

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LARRY MORTON CONSTRUCTION)	
)	
_____)	CASE NO.
)	2023-00171
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.)

Larry Morton Construction 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 Larry Morton Construction for violation of the following provision of the Act:

KRS 367.4911(6) - The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.

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

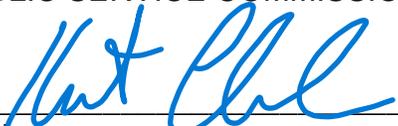
7. An individual may submit a response to the allegations contained in the Commission Staff Incident Report without the representation of an attorney.

8. The Commission Staff Incident Report 53910, 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 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00171 DATED JUN 06 2023

ONE HUNDRED AND TWO PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 53910 **Investigation** 9401
Incident Date 8/17/2021 12:18:00 PM **Report Submitted** 9/16/2021

Operator Information

Operator Atmos Energy Corporation **Reported By** Jonathon Bledsoe
Phone (270) 925-6312 **Email** jonathon.bledsoe@atmosenergy.com

Incident Location 323 E Office St **Locate Ticket Number** 2108021221
 Harrodsburg KY 40330
 323 E Office St. Harrodsburg
 (Danville)
County Mercer

Excavator Information

Excavator Larry Morton **Organization ID**
 Larry Morton Construction
Phone 859-536-8213 **Email**
Address 420 Scottsdale Cir **Locate Ticket Number** 2108021221
 Lexington KY 40511

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/Trencher	\$933.00	\$933.00

The Operator reports that the Excavator damaged a correctly marked ¾-inch gas service with a trencher installing a water service.

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
2108021221	Yes	08/02/21	08/23/21	08/17/21	0	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 01/12/23, an attempt to contact the excavator at 859-536-8213 resulted in a message stating this is Larry Morton wherein a message was left.

On 01/18/23, Mr. Morton stated that the gas service was marked incorrectly, but he had no evidence to support this claim.

On 01/26/23, the Operator, Atmos's Jonathan Bledsoe, provided the following documents:

- Leak Found Report & Third Party Damage Form: Outlined in the DR Summary and Attachment 1.
- Seven Damage Photographs: Indicating the damage occurred inside the tolerance zone of 18 inches (See explanation below).
- LT...1221 & 15 Screenshots: The LT is outlined in the LT Summary and Attachment 2. The screenshot are of the mapping of the incident location.

PIPELINE DAMAGE INVESTIGATION REPORT

- 53 Pre-excavation Photographs: Indicating the incident location was marked 08/04/21 and the damage occurred within the tolerance zone of 18-inches (See explanation below).
- Invoice: Indicating the Operator billed the Excavator \$933.49 for the damage repair, which has not been paid.

Note: The pre-excavation photographs indicate that the service to 319 runs, perpendicular, under a sidewalk to a riser/meter at that address. The service to 323 connects to 319's service at a 90 degree on the residential side of the sidewalk. From the 90-degree connection, 323's service runs parallel with the sidewalk several feet before making a 90-degree turn to a riser/meter at 323. The damage photographs indicate the Excavator began his excavation at the roadway crossing the sidewalk and section of service, perpendicular to the sidewalk, between the two 90 degrees, resulting in the damage.

Atmos's documents are included as Attachment 3.

On 01/30/23, via email, Mr. Bledsoe, stated that the investigating/repair crew originally thought this damage was missed marked due to no visible paint and measured from the closest flag, but after reviewing the pre-excavation / locate photographs the service was marked running parallel with the sidewalk.

Mr. Bledsoe's email is included as Attachment 4.

On 01/31/23, the above information was conveyed to Mr. Morton and Mr. Morton was receptive to attending the Damage Prevention Course and paying the reduced penalty of \$250.00.

VIOLATIONS¹

KRS 367.4911 (6) The excavator shall protect and preserve temporary underground facility markers until the scheduled excavation or demolition is completed.

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	08/17/21	08/18/22

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 9/16/2021 Incident ID: 53910

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=53910\)](#)

Reported By:

Name: Jonathon Bledsoe
Phone: (270) 925-6312
Email: jonathon.bledsoe@atmosenergy.com

Gas Line Incident Occured:

Date: 8/17/2021
Time: 12:18 PM

Details:

Reported Date: 8/17/2021 2:20 PM

Incident Location Address:

Location: 323 E Office St. Harrodsburg (Danville)
Address: 323 E Office St
City: Harrodsburg
State: KY
County: Mercer
Zip: 40330
Confirm Code: Y

Number of Customers out: 0

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.: 2108021221

Excavator: Contractor

Excavator Address:

First Name: Larry
Last Name: Morton
Organization ID:
Company: Larry Morton Construction
Phone: 859-536-8213
Email:
Address: 420 Scottsdale Cir
City: Lexington
State: KY
Zip: 40511
Confirm Code: Y

Excavation Damage: Failure to use hand tools where required

Description of Incident Larry Morton Construction damaged a 3/4" PE service with mechanized equipment. Locate was valid and marked. No injuries.

Summary Information

9/16/2021

Full details such as the cause

Larry Morton Damaged a 3/4" PE service with a trencher while installing a water service. Locate 2108021221 was valid and marked. Excavators advised no marks was present in the dig site. After reviewing locators pictures yellow marks could be seen in the dig site. Locate photos show 319 and 323 E Office St branch together paralleling the sidewalk for a short distance. According to damage photos this section is where the damage occurred. Gas flow was stopped utilizing a curb valve.

Extent of the damage

Service repaired. No active customers off.

Cost of the damage	\$933.00
Steps taken to prevent re-occurrence	Larry Morton was educated on using hand tools within the tolerance zone and maintaining marks. Work began 15 days after the initial request. Larry Morton was billed for the repairs.
Amount billed to excavator	\$933.00

Attachment 2

Kentucky 811

Ticket no	2108021221	Type	NORMAL CALL
Update of	2108021221		
Request date	08/02/21 11:47 am		
Start date	08/04/21 12:00 pm		
Expiration date	08/23/21 05:00 pm		

Excavator information

Excavator name

Address 420 SCOTTSDALE CIRCLE
LEXINGTON, KY 40511

Company phone 859-536-8213

Requested by LARRY MORTON **Phone** 859-536-8213

On-site name LARRY MORTON - CELL **On-site phone** 859-536-8213

Contact email MORTONCONSTRUCTION@YAHOO.COM

Excavation information

Type of work INSTALL WATER SERVICE

Depth (ft) 2 **Explosives** N

Area marked U

Job name/number

Work done for LARRY MORTON

Location information

County MERCER **City** HARRODSBURG

Address/street 323 E OFFICE ST

Nearest intersecting street THOMPSON DR

Location of work WHEN FACING PROPERTY FROM THE DIG STREET LOCATE THE LEFT SIDE OF PROPERTY FROM THE STREET TO THE 10 FEET FROM REAR OF HOUSE.

Comments

Map Coord

NW Lat 37.7604266 **Lon** -84.8412185 **SE Lat** 37.7592334 **Lon** -84.8385815

Members notified

Company name	District	Type	Status
TIME WARNER CABLE	0023	COMMUNICATIONS	No Conflict (2021/08/04 07:54 WORKING WITH CONTRACTOR ON DUE TIME GET BY 8/06/21 3:00PM 2021/08/04 07:54 RESCHEDULE APPROVED BY: LARRY MORTON)

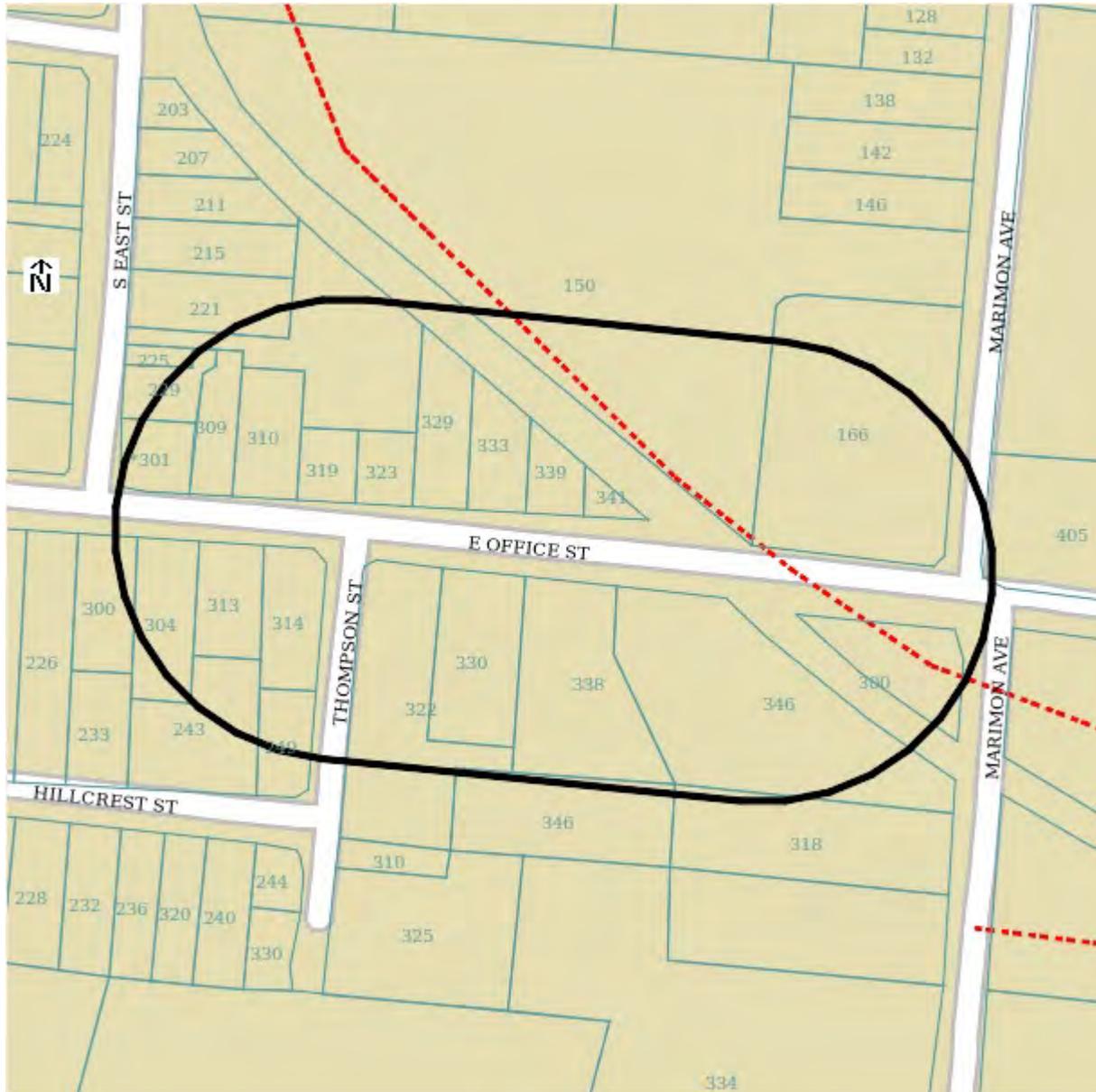
AT&T DISTRIBUTION
ATMOS ENERGY
KENTUCKY UTILITIES

0139
0144
0326

COMMUNICATIONS
PIPELINE
E

No Conflict (2021/08/04 07:54
WORKING WITH
CONTRACTOR ON DUE TIME
GET BY 8/06/21 3:00PM
2021/08/04 07:54
RESCHEDULE APPROVED BY:
LARRY MORTON)

Map



Attachment 3

Tout, Eric V (PSC)

From: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>
Sent: Thursday, January 26, 2023 11:45 AM
To: Tout, Eric V (PSC)
Cc: Stanley, Bill
Subject: RE: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

Please follow the link to the documentation for this Damage.

<https://ae.watchdox.com/ngdox/workspaces/451168/53910%2C%208.17.2021%2C%20323%20E%20Office%20St.%2C%20Harrodsburg%2C%20Larry%20Morton%20Construction>

Please let us know if we can assist further.

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |
Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

From: Bledsoe, Jonathon
Sent: Wednesday, January 18, 2023 4:16 PM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Subject: RE: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

Eric,

Nicole is beginning to process this request. I will let you know when this is complete.

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |
Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

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

Sent: Wednesday, January 18, 2023 8:00 AM

To: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>

Subject: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

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 Jonathon,

Please send repots, photos pre & post, 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*



LEAK FOUND REPORT

4.9741

eAM WO#:

Construction Order Number: **C** 0072266

Leak Asset #: 710542

Project Number: 050 • 23952

Division: 009 District / Cost Center: 2737

County / Parish: Merrier Town: Hairrodsburg

State: Ky Tax District: 92802

ICL OCL Map Sheet #: _____

Address / Location: 323 E Office St Cross Street: Melion Ave

Asset Description: Leak 710542 Land Description: _____

GPS Coordinates: Latitude 37.75996378 Longitude -84.84050883 Leak Survey Area: _____

Class Location: 1 2 3 4 Facilities Class: Distribution Transmission Gathering Storage Production

Date Leak Found: 08 / 17 / 2021
(MM/DD/YYYY)

Time Leak Found: 12 : 18 AM PM

Time Leak Classified: 12 : 30 AM PM

Leak Grade: 1 2 (5 day)
 3 2 (30 day)
 4 2 (180 day)

Leak Graded By: Jason Hampton (M1, M15) Surveying Leaks ID#: _____

Suspected Facility: Main Service Riser Yardline Meter Loop Other Feet to Building: 20

CGI Reading: 100 % Gas _____ % LEL Surface Type: Dirt Brick Concrete Asphalt Rock Liquid Other

Leak Found: Yes No

Third Party Damage: Yes (If Yes, complete Third Party Damage Form) No

Leak Located: Above Ground Below Ground

Residual Gas: Yes No

Reason Not Repaired:
 Duplicate Order
 Customer Line
 Not Natural Gas
 Other Company
 No Leak Found

Notes: _____

Initial Leak Cause:

- Corrosion Group
 - Corrosion
- Excavation Group
 - Operator Personnel / Contractors Excavating
 - Other Third Party Excavators
 - Locator
 - Vehicle (Auto / Truck / Etc.)
- Natural Forces Group
 - Lightning
 - Washout
 - Ground Movement
 - Ice
 - Static Electricity
- Other Outside Forces Group
 - Vandalism
 - Fire / Explosion First
 - Excessive Strain
- N/A

- Materials & Welds Group
 - Dent
 - Gouge
 - Factory Defect
 - Wrinkle / Bend
 - Weld (Steel)
 - Fusion Defect (Plastic)
- Equipment Group
 - Equipment Malfunction
 - Gasket / O-Ring
 - Packing
- Operations Group
 - Inadequate / Failure to Follow Procedures
 - Stripped Threads
 - Backfill
- Other
 - Not Excavation
 - Other Explanation



THIRD PARTY DAMAGE FORM

eAM WO#:

Construction Order Number: **C** 0022766

Leak Asset #: 710542

Project Number: 050•23952

Rate Division: 009

INCIDENT DETAILS

Date of Damage: 08/17/2021 Time of Damage: 12:18 AM PM
MM/DD/YYYY

Was the Regulatory Commission called? Yes No Incident Number: _____

Address/Location: 323 E Office St Cross Street: Marion Ave

City: Harrodsburg County/Parish: meret State: ky

- ROW: Public-City Street Private Business Dedicated Public Utility Easement
 Public-State Hwy Private-Land Owner Federal Land
 Public-County Road Private-Easement Railroad
 Public-Interstate Hwy Pipeline Unknown/Other
 Public-Other Power/Transmission Line

40330

EXCAVATOR DETAILS

Company Name: Larry Maston

Address: 420 Scotsdale Circle

City: Lexington State: ky Zip: 40511

Contact Name: _____ Phone: 859-536-8213

- Excavator Type: Contractor County Farmer Municipality Occupant Railroad State Utility Developer
 Home Owner Unknown/Other

Pipeline Damage With:

- Auger Drilling Grader/Scraper Probing Device Milling Equipment
 Backhoe/Trackhoe Directional Drilling Hand Tools Trencher Unknown/Other
 Boring Explosives Vacuum Equipment Farm Equipment

Work Performed:

- Agriculture Engineering/Survey Road Work Traffic Sign
 Bldg Construction Fencing Sewer (Sanitary/Storm) Water
 Bldg Demolition Irrigation Site Development Water Improvement
 Cable TV Landscaping Steam Liquid Pipeline
 Curb/Sidewalk Grading Storm Drain/Culvert Milling
 Drainage Pole Street Light Unknown/Other
 Driveway Public Transit Authority Telecommunications
 Electric Railroad Maintenance Traffic Signal

Excavator Incur Downtime: Yes No Unknown How much Downtime? _____ Downtime Cost Incurred? _____

AFFECTED FACILITY DETAILS

Was any Facility Damaged? Yes No Release of Product? Yes No Unknown Location: Above Ground Below Ground

Did Excavator Notify Atmos Energy through the OneCall Notification Center? Yes No Unknown

Center Name: _____ Locate Ticket Number: _____

Did Excavator Notify Atmos Energy Directly? Yes No Unknown

Excavator Notified 911? Yes No Unknown Name: _____

Facility Type: Distribution Gathering Service/Stub Transmission Unknown/Other

Pipeline Material: Bare Steel Coated Steel Cast Iron PE PVC Other

Facility Damaged On: Body of Pipe Coating Housing Other Protective Device

Type of Pipeline Damaged: Intrastate Interstate Unknown

Pipeline Status: Active Idle New Pipe (no product) Abandoned (no product)

Damaged Pipe Diameter: 3/4 inches Depth of Facility: 1 feet 6 inches

Joint Trench: Yes No Unknown

DAMAGE & IMPACT DETAILS

Damaged by: Third Party Operator Operator's Contractor

Caused Service Interruption: Yes No

Requires Regulatory Notification: Yes No

Customer Affected: 0

Death/Hospitalization

Number of Injuries: 0

Property Damage ≥ \$50,000

Type of Injuries: 0

Estimated gas loss ≥ 3 million cubic feet

Number of Fatalities: 0

Outage Hours: 0

Restoration Cost: _____

DAMAGE & IMPACT DETAILS CONT'D

- Root Cause of Damage:
- No notification made to the OneCall Center
 - Notification to OneCall Center made, but not sufficient
 - Wrong information provided to OneCall Center
 - Facility could not be found or located
 - Facility marking or location not sufficient
 - Facility was not located or marked
 - Incorrect facility maps
 - Failure to maintain marks
 - Failure to support exposed facilities
 - Failure to use hand tools where required
 - Failure to test-hole (pot hole)
 - Improper backfilling practices
 - Failure to maintain clearance
 - Other insufficient excavation practices
 - OneCall Center error
 - Abandoned facility
 - Deteriorated facility
 - Previous damage
 - Data not collected
 - Other
- Impact: Fire/Ignition occur Any evacuation (Number of people: _____) Any media coverage Any explosions
 Any street blocked Any other impact Comments: _____

NOTIFYING, LOCATING, MARKING DETAILS

Locate Request to OneCall Center Prior to Excavation: Yes No
 Center Name: 811 OneCall Ticket Number: 21080d1221
 Date of Notification: 08/02/2021
 Original Locator: Pipeline Operator Utility Owner Data Not Collected Unknown/Other
 Contract Locator Locator Name: David Long
 Marked by White Lining: Yes No Unknown
 Atmos Energy Rep Onsite: Yes No Unknown
 Any Special Instructions: Yes No Unknown
 Excavator Gave Proper Notice: Yes No Unknown
 Locate Procedures Followed: Yes No Unknown
 Locator met with Excavator: Yes No Unknown
 Facility Gave Positive Response: Yes No Unknown
 Date of Positive: 08/04/2021 Time of Positive: 08:59 AM PM

Excavator made 2nd call to OneCall: Yes No Unknown
 Reason: No positive response to first call Positive response is unclear or incorrect All clear appears questionable Other

2nd Notice Ticket Number: _____ Date of 2nd Notice: _____ / _____ / _____

Facility gave positive response to 2nd notice: Yes No Unknown
 Date of Positive: _____ / _____ / _____ Time of Positive: _____ : _____ AM PM

Facility Marks Visible: Yes No Unknown
 Marked by Paint: Yes No Unknown Marked by Flags: Yes No Unknown
 Method used to Locate: Conductive Inductive Unknown Other: _____
 Another type of Marking Use: Yes No Unknown: _____
 Facility Marked Correctly: Yes No Unknown/Other: _____
 Reason Not Marked: Pipeline was not marked Portion of pipeline was not marked Pipeline was not marked accurately
 Improper type of marking Other: _____
 Distance of Inaccurate Marks from Pipeline: _____ feet _____ inches

OTHER INFORMATION

Line Pressure: 45 psig Pipe Damage: (Length) 1 inches (Width) _____ inches
 Leak Duration: 20 minutes Locate Priority: _____ FERC Account: _____
 Insurance Company: _____ Agent Name: _____ Phone #: _____
 Locate Mark within State Law: Yes No Police Report Number: _____
 Pre-Damage Photos: Yes No Post-Damage Photos: Yes No Billing Required: Yes No

LABOR

Name	Title	Reg Time	Overtime	Drive Time
<u>Joey Hurst</u>	<u>SR. const opp</u>	<u>2</u>		<u>30</u>
<u>Brat Burchett</u>	<u>Crew leader</u>	<u>2</u>		<u>30</u>
<u>Tim Martin</u>	<u>DO</u>	<u>2</u>		<u>30</u>
<u>Susan Hampton</u>	<u>SR const opp</u>	<u>2</u>		<u>30</u>

EQUIPMENT

	Quantity	Time		Quantity	Time
1/2 Ton Truck	<u>2</u>	<u>2</u>	Trencher		
1 Ton Truck	<u>2</u>	<u>2</u>	Backhoe		
2 Ton Truck			Compressor		
Dump Truck			Boring Machine		
Welder			Other		

Comments: Billable, circular cut, 17' from main.

Completed By: Joey Hurst Date: _____

ATMOS ENERGY CORPORATION
KENTUCKY / MID-STATES DIVISION
KENTUCKY OPERATIONS
3RD PARTY DAMAGE BILLING

NAME:
BILLING ADDRESS:
CITY, STATE, & ZIP CODE:
PHONE #:
EMAIL ADDRESS:
INSURANCE PROVIDER:
INSURANCE POLICY #:
ATMOS WORK CENTER:
DATE OF DAMAGE:
DAMAGE LOCATION:
ASSET #:
eAM #:
SAP INVOICE #:

Larry Morton
 420 Scottsdale Circle
 Lexington, KY 40511
 Larry Morton (859) 536-8213
 2737 - Danville
 August 17, 2021
 323 E Office St., Harrodsburg, KY 40330
 710542

LINE NO. CHARGE TYPE:

1	LABOR			\$	702.24
2	MATERIALS			\$	14.47
3	EQUIPMENT			\$	172.00
4	GAS LOSS COSTS	Enter PGA Rate (per MCF)	Volume (MCF)	\$	44.78
		4.9791	8		
5	OUTSIDE SERVICES			\$	-
6	MISCELLANEOUS COSTS			\$	-
7	TOTAL 3RD PARTY DAMAGE BILLING			\$	933.49

Pipe Size	0.75
Material Type	PE
Pressure (PSIG)	45
Duration (Minutes)	20
Distance to Feeder Main or Regulator Station (Feet)	17
Main or Service	Service

- 1) Fill out all Information in Rows 1-6
- 2) Click Rectangular Hole if damage is given as length and width. Enter dimensions
- 3) Click Circular Hole if damage is circular. Enter dimensions
- 4) Click Calculate Gas Loss

Gas Loss Flow Rate	441	Cubic Feet/Min.
Gas Loss in Cubic Feet	8,815	Cubic Feet
Gas Loss in Pounds	405	Pounds
Gas Loss in CCF	88	CCF
Gas Loss in MCF	9	MCF

Calculator uses IGT Flow Formula

IF LARGER THAN 1,000 CCF CONTACT TECH. SERVICES



BARRETO

DAMAGE

1 18 2 30 3



THOMPSON

E OFFICE ST







21

18

16





Ticket ID: 2108021221

KORTERRA JOB KY_C_DANVI-SMTP-1 KY2108021221 Seq: 10 08/02/2021
10:49:45

0144 00010 KUPIa 08/02/2021 11:48:42 2108021221-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 2108021221 Date: 08/02/2021 Time: 11:47 Oper: KENTUCKY811
Chan:000

State: KY Cnty: MERCER City: HARRODSBURG
Subdivision:

Address : 323
Street : E OFFICE ST
Cross 1 : THOMPSON DR
Location: WHEN FACING PROPERTY FROM THE DIG STREET LOCATE THE LEFT
SIDE OF
PROPERT FROM THE STREET TO THE 10 FEET FROM REAR OF HOUSE.
:
Boundary: n 37.760427 s 37.759233 w -84.841219 e -84.838581

Work type : INSTALL WATER SERVICE
Done for : LARRY MORTON
Start date: 08/04/2021 Time: 12:00 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: NO Emergency: N
Duration : N/A Depth: 2 FT

Company : LARRY MORTON Type: HOME
Co addr : 420 SCOTTSDALE CIRCLE
City : LEXINGTON State: KY Zip: 40511
Caller : LARRY MORTON Phone: (859)536-8213
Contact : LARRY MORTON - CELL Phone:
Mobile : (859)536-8213
Email : MORTONCONSTRUCTION@YAHOO.COM

Submitted date: 08/02/2021 Time: 11:47
Members: 0023 0139 0144 0326

Locator Notes: left side joint service with 319 out to the 4" plastic gas main in the streets edge across the fronts of the props, street frontage, 329 also has a left side service feed out to the 4" plastic gas main as well

----- HISTORY SUMMARY -----

08/02/21 10:50:36: Ticket "2108021221" received.
08/02/21 10:50:36: Contract "0144" received.
08/02/21 10:50:36: Assigned to "dlong". Status updated to "Pending".
08/04/21 07:02:01: Completion due date rescheduled to "2021-08-05 12:00:00 EDT".
08/04/21 07:02:13: CDC "0144" status updated to "RSH: Rescheduled with excavator". CDC "0144" notes updated to "running routes locate will be done today".
08/04/21 07:02:18: Notes updated to "running routes locate will be done today".
08/04/21 08:52:55: File "DigTix Ticket 2108021221 2021-08-04 09:52:54.365.jpg" attached.
08/04/21 08:52:55: File "DigTix Ticket 2108021221 2021-08-04 09:52:55.190.jpg" attached.
08/04/21 08:53:02: File "DigTix Ticket 2108021221 2021-08-04 09:53:00.806.jpg" attached.

08/04/21 08:53:02: File "DigTix Ticket 2108021221 2021-08-04 09:53:01.517.jpg" attached.
08/04/21 08:53:03: File "DigTix Ticket 2108021221 2021-08-04 09:53:02.304.jpg" attached.
08/04/21 08:53:06: File "DigTix Ticket 2108021221 2021-08-04 09:53:03.127.jpg" attached.
08/04/21 08:53:06: File "DigTix Ticket 2108021221 2021-08-04 09:53:03.767.jpg" attached.
08/04/21 08:53:06: File "DigTix Ticket 2108021221 2021-08-04 09:53:05.068.jpg" attached.
08/04/21 08:53:12: File "DigTix Ticket 2108021221 2021-08-04 09:53:06.669.jpg" attached.
08/04/21 08:53:13: File "DigTix Ticket 2108021221 2021-08-04 09:53:09.066.jpg" attached.
08/04/21 08:53:15: File "DigTix Ticket 2108021221 2021-08-04 09:53:11.092.jpg" attached.
08/04/21 08:53:15: File "DigTix Ticket 2108021221 2021-08-04 09:53:07.471.jpg" attached.
08/04/21 08:53:16: File "DigTix Ticket 2108021221 2021-08-04 09:53:14.001.jpg" attached.
08/04/21 08:53:16: File "DigTix Ticket 2108021221 2021-08-04 09:53:11.905.jpg" attached.
08/04/21 08:53:16: File "DigTix Ticket 2108021221 2021-08-04 09:53:08.295.jpg" attached.
08/04/21 08:53:16: File "DigTix Ticket 2108021221 2021-08-04 09:53:12.703.jpg" attached.
08/04/21 08:53:17: File "DigTix Ticket 2108021221 2021-08-04 09:53:10.121.jpg" attached.
08/04/21 08:53:22: File "DigTix Ticket 2108021221 2021-08-04 09:53:14.852.jpg" attached.
08/04/21 08:53:23: File "DigTix Ticket 2108021221 2021-08-04 09:53:18.656.jpg" attached.
08/04/21 08:53:26: File "DigTix Ticket 2108021221 2021-08-04 09:53:22.364.jpg" attached.
08/04/21 08:53:26: File "DigTix Ticket 2108021221 2021-08-04 09:53:17.897.jpg" attached.
08/04/21 08:53:30: File "DigTix Ticket 2108021221 2021-08-04 09:53:20.275.jpg" attached.
08/04/21 08:53:33: File "DigTix Ticket 2108021221 2021-08-04 09:53:19.463.jpg" attached.
08/04/21 08:53:35: File "DigTix Ticket 2108021221 2021-08-04 09:53:28.003.jpg" attached.
08/04/21 08:53:38: File "DigTix Ticket 2108021221 2021-08-04 09:53:23.095.jpg" attached.
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08/04/21 08:53:51: File "DigTix Ticket 2108021221 2021-08-04 09:53:45.678.jpg" attached.
08/04/21 08:53:54: File "DigTix Ticket 2108021221 2021-08-04 09:53:49.608.jpg" attached.
08/04/21 08:53:54: File "DigTix Ticket 2108021221 2021-08-04 09:53:47.831.jpg" attached.
08/04/21 08:53:55: File "DigTix Ticket 2108021221 2021-08-04 09:53:45.152.jpg" attached.
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08/04/21 08:54:15: File "DigTix Ticket 2108021221 2021-08-04 09:53:50.287.jpg" attached.
08/04/21 08:54:15: File "DigTix Ticket 2108021221 2021-08-04 09:54:03.670.jpg" attached.
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08/04/21 08:54:17: File "DigTix Ticket 2108021221 2021-08-04 09:54:00.107.jpg" attached.
08/04/21 08:54:17: File "DigTix Ticket 2108021221 2021-08-04 09:54:05.413.jpg" attached.
08/04/21 08:54:18: File "DigTix Ticket 2108021221 2021-08-04 09:54:02.955.jpg" attached.
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08/04/21 08:54:18: File "DigTix Ticket 2108021221 2021-08-04 09:54:01.637.jpg" attached.
08/04/21 08:54:22: File "DigTix Ticket 2108021221 2021-08-04 09:54:02.159.jpg" attached.
08/04/21 08:54:27: File "DigTix Ticket 2108021221 2021-08-04 09:54:06.955.jpg" attached.

Ticket ID: 2108021221 (con't)

08/04/21 08:59:33: CDC "0144" status updated to "MRK: Marked in the field". CDC "0144" notes updated to "left side joint service with 319 out to the 4" plastic gas main in the streets edge across the fronts of the props, street frontage, 329 also has a left side service feed out to the 4" plastic gas main as well".

08/04/21 08:59:42: Status updated to "Completed". Notes updated to "left side joint service with 319 out to the 4" plastic gas main in the streets edge across the fronts of the props, street frontage, 329 also has a left side service feed out to the 4" plastic gas main as well".

08/04/21 10:10:11: File "Screenshot (7036).png" attached.

08/04/21 10:10:11: File "Screenshot (7017).png" attached.

08/04/21 10:10:11: File "Screenshot (7018).png" attached.

08/04/21 10:10:12: File "Screenshot (7023).png" attached.

08/04/21 10:10:12: File "Screenshot (7024).png" attached.

08/04/21 10:10:12: File "Screenshot (7012).png" attached.

08/04/21 10:10:13: File "Screenshot (7015).png" attached.

08/04/21 10:10:13: File "Screenshot (7035).png" attached.

08/04/21 10:10:14: File "Screenshot (7014).png" attached.

08/04/21 10:10:14: File "Screenshot (7019).png" attached.

08/04/21 10:10:14: File "Screenshot (7021).png" attached.

08/04/21 10:10:15: File "Screenshot (7022).png" attached.

08/04/21 10:10:15: File "Screenshot (7013).png" attached.

08/04/21 10:10:16: File "Screenshot (7020).png" attached.

08/04/21 10:10:16: File "Screenshot (7016).png" attached.

225

Casing (extent)

Facility List:

- Casing (extent)
- Casing (route)
- Service (route)

Attribute	Value
Project Number	
Work Order Number	
Retirement Project Number	
Retirement Work Order Number	
ID	176905285
Asset ID	N/A
Date Installed	01/01/1900
External Coating	Bare
Length	848.071350
Material	Steel
Nominal Diameter	1.25
Status	Existing
Town Plant Name	
Type	Inserted Pipe
Vented	No
Crossing Type	Other
Remarks	Old Service

Route Options

Start End

OK



225

Casing (extent)

Facility List:

- Casing (extent)
- Casing (route)
- Service (route)

Attribute	Value
Project Number	
Work Order Number	
Retirement Project Number	
Retirement Work Order Number	
ID	176905285
Asset ID	N/A
Date Installed	01/01/1900
External Coating	Bare
Length	848.071350
Material	Steel
Nominal Diameter	1.25
Status	Existing
Town Plant Name	
Type	Inserted Pipe
Vented	No
Crossing Type	Other
Remarks	Old Service

Route Options

Start End

OK



225

Casing (extent)

Facility List:

- Casing (extent)
- Casing (route)
- Service (route)

Attribute	Value
Project Number	
Work Order Number	
Retirement Project Number	
Retirement Work Order Number	
ID	176905285
Asset ID	N/A
Date Installed	01/01/1900
External Coating	Bare
Length	848.071350
Material	Steel
Nominal Diameter	1.25
Status	Existing
Town Plant Name	
Type	Inserted Pipe
Vented	No
Crossing Type	Other
Remarks	Old Service

Route Options

Start End

OK



225

Casing (extent)

Facility List:

- Casing (extent)
- Casing (route)
- Service (route)

Attribute	Value
Project Number	
Work Order Number	
Retirement Project Number	
Retirement Work Order Number	
ID	176905285
Asset ID	N/A
Date Installed	01/01/1900
External Coating	Bare
Length	848.071350
Material	Steel
Nominal Diameter	1.25
Status	Existing
Town Plant Name	
Type	Inserted Pipe
Vented	No
Crossing Type	Other
Remarks	Old Service

Route Options

Start End

OK



225

Service (route)

Attribute	Value
ID	176905562
Status	Existing
Nominal Diameter	0.75
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	0.095
Date Installed	05/02/2012
External Coating	
Connection Type	Weld & Fusion
Curb Box?	
Asset ID	
Manufacturer	PERFORMANCE PIPE
Qualified Pressure	0.000000
Insulated?	No
Bonded?	No
Isolated?	
Length	31
EFV Exception	
System Name	
Town Plant Name	

Route Options
Start End



225

Service (route)

Attribute	Value
ID	176905562
Status	Existing
Nominal Diameter	0.75
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	0.095
Date Installed	05/02/2012
External Coating	
Connection Type	Weld & Fusion
Curb Box?	
Asset ID	
Manufacturer	PERFORMANCE PIPE
Qualified Pressure	0.000000
Insulated?	No
Bonded?	No
Isolated?	
Length	31
EFV Exception	
System Name	
Town Plant Name	

Route Options
Start End



225

Main

Attribute	Value
ID	291680407
Status	Existing
Nominal Diameter	4
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	09/17/2012
External Coating	N/A Plastic
Asset ID	
Manufacturer	PERFORMANCE PIPE
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	80.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	332.860168

Route Options
Start End

OK Get Documents



225

Main

Attribute	Value
ID	291680407
Status	Existing
Nominal Diameter	4
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	09/17/2012
External Coating	N/A Plastic
Asset ID	
Manufacturer	PERFORMANCE PIPE
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	80.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	332.860168

Route Options
Start End

OK Get Documents



225

Main

Attribute	Value
ID	291680407
Status	Existing
Nominal Diameter	4
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	09/17/2012
External Coating	N/A Plastic
Asset ID	
Manufacturer	PERFORMANCE PIPE
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	80.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	332.860168

Route Options
Start End

OK Get Documents



225

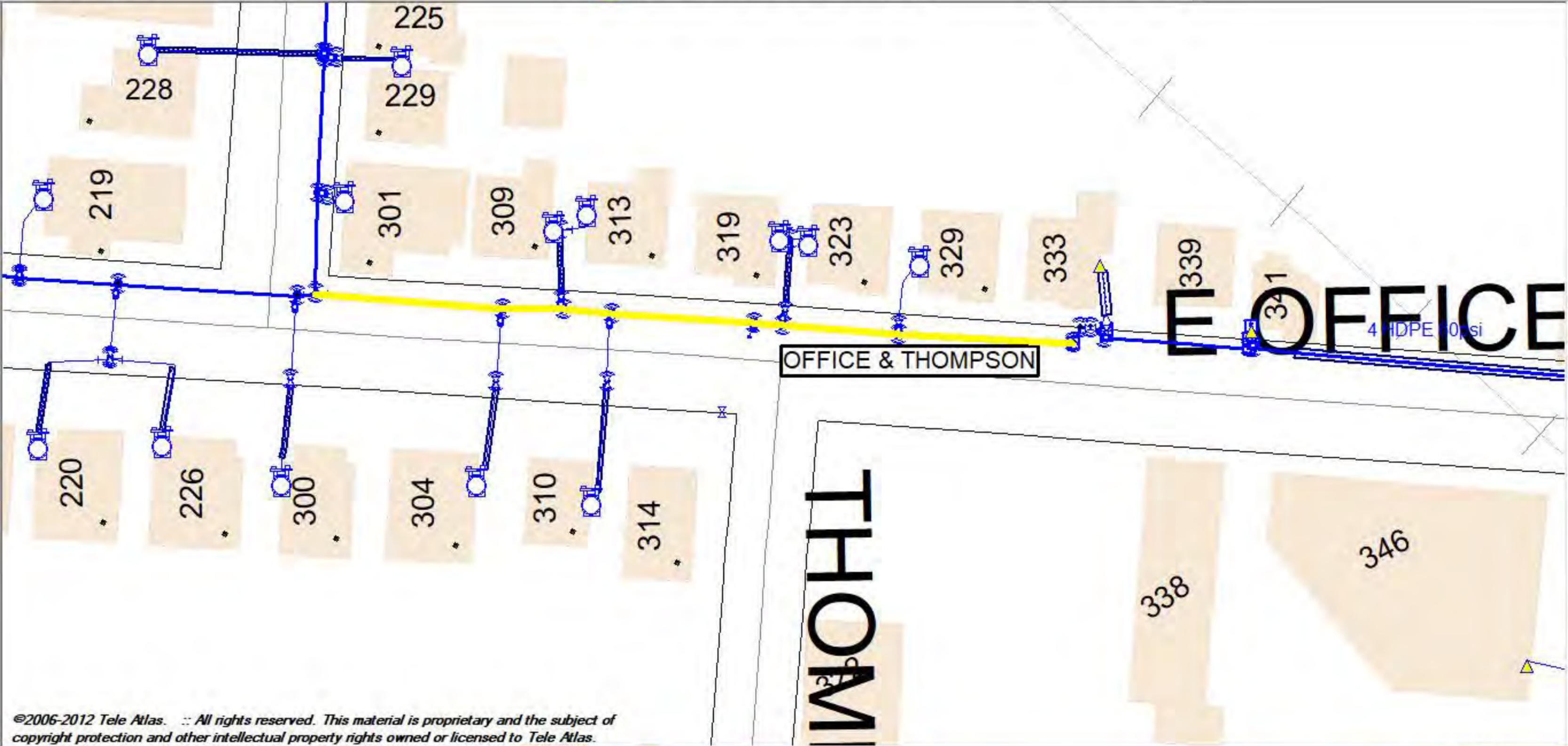
Main

Attribute	Value
ID	291680407
Status	Existing
Nominal Diameter	4
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	09/17/2012
External Coating	N/A Plastic
Asset ID	
Manufacturer	PERFORMANCE PIPE
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	80.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	332.860168

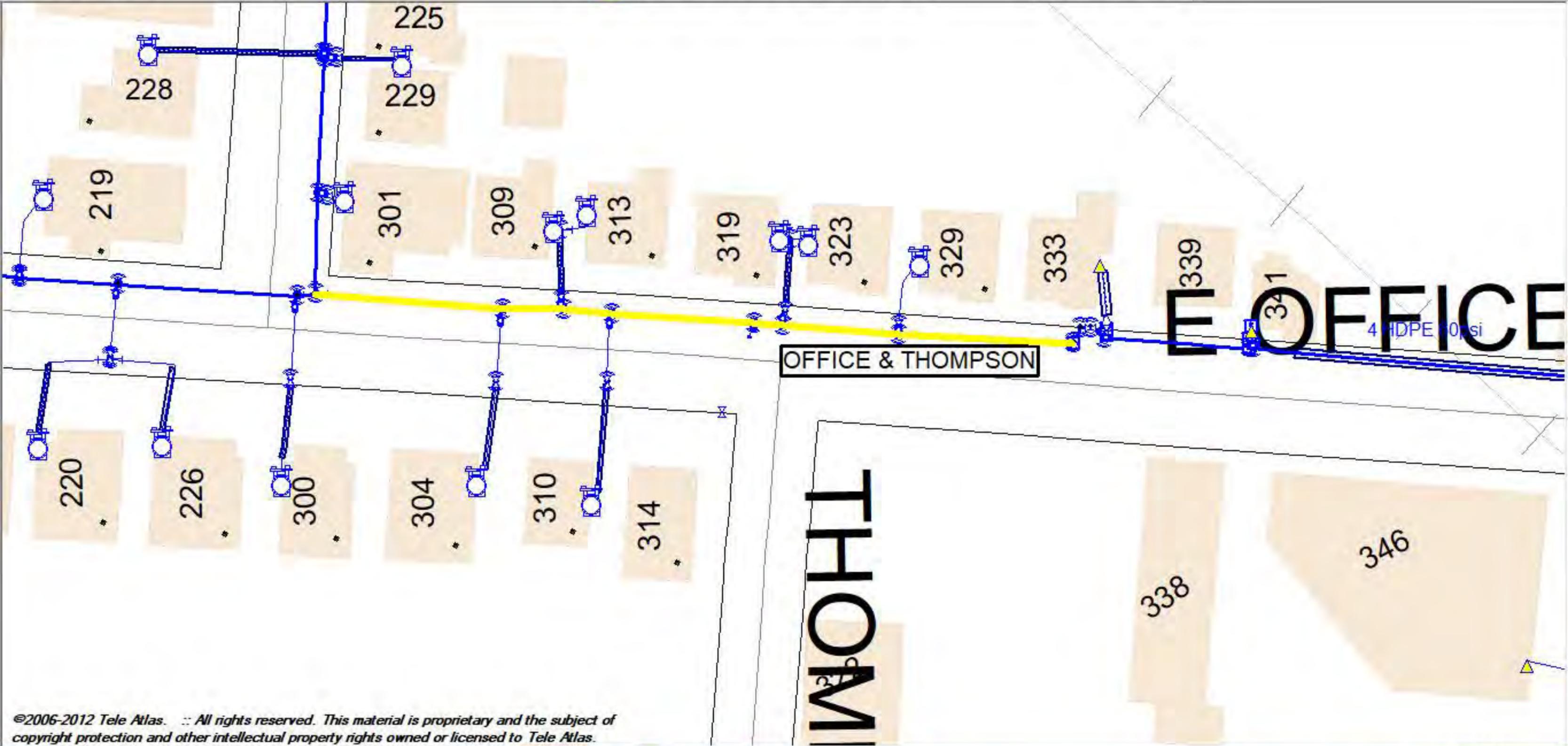
Route Options
Start End

OK Get Documents





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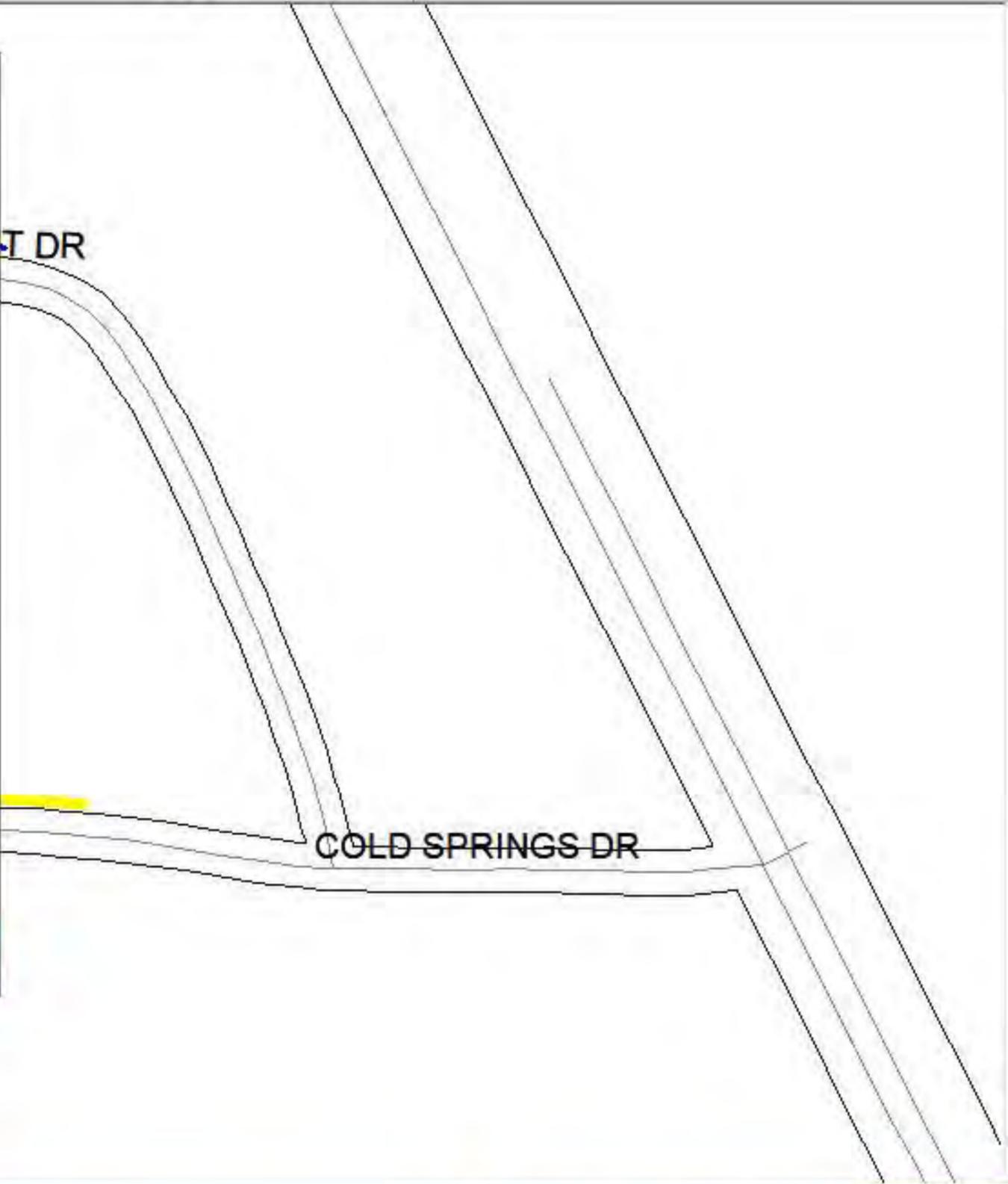


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Main

Attribute	Value
ID	10107953
Status	Existing
Nominal Diameter	2
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	08/15/1986
External Coating	N/A Plastic
Asset ID	
Manufacturer	
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	99999.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	1759.705444

Route Options

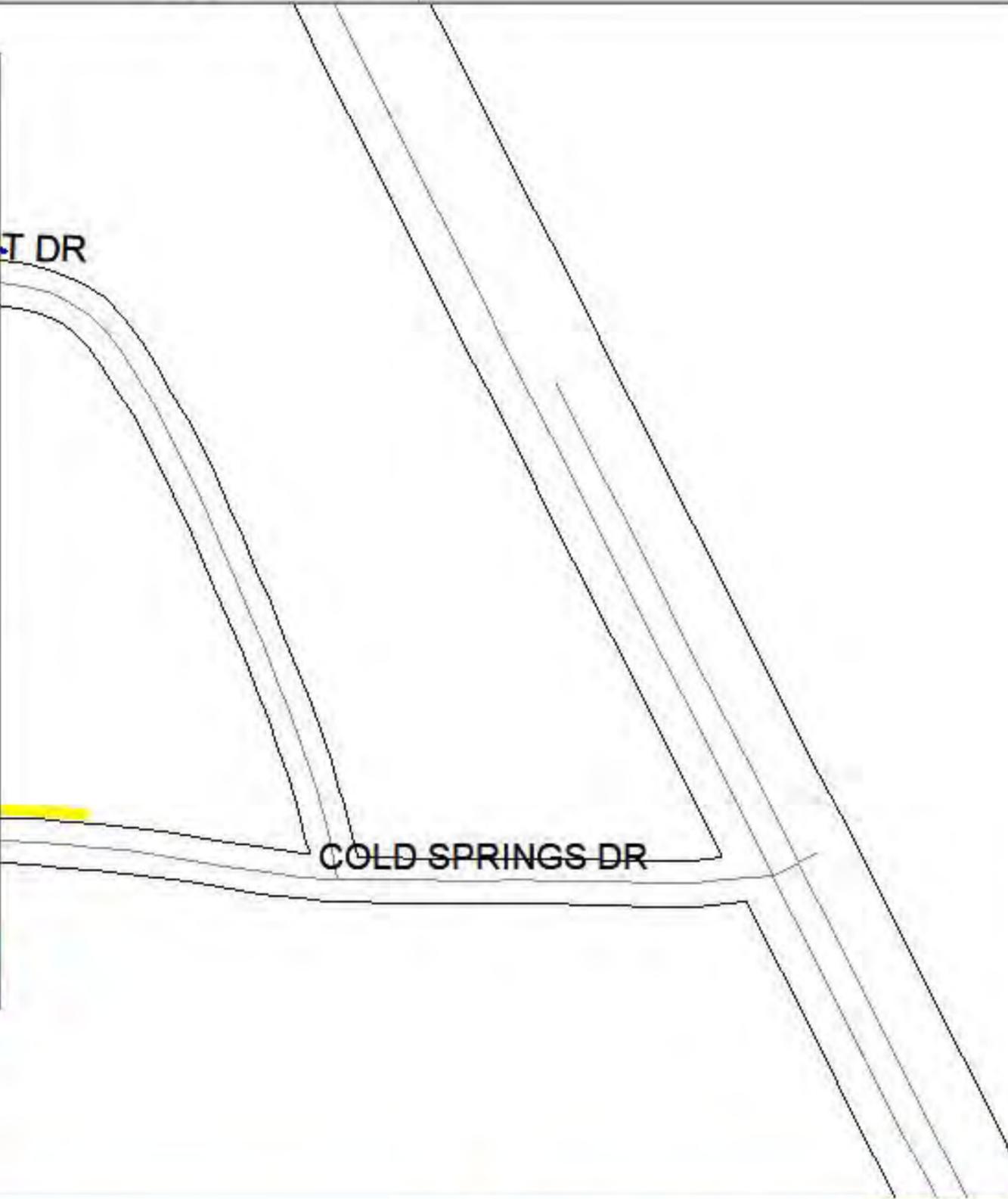


Main

Attribute	Value
ID	10107953
Status	Existing
Nominal Diameter	2
Material	PE
Pressure	IP (1 - 60 psig)
System MAOP	60.000000
Install Method	Open Cut
Wall Thickness	
Date Installed	08/15/1986
External Coating	N/A Plastic
Asset ID	
Manufacturer	
Internal Coating	
Design Pressure	80.000000
Qualified Pressure	99999.000000
Isolated?	
CP Zone	
Fiber in Pipe?	
Transmission?	
SMYS	0.000000
Pipe Grade	
Length	1759.705444

Route Options

OK Get Documents Start End





2021-08-04 09:52:54
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2021-08-04 09:52:55
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2021-08-04 09:53:00
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2021-08-04 09:53:03
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2021-08-04 09:53:03

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2601-88-88 49555300
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2021-08-04 09:53:06

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2021-06-04 09:53:07

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VALVE



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2021-08-04 09:53:45
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2021-08-04 09:50:00
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2021-08-04 09:54:01

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2021-08-04 09:54:06
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2021-08-04 09:54:06
37.7598966,-84.8403580



INVOICE

LARRY MORTON
420 SCOTTSDALE CIRCLE
LEXINGTON KY 40511

Page: 1
Claim Number 000200054239
Invoice No: 312429
Invoice Date: 01-SEP-21
Customer No: 173919
Credits and Payments: 0.00
Amount Due Remaining: 933.49
Amount Due Original: 933.49
Sales Rep: Jimmy D.Smith
Payment Terms: NET10
Due date: 11-SEP-21

For billing questions, please call: (859) 583-5357 Total Amount Due 933.49 USD

LINE	DESCRIPTION	QUANTITY	UNIT	UNIT AMT	NET AMT
1	Material	1	Job	14.47	14.47
2	Tools and Equipment	1	Job	172.00	172.00
3	Labor	1	Job	702.24	702.24
4	Gas Loss	9	mcf	4.9761	44.78

PAGE TOTAL 933.49

Please include Remittance Slip to ensure timely application of your Payment

CHECK REMITTANCE TO:

ATMOS ENERGY CORP
P. O. BOX 841425
Dallas TX 75284-1425

ELECTRONIC REMITTANCE TO:

ATMOS ENERGY CORP
Bank of America
ACH Routing# 111000012
Bank Wire Routing# 026009593
Acct# 3756617812
Ref: 312429



BILL TO:

LARRY MORTON
420 SCOTTSDALE CIRCLE
LEXINGTON KY 40511

Customer No: 173919
Invoice No: 312429
Total Amount Due: 933.49 USD



Third Party Damage Claims Recovery

LARRY MORTON
420 SCOTTSDALE CIRCLE
LEXINGTON KY 40511

Date of Loss:	17-AUG-21	Invoice#	312429
Damages:	\$933.49		
Location of Damage:	323 E Office St Harrodsburg Ky		
Description of Damage:	Contractor Hit 3/4" Service With Trencher Working On Bldg Construction. Failed To Use Hand Tools Where Required.		
Claim #:	000200054239		

Dear Sir/ Madam

The enclosed invoice is for reimbursement of damages to Atmos Energy company property. Our investigation indicates that you are responsible for the damages resulting from the incident referenced above. Payment in full of the enclosed invoice is due upon receipt. **Do not send this Payment with your gas bill.**

You may contact me as shown below if you have any questions. Also, if you are covered by liability insurance, please ask your carrier to contact me so that any further correspondence may be handled with the adjuster. **Any disputes must be submitted in writing within 10 days of the invoice date to the email or mailing address noted below.**

Sincerely,

Jimmy D. Smith
Phone :(859) 583-5357
Fax :N/A
Jimmy.Smith@atmosenergy.com
Para informacion en espanol, por favor llamar al (859) 583-5357

449 Whirlaway Dr
Danville KY 40422





Kirkham, Nicole
To: Bledsoe, Jonathon

This one was not paid/uncollectible

<input type="checkbox"/>	Invoice No	Inv Amt	Inv.Status	Cncl Reas	Claim Resolution	Outst Bal	Claim Di...
<input type="checkbox"/>	312429	933.49	Closed	UNCOLLECTIBL...	Efforts Exhausted	.00	

Payment History

<input type="checkbox"/>	Ta...	Invoice No	Payor	Doc No	Doc Amt	Doc Date	Inv Act Date	Invoice Activity	Inv Act Reason
<input type="checkbox"/>	3	312429		318145	933.49	02/04/2022	02/04/2022	CREDIT MEMO	UNCOLLECTIBL...
<input type="checkbox"/>	2	312429				11/01/2021	11/01/2021	50 DAY LETTER UPDATE	
<input type="checkbox"/>	1	312429				10/11/2021	10/11/2021	30 DAY LETTER UPDATE	

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



Attachment 4

Tout, Eric V (PSC)

From: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>
Sent: Tuesday, January 31, 2023 10:12 AM
To: Tout, Eric V (PSC)
Cc: Stanley, Bill
Subject: RE: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

Initially crews thought this damage was mismarked and investigated it as such. Paint was not visible at the time of the damage so crews measured to the closest flag. After reviewing locate photos it was found that the service running parallel with the sidewalk was marked during the initial locate.

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |
Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

From: Bledsoe, Jonathon
Sent: Thursday, January 26, 2023 10:45 AM
To: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Cc: Stanley, Bill <Bill.Stanley@atmosenergy.com>
Subject: RE: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

Eric,

Please follow the link to the documentation for this Damage.

<https://ae.watchdox.com/ngdox/workspaces/451168/53910%2C%208.17.2021%2C%20323%20E%20Office%20St.%2C%20Harrodsburg%2C%20Larry%20Morton%20Construction>

Please let us know if we can assist further.

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |
Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

From: Bledsoe, Jonathon

Sent: Wednesday, January 18, 2023 4:16 PM

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

Subject: RE: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

Eric,

Nicole is beginning to process this request. I will let you know when this is complete.

Thank you,

Jonathon T Bledsoe | Damage Prevention Specialist | Atmos Energy Corporation | Kentucky-Mid-States Division | 270-925-6312 |
Jonathon.Bledsoe@atmosenergy.com | www.atmosenergy.com

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

Sent: Wednesday, January 18, 2023 8:00 AM

To: Bledsoe, Jonathon <Jonathon.Bledsoe@atmosenergy.com>

Subject: [EXT] 53910, 8/17/2021, 323 E Office St., Harrodsburg, Larry Morton Construction

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 Jonathon,

Please send repots, photos pre & post, 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. 2023-00171 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. 2023-00171 DATED JUN 06 2023

NINE PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

LARRY MORTON CONSTRUCTION)	
)	
_____)	CASO NO.
)	2023-00171
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

Larry Morton Construction (Larry Morton Construction) 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 Julio 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

¹ KRS 367.4901 a KRS 367.4917.

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 Larry Morton Construction por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(6) - El excavador deberá proteger y preservar los marcadores temporales de las instalaciones subterráneas hasta que se complete la excavación o demolición programadas.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Larry Morton Construction 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. Larry Morton Construction 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. Larry Morton Construction comparecerá el Julio 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 Julio 28, 2023 se llevará a cabo por videoconferencia.

4. Larry Morton Construction 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. Larry Morton Construction notificará a la Comisión, al menos diez días antes de la audiencia, si Larry Morton Construction 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 53910, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia Julio 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. 2023-00171 FECHADO

CIENTO DOS PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE
KENTUCKY EN EL CASO No. 2023-00171 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/Oj1q_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 estás conectado por VoIP si utilizas unos auriculares.

*Larry Morton Construction
420 Scottsdale Cir
Lexington, KENTUCKY 40511