



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

November 3, 2023

PARTIES OF RECORD

Re: Case No. 2023-00172

Notice is given to all parties that the attached document has been filed into the record of this proceeding.

If you have any comments you would like to make regarding the contents of the document, please do so within five days of receipt of this letter. If you have any questions, please contact Jessica Norris-Canfield, Staff Attorney at JNorrisCanfield@ky.gov.

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell, PE
Executive Director

Attachment: Document

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLACK STONE PAVING, LLC DBA RIVERSIDE)	
RENTALS AND ROCK)	
_____)	CASE NO.
)	2023-00172
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

This matter was originally established by an Order of the Commission, dated June 7, 2023. The hearing in this matter was reset for October 27, 2023, by an Order of the Commission, dated July 25, 2023.

Staff moves that the Commission enter judgment against Black Stone Paving, LLC DBA Riverside Rentals and Rock (Black Stone Paving) pursuant to KRS 13B.050(3) and the following:

1. Black Stone Paving was duly served with a copy of the Initiating Order and Final Investigative Report by the Greenup County Sheriff's Department on August 21, 2023.
2. Black Stone Paving has not filed an answer or any other responsive pleading and the time for such has since expired.
3. The Initiating Order and Final Investigative Report cited a violation of KRS 367.4911(1)(a) for failing to contact the protection notification center prior to excavation. As outlined in the Final Investigative Report, Black Stone Paving did not call in a locate request prior to driving metal stakes in the ground when installing a walkway, resulting in

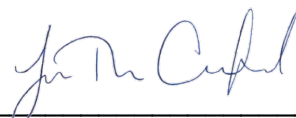
damage to a 1" gas service. The civil penalty for a first offense violation of KRS 367.4911(1)(a) is \$250.00.

4. The Initiating Order and Final Investigative Report cited a violation of KRS 367.4917(4) for damaging a facility that contains any flammable, toxic, corrosive, or hazardous material or results in the release of any flammable, toxic, corrosive, or hazardous material. As outlined in the Final Investigative Report, Black Stone Paving punctured the plastic 1" natural gas service line resulting in the release of natural gas into the atmosphere. The civil penalty for a violation of KRS 367.4917(4), is \$1,000.

5. The total civil penalty assessed in the Initiating Order being \$1,250, upon which no reductions are due.

6. That by reason of Black Stone Paving's default, Staff is entitled to a final order as a matter of law.

WHEREFORE, Staff respectfully requests for a final order by default against Black Stone Paving in the amount of \$1,250, and that the Commission's investigation of Damage Incident 54018 be closed, and this case removed from the Commission's docket.



Jessica Norris-Canfield
Staff Attorney III

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLACK STONE PAVING, LLC DBA RIVERSIDE)	
RENTALS AND ROCK)	
_____)	CASE NO.
)	2023-00172
ALLEGED VIOLATION OF UNDERGROUND)	
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ORDER

A hearing was scheduled before the Kentucky Public Service Commission (Commission) on October 27, 2023, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Black Stone Paving, LLC DBA Riverside Rentals and Rock (Black Stone Paving) violated KRS 367.4911(1)(a) when, on September 9, 2021, at approximately 12:56 PM at 2504 Indian Run Road, Flatwoods KY 41139, they conducted excavation activities within the approximate location of an underground facility without first contacting the Protection Notification Center (811) and thereby caused damage to a 1" gas service owned and operated by Columbia Gas of Kentucky, Inc. (Columbia Gas) to serve the public.

According to the Damage Report submitted to the Commission by Columbia Gas, which is encompassed in the Final Investigative Report compiled by the Commission's Division of Inspections, Black Stone Paving was stated to be in violation of KRS 367.4911(1)(a) and subject to a civil penalty for this violation by operation of KRS 367.4917(1) and KRS 367.4917(4). Black Stone Paving did not appear at the hearing.

Upon Commission Staff's Motion for Default Judgment herein against the Black Stone Paving, and that it appears that the Black Stone Paving was duly served with the Initiating Order and Final Investigative Report on August 21, 2023, and made no Answer nor filed any responsive pleading herein, and is thereby in default, and the Commission being otherwise sufficiently advised;

IT IS HEREBY ORDERED that:

1. Black Stone Paving is assessed a civil penalty in the amount of \$1,250 for violation of KRS 367.4911(1)(a) and KRS 367.4917(4).
2. Black Stone Paving shall pay \$1,250 within 30 days of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.
3. The Commission's investigation of Damage Incident 54018 is hereby closed and this case is removed from the Commission's docket.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the

Commission to act or, within 20 days after service of the final Order, as set out in
KRS 278.410.

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PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director

Black Stone Paving, LLC dba Riverside Rentals
200 Bellefonte Cir
Ashland, KENTUCKY 41101