSTALACIONES)
SUBTERRÁNEAS)

CASO NO.
2023-00032

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

Dave Filly Plumbing, LLC Alleged Violation of Underground Facility Damage Prevention Act (Dave Filly Plumbing) 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 Dave Filly Plumbing por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing 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. Dave Filly Plumbing notificará a la Comisión, al menos diez días antes de la audiencia, si Dave Filly Plumbing 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 53901, 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. 2023-00032 FECHADO

TRIENTA Y TRES PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2023-00032 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. 2023-00032 FECHADO

DIEZ PÁGINAS PARA SEGUIR

Dave Filiatreau
Dave Filly Plumbing, LLC
2101 Glenworth Avenue
Louisville, KENTUCKY 40218