

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FRANKLIN REMODELING, LLC)	
)	
_____)	CASE NO.
)	2023-00168
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 C.)

Franklin Remodeling, LLC (Franklin Remodeling) 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 July 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 conducted an investigation and prepared an Incident Report, a copy of which is attached to this Order as Appendix A. In its Incident Report, Commission Staff cites Franklin Remodeling 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 Franklin Remodeling 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. Franklin Remodeling 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 Commission Staff Incident Report within 20 days of receipt of this Order.

2. Franklin Remodeling shall appear on July 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 July 28, 2023 hearing shall be conducted via video conferencing.

4. Franklin Remodeling 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. Franklin Remodeling shall notify the Commission at least ten days prior to the hearing if Franklin Remodeling 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.**

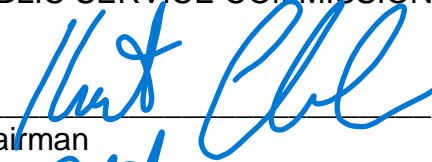
7. An individual may submit a response to the allegations contained in the Commission Staff Incident Report without the representation of an attorney.

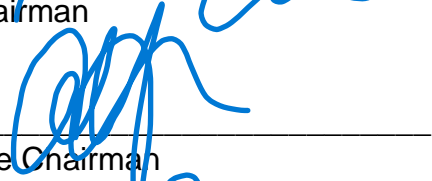
8. The Commission Staff Incident Report 54002, attached to this Order as Appendix A, is made a part of the record in this case.

9. The July 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

ENTERED
JUN 06 2023
rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00168 DATED JUN 06 2023

NINETY-FOUR PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54002 **Investigation** 9415
Incident Date 8/20/2021 10:12:00 AM **Report Submitted** 9/15/2021

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 2329 W Oak St **Locate Ticket Number** 2108161699
 Louisville KY 40210

County Jefferson

Excavator Information

Excavator Paul Watson **Organization ID** 1018669
 Franklin Remodeling Limited
 Liability Company
Phone 502-384-0073 **Email**
Address 9238 Storage Way **Locate Ticket Number** 2108161699
 Louisville KY 40291

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	Not specified	\$693.00	\$0.00

The Operator reports that the Excavator damaged a correctly marked 1.25-inch gas service installing concrete piers for a patio.

The DR is included as Attachment 1.

Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2108161699	Yes	08/16/21	09/06/21	08/20/21	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 01/20/23, the Operator, LG&E's Chad Seewer, stated that a backhoe/track hoe was being utilized when the damage occurred and Mr. Seewer provided the following documentation.

- Facts-Based Investigation & Incident Field Investigation Report: Outlined in the DR summary and Attachment 1. The photographs attached to the Facts-Based Investigation indicate that the damage occurred within the tolerance zone of 18-inches.
- Invoice & copy of check: Indicating the Excavator paid the Operator \$693.34 for the damage repair.
- Photographs - 74: Indicating the damage occurred within the tolerance zone of 18-inches.

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

On 01/20, 25 & 31/23, an attempt to contact the Excavator at 502-384-0073 resulted in a message stating that this is Franklin Remodeling wherein a voice message was left.

PIPELINE DAMAGE INVESTIGATION REPORT

Due to the inability to make contact with the Excavator a Demand Letter imposing the reduced penalty of \$250.00 and requiring a representative of Franklin Remodeling to attend the Damage Prevention Course.

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 1 st Offence Date (Last Offence Date +366 Days)
1 st	See above	08/20/21	08/21/22

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 9/15/2021 Incident ID: 54002

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54002\)](#)

Reported By:

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

Gas Line Incident Occured:

Date: 8/20/2021
Time: 10:12 AM

Details:

Reported Date: 9/15/2021 10:22 AM

Incident Location Address:

Location:
Address: 2329 W Oak St
City: Louisville
State: KY
County: Jefferson
Zip: 40210
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility?

Was gas or hazardous liquids released into the atmosphere?

Locate Request Ticket No.: 2108161699

Excavator: Contractor

Excavator Address:

First Name: Paul

Last Name: Watson

Organization ID:

Company: Franklin Remodeling

Phone: 502-384-0073

Email:

Address: 9238 Storage Way

City: Louisville

State: KY

Zip: 40291

Confirm Code: Y

Excavation Damage: Other

Description of Incident ?Excavator damaged accurately marked service while digging to install patio.
Summary Information

9/15/2021

Full details such as the cause	The Housing Partnership Inc.(HPI) contracted Franklin Remodeling to install a patio at 2329 W. Oak St. that is currently being remodeled. The patio is being added to the rear(north) of the home on the alley side of the property. While digging to install concrete piers for the patio, Franklin Remodeling damaged an accurately marked 1.25" plastic gas service. The gas service was damaged at an approximate depth of 18", on the customer side of the line.
Extent of the damage	Damaged 1 1/4" plastic service
Cost of the damage	\$693.00
Steps taken to prevent re-occurrence	The contractor who damaged this gas service, Franklin Remodeling, left before I could speak with them. I'm going to follow up with them on Monday, 8/23/21, to discuss this particular damage, as well as 811 in general. Contractor did stay until the fire department arrived but left without informing anyone. Mark Wallace from LG&E spoke with the contractor by phone during repairs. I spoke with Paul Watson, from Franklin Remodeling, on 8/23/21 to discuss this damage as well as KY BUD laws. Mr. Watson apologized for leaving before LG&E arrived, he left a laborer on-site who was suppose to wait and at this time Paul was not sure why his laborer did not stay. Paul stated that he was under the impression that the paint markings had to be directly over the utility, and stated he didn't know that the locators have an 18" tolerance zone. I explained all pertinent 811 laws and what Paul should do going forward, he apologized and stated this was the first gas line his company has damaged.
Amount billed to excavator	\$0.00

Attachment 2

Kentucky 811

Ticket no 2108161699 **Type** NORMAL CALL
Request date 08/16/21 02:32 pm
Start date 08/18/21 02:45 pm
Expiration date 09/06/21 05:00 pm

Excavator information

Excavator name FRANKLIN REMODELING
Address 9238 STORAGE WAY
LOUISVILLE, KY 40291
Company phone 502-384-0073
Requested by DANIEL FRANKLIN **Phone** 502-384-0073
On-site name PAUL WATSON - CELL **On-site phone** 502-650-3084
Contact email INFO@FRANKLINREMODEL.COM

Excavation information

Type of work ADDITION
Depth (ft) 3 **Explosives** N
Area marked U
Job name/number
Work done for HPI

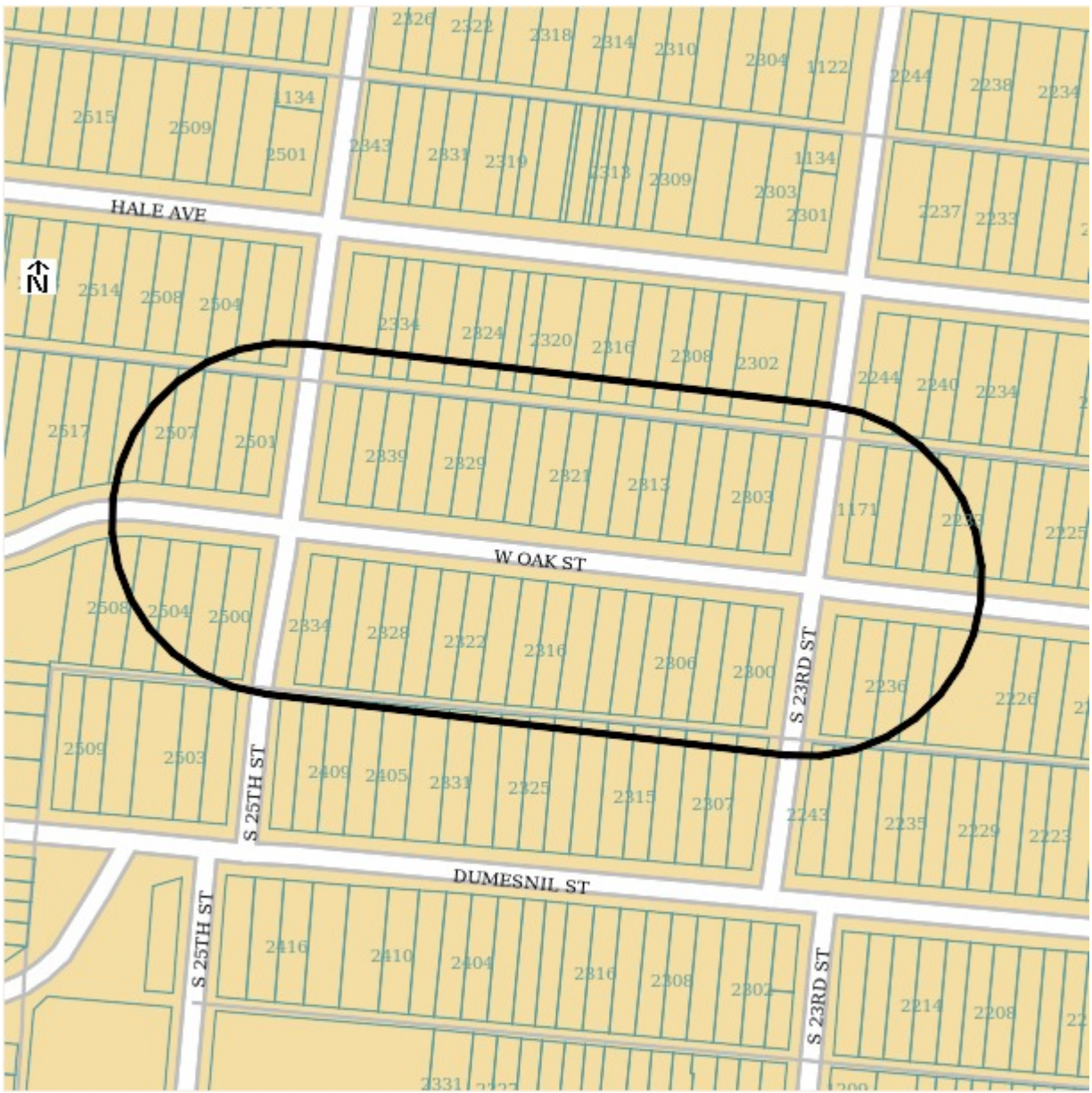
Location information

County JEFFERSON **City** LOUISVILLE
Address/street 2329 W OAK ST
Nearest intersecting street S 25TH ST
Location of work LOCATE REAR OF PROPERTY
Comments
Map Coord
NW Lat 38.2384176 **Lon** -85.7954343 **SE Lat** 38.2371324 **Lon** -85.7919857

Members notified

Company name	District	Type	Status
LG&E GAS	0002	G	
LOUISVILLE WATER CO	0004	W	No Conflict
MSD	0006	S	No Conflict
AT&T DISTRIBUTION	0139	COMMUNICATIONS	

Map



Attachment 3

Tout, Eric V (PSC)

From: Seewer, Chad <Chad.Seewer@lge-ku.com>
Sent: Friday, January 20, 2023 9:26 AM
To: Tout, Eric V (PSC)
Subject: 54002, 8/20/2021, 2329 W Oak St., Louisville, Franklin Remodeling
Attachments: 2329 W Oak St.pdf; 2021082608check.pdf; 2021082608Invoice.pdf; DigTix_Incident_Report (2).pdf

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

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hey Eric,

Per our report, it was a backhoe/trackhoe. I've also attached relevant documents in case you need them. Pictures will need to be sent via Secure Adhoc Transfer due to size.

Business Use

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Thursday, January 19, 2023 6:25 AM
To: Seewer, Chad <Chad.Seewer@lge-ku.com>
Subject: 54002, 8/20/2021, 2329 W Oak St., Louisville, Franklin Remodeling

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

Hello Chad,

What type of equipment was used, Mechanized vs Hand Tool?

*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-20210820-002 Customer Claim ID: _____
Site Investigator: Steve Delap Notified At: 08/20/21 10:43:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 2329 W Oak St Louisville KY 40210
Incident Time: 08/20/21 10:45:00

Original Locate Request: 2108161699 Assigned Locator: ELM Locating
Locate Request Due: 08/18/21 14:33:58 Locate Request Completed: 08/18/21 09:00:06
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 1.25
Depth: 18" to < 36" (0.5 to < 1m)
Description and Extent of Damage: The Housing Partnership Inc.(HPI) contracted Franklin Remodeling to install a patio at the currently being remodeling home, at 2329 W Oak St. The patio is being added to the rear(north) of the home on the alley side of the property. While digging to install concrete piers for the patio, Franklin Remodeling damaged an accurately marked 1.25" plastic gas service. The gas service was damaged at an approximate depth of 18", on the customer side of the line.

Equipment Used: Backhoe/Trackhoe
Excavation Company Name: FRANKLIN REMODELING
Company Address: 9238 STORAGE WAY, Louisville, KY 40291
Phone: 5025840073 Contact Name: DANIEL FRANKLIN
Working For: HPI
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: Brayden Lander **Phone:** 5025891444

Repair Comments: Cut back several feet of dirt to temporarily move the gas service out of the way for a patio that is being added to the rear of 2329 W Oak St. LG&E is going to move the gas line out away from the area where the homeowner is adding a patio

Witness: _____ **Phone:** _____

Comments: _____

Witness: _____ **Phone:** _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Franklin Remodeling

Responsible Party Comments: I spoke with Paul Watson(502-650-3084), who was the crew leader on-site for Franklin Remodeling.

Date of Investigation: 08/20/21 **Investigation Time (Hours):** _____

Site Investigator's Name: Steve Delap **Phone:** 5029911135

Site Investigator's Signature: Steve Delap **Date:** 08/23/2021

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 74 attachments, please view the ticket within DigTix.

Incident Field Investigation Report — Gas

\$ 693.34



a PPL company

Damage report # 2021082408

Is this related to a capital project? Yes No

Project/task OPDUA/MAINT

G# 001036602

Resp. ctr. ADC

Damage to company facilities

Date of incident 8/20/21 Time _____ a.m. p.m. Police report # _____
Address/location of damage 2329 W Oak St ZIP code 40210
Subdivision name UNKNOWN
Time dispatched 10:23 a.m. p.m. Time of completion _____ a.m. p.m.
Who caused damage? FRANKLIN REMODELING
(Name of contractor, utility, individual, etc.)
Address of party causing damage 9238 Storage Way Louisville KY 40291
(Street) (City) (State) (ZIP)
Phone number of party causing damage (502) 384-0073
(Area code) (Number)
Was party causing damage still on the job? Yes No If yes, who was in charge? _____
If no, how did you obtain name of party causing damage? talked w/ fire fighters, looked up BUD.#
What was damaged? Company main Customer service Company service Other _____
What type of work was being performed? ROOM addition on existing home, digging footers
Party's explanation for damage Knew line was there by marks, tried to dig easy.
What repairs were made? Repair broken 1-1/4" IPS customer service
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 2108161699
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 EUM

8-20-21

(Date of report)

[Signature]
(Signature of employee)

Approved

ED2897

(Employee number)

Date

8-24-21

Put any additional comments on back

Comments Repair broken 1-1/4" customer service.

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Geary Harrison	26743	2.5			8370	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Lander, Brenden	28997	3.5			4953	<input type="checkbox"/> Backhoe <input checked="" type="checkbox"/> Kubota
Lile, Joshua	29390	3.5				<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
						<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
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.



Material Used		
Qty.	Material	IIN#
	ft. Pipe PE 2406: 1/2" IPS	1170051
8	ft. Pipe PE 2406: 1" CTS	1170078
3	ft. Pipe PE 2406: 1-1/4" IPS	0434843
	ft. Pipe PE 2406: 2" IPS	0459060
	ft. Pipe PE 2406: 4" IPS	0395160
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)	
1	1-1/4" Electrofusion CPL	
1	1-1/4" x 1" socket reducer	



Invoice
Louisville Gas and Electric Company
 820 West Broadway
 Louisville, KY 40202
 Attn: Remittance and Collection
 800-928-1340

INVOICE DATE: 09/08/2021

REFERENCE: OTPD419
 NO.:
 DTS INVOICE: 2021082608
 NO.:
 AMOUNT DUE: **\$693.34**
 DUE DATE: **10/08/2021**

FRANKLIN REMODELING
 9238 STORAGE WAY
 LOUISVILLE KY 40291

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES

COST TO REPAIR:	Damaged Customer Gas Service	
DAMAGE DATE:	08/20/2021	
DAMAGE LOCATION:	2329 W Oak St Louisville, KY 40210	
LABOR HOURS:	9.50	\$616.07
LABOR COST:		\$15.76
MATERIAL COST:		\$61.51
TRANSPORTATION/EQUIPMENT COST:		\$0.00
CONTRACTOR COST:		\$0.00
OTHER DAMAGE COSTS:		\$0.00
TOTAL DUE:		\$693.34

Louisville Gas and Electric Company · Remittance and Collection · 820 West Broadway · Louisville, KY 40202

Franklin Remodeling9238 Storage Way
Louisville, KY 40291
(502) 384-0073

2568

21-10/830

DATE 10/11/21PAY TO THE
ORDER OFGGSix hundred ninety three 34/100\$ 693.34

DOLLARS

PNC BANK NA

2329 WICK ST.FranklinHPI Repair 2021082408

MEMO

Security features
included
Details on back.

MP

⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈ ⑈

(DK 2021082408)









15NX

5023

DANGER
↓

6

1

18

2









2021-08-20 11:30:20
38.2381090,-85.7948149





2021-08-20 11:30:44
38.2381090,-85.7948149



2021-08-20 11:30:53
38.2381090,-85.7940149



2021-08-20 11:30:56
38.2381090,-85.7948149



2021-08-20 11:30:57
38.2381090,-85.7940149





2021-08-20 11:31:05
38.2381090,-85.7940149

CAUTION
BURIED GAS LINE
LIGE
A LIGE COMPANY

MARK
↓



2021-08-20 11:31:05
38.2381090,-85.7940149

CAUTION
USED GAS LINE
IGE









2329









Prime
CONSTRUCTION
RENTALS

1517
1023

D
A
M
A
G
E
↓

M
A
R
K
↓

6 1 2 30 3

















PRIME
CONSTRUCTION
RENTALS

15

5023

DAMAGE
↓

USE
CAUTION
DO NOT
STEP ON
OR TRIP OVER



PRIME
CONSTRUCTION
RENTALS

15

5023

DANGER
↓

DANGER
↓





2329

MARK
↓

MARK
↓

CAUTION
USED GAS LINE

2023-08-28 11:34:39
48.2362023, -85.7939360



2329

TH1

MARK

MARK
↓



5023



PCR PLUMBS & RENTALS
502-450-RENT (7368)

MARK
↓



5023

PCR PRIME
CONSTRUCTION
RENTALS
502-450-RENT
(7368)
primeconstructionrentals.com

MARK
↓



2021-09-20 11:34:54
38.2381506, -85.7940476



Prime 502-450-RENT (7368)
CONSTRUCTION
RENTALS
YOUR RENTAL STORE

8045



9022-00-20 11:35:12
38.9361241,-85.7939064







DCR **prime**
CONSTRUCTION
RENTALS
YOUR RENTAL STORE

502-450-RENT
(7368)

primeconstructionrentals.com





2021-08-20 11:35:45
38.2388587,-85.7948958



2021-08-20 11:35:47
38.2380587,-85.7940850



2021-08-20 11:35:57
38.2360587,-85.7940950





2021-08-20 11:36:48
38.2378243,-85.7943827



2021-08-28 11:38:49
38.2380736,-85.7940825



2021-08-20 11:38:50
38.2388736,-85.7948825



2021-08-26 11:38:57
38.2388736,-85.7441895



2021-08-20 11:30:58
38.2380736, -85.794825



2021-08-20 11:39:04
38.2386825,-85.7939821



2021-08-28 11:39:04
38.2880823, -85.7939821



2021-08-28 11:39:14
38.238823,-85.793962



2021-06-28 11:48:41
38.238823,-85.798821







2021-09-29 11:48:58
38.234022, -85.7034021



DAMAGE
↓

6 1 18 21 30 33











2021-08-20 11:48:28
38.2381683,-85.7946191



2021-08-28 11:48:21
38.2381683,-85.7940191



2021-08-20 11:48:22
38.2381683,-85.7948191



2021-06-26 11:48:23
38.2361683,-85.7940191



2021-08-20 11:48:24
38.2388171,-85.7941696



2021-08-20 11:48:35
38.2388171,-85.7941698



2021-08-20 11:48:29
38.2388171,-85.7941696

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00168 DATED JUN 06 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. 2023-00168 DATED JUN 06 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

FRANKLIN REMODELING, LLC)	
)	
_____)	CASO NO.
)	2023-00168
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

Franklin Remodeling, LLC (Franklin Remodeling) 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 July 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 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

¹ KRS 367.4901 a KRS 367.4917.

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 Franklin Remodeling 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 Franklin Remodeling 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. Franklin Remodeling 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. Franklin Remodeling comparecerá el July 28, 2023, a las 9 a.m. Eastern Daylight 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 July 28, 2023 se llevará a cabo por videoconferencia.

4. Franklin Remodeling 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. Franklin Remodeling notificará a la Comisión, al menos diez días antes de la audiencia, si Franklin Remodeling 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 54002, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia July 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. 2023-00168 FECHADO

NOVENTA Y CUATRO PÁGINA(S) A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2023-00168 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.

*Franklin Remodeling, LLC
9238 Storage Way
Louisville, KENTUCKY 40291