

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J&S CONSTRUCTION, LLC)	
_____)	
ALLEGED VIOLATION OF UNDERGROUND)	CASE NO.
FACILITY DAMAGE PREVENTION ACT)	2023-00174

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on October 27, 2023 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on October 27, 2023.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/Zf4RhNiILFQ>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 28th day of November 2023.

A handwritten signature in blue ink that reads "Linda C. Bridwell". The signature is written in a cursive style with a horizontal line underneath it.

Linda C. Bridwell

Executive Director

Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J & S CONSTRUCTION, LLC –)	CASE NO.
ALLEGED VIOLATION OF UNDERGROUND)	2023-00174
FACILITY DAMAGE PREVENTION ACT)	

CERTIFICATION

I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on October 27, 2023. The Formal Hearing Log is included with the recording on October 27, 2023;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of October 27, 2023; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of October 27, 2023, and the time at which each occurred.

Signed this 27th day of November, 2023.


Candace H. Sacre
Administrative Specialist III


Stephanie Schweighardt
Kentucky State at Large ID# KYNP 64180
Commission Expires: January 14, 2027



Session Report - Detail

Damage Prevention 27Oct2023

2023-00172 and 2023-00174

Date:	Type:	Location:	Department:
10/27/2023	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Kent Chandler
Clerk: Candace Sacre

Event Time	Log Event	
9:11:33 AM	Session Started	
9:12:05 AM	Chairman Chandler Note: Sacre, Candace	Good morning, this is the Kentucky Public Service Commission. My name is Kent Chandler. I am Chair of the Commission and will be presiding over hearing today.
9:12:11 AM	Chairman Chandler Note: Sacre, Candace	Commissioner Mary Pat Regan and Vice Chair Angie Hatton will not be participating in hearing but will be participating in the decision in these matters.
9:12:21 AM	Chairman Chandler Note: Sacre, Candace	Today's hearing is for the purpose of hearing evidence where the Investigation Division of the Kentucky Public Service Commission has issued civil penalty assessments against individuals and businesses alleging violations of the Kentucky Underground Facility Damage Prevention Act, which I will refer to as the Damage Prevention Act.
9:12:41 AM	Chairman Chandler Note: Sacre, Candace	The PSC is authorized by statute to enforce and assess civil penalties for violations of the Underground Damage Prevention Act or the Federal Pipeline Safety Laws 49 USC Chapter 601.
9:12:54 AM	Chairman Chandler Note: Sacre, Candace	This morning, we are here to hear two different cases, Case No. 2023--00172, Blackstone Paving, LLC, doing business as Riverside Rentals and Rock, and Case No. 2023-00174. J & S Construction, LLC.
9:13:13 AM	Chairman Chandler Note: Sacre, Candace	I will just go in order of the cases and first call Case No. 2023-00172, Blackstone Paving, LLC, doing business as Riverside Rentals and Rock, if all parties involved in that case will come forward.
9:13:30 AM	Chairman Chandler Note: Sacre, Candace	Seeing no one and knowing no one online on the link that was included in initiating Order, paragraph 5, do you have anything to bring to Commission's attention, counsel?
9:13:54 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Chairman, Staff would move for default judgment in this case. Service was perfected on August 21 by the Greenup County Sheriff.
9:14:05 AM	Chairman Chandler Note: Sacre, Candace	I would ask you to tender the motion for default judgment. Do you know whether DOI intends on adding additional penalty for violation that results in damage containing flammable toxic corrosive or hazardous materials or results in release of any flammable toxic corrosive or hazardous materials?
9:14:33 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Yes, so it was indicated that gas was released.

9:14:35 AM	Chairman Chandler Note: Sacre, Candace	It was, and the one thing I would ask you to look at prior to tendering motion, and this is the case in the other as well, in the gas excavation damage report, both of the reports indicate gas or hazardous liquids was released into the atmosphere but did not indicate that gas or hazardous liquids was in the underground facility, and I just don't know as a threshold issue whether one could be true without the other being true.
9:15:10 AM	Chairman Chandler Note: Sacre, Candace	We will now call the other case, Case No. 2023-00174, J & S Construction. If there are any parties here for case 2023-00174, J & S Construction, LLC?
9:15:32 AM	Chairman Chandler Note: Sacre, Candace	No one is coming forward, and, as I mentioned, there is no one on the link that was previously provided. As counsel is going to explain, service was perfected and the initiating order did indicate in paragraph 5 the link to participate in the hearing virtually today.
9:15:57 AM	Chairman Chandler Note: Sacre, Candace	Since there is no one here virtually or in person, Counsel, would you like to bring anything to our attention?
9:16:04 AM	Staff Atty Norris-Canfield PSC Note: Sacre, Candace	Staff would move for a default judgment.
9:16:06 AM	Chairman Chandler Note: Sacre, Candace	The same goes for this case as I mentioned, that it does indicate that gas was released but does not indicate that gas was present or within the pipe at the time of the incident, so if you would address that in your motion, I would appreciate it.
9:16:22 AM	Chairman Chandler Note: Sacre, Candace	If you would, Counsel, tender those motions for formal consideration, and, along with the motions, tender a proposed order to that effect, and the Commission will take both under advisement.
9:16:39 AM	Chairman Chandler Note: Sacre, Candace	Is there anything else that the Commission needs to take under consideration at the hearing this morning?
9:16:45 AM	Chairman Chandler Note: Sacre, Candace	Seeing nobody jumping out of their seat, thank you very much. This hearing is adjourned.
9:16:59 AM	Session Ended	

*J&S Construction, LLC
106 Lewis Ct
Georgetown, KENTUCKY 40324