



Andy Beshear  
Governor

Rebecca W. Goodman  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
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Kent A. Chandler  
Chairman

Angie Hatton  
Vice Chairman

Mary Pat Regan  
Commissioner

February 15, 2024

## PARTIES OF RECORD

Re: Case No. 2023-00304

Notice is given to all parties that the attached Phillips Waterproofing and Concrete Motion with Order to Dismiss 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 III, at [jnorriscanfield@ky.gov](mailto:jnorriscanfield@ky.gov).

Sincerely,

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

Linda C. Bridwell, PE  
Executive Director

Attachment

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PHILLIPS WATERPROOFING AND CONCRETE )  
 )  
\_\_\_\_\_)  
 )  
ALLEGED VIOLATION OF UNDERGROUND )  
FACILITY DAMAGE PREVENTION ACT )

CASE NO.  
2023-00304

MOTION TO DISMISS

This matter was originally established by an Order of the Commission, dated September 20, 2023. The hearing in this matter was reset for January 26, 2024, by an Order of the Commission, dated October 26, 2023. After further review of the documentation obtained in this investigation, Staff has determined not to proceed and requests the above-styled case be dismissed with prejudice.

WHEREFORE, Staff respectfully requests that the Commission's investigation of Damage Incident 54333 be dismissed with prejudice, closed, and removed from the Commission's docket. Any hearing in this matter is canceled.

Respectfully submitted,



\_\_\_\_\_  
Ellen Fouser-Gormley  
Staff Attorney  
KY Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                     |   |            |
|-------------------------------------|---|------------|
| PHILLIPS WATERPROOFING AND CONCRETE | ) |            |
|                                     | ) |            |
| _____                               | ) | CASE NO.   |
|                                     | ) | 2023-00304 |
| ALLEGED VIOLATION OF UNDERGROUND    | ) |            |
| FACILITY DAMAGE PREVENTION ACT      | ) |            |

ORDER

This matter was originally established by an Order of the Commission, dated September 20, 2023. The Commission finds good cause that above-styled case should be dismissed with prejudice.

IT IS HEARBY ORDERED that the Commission's investigation of Damage Incident 54333 is hereby dismissed with prejudice, closed, and is removed from the Commission's docket.

PUBLIC SERVICE COMMISSION

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Chairman

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Vice Chairman

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Commissioner

ATTEST:

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Executive Director

Case No. 2023-00304

\*Kevin Phillips  
PHILLIPS WATERPROOFING AND CONCRETE  
175 Rainbow Drive  
Columbia, KENTUCKY 42728

\*Kevin Phillips  
PHILLIPS WATERPROOFING AND CONCRETE  
8880 S Preston Hwy  
Lebanon Junction, KENTUCKY 40150