

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

NOTICE OF FILING

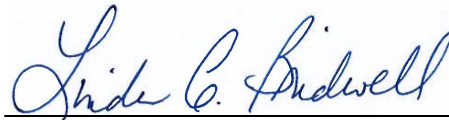
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on January 26, 2024 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 January 26, 2024.

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/fZCq5O70h5I>.

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

Done at Frankfort, Kentucky, this 5<sup>th</sup> day of March 2024.

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

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CERTIFICATION

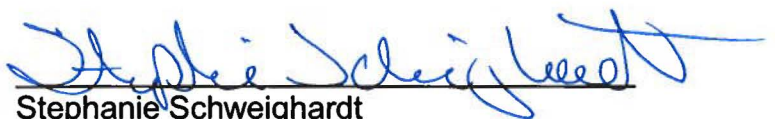
I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on January 26, 2024. The Formal Hearing Log is included with the recording on January 26, 2024;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of January 26, 2024; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of January 26, 2024, and the time at which each occurred.

Signed this 29<sup>th</sup> day of February, 2024.



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 26Jan2024

2021-00356 2023-00303 2023-00304

Date:	Type:	Location:	Department:
1/26/2024	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Judge: Kent Chandler; Angie Hatton; Mary Pat Regan  
 Clerk: Candace Sacre

Event Time	Log Event
9:07:39 AM	Session Started
9:09:30 AM	Chairman Chandler Note: Sacre, Candace Preliminary remarks.
9:10:06 AM	Camera Lock Comm Wide Activated
9:10:11 AM	Camera Lock Comm Center Activated
9:10:27 AM	Chairman Chandler Note: Sacre, Candace Noticed three cases and here for purpose of holding hearings in those cases, Case No. 2021-00356, 2023-00303, and 2023-00304.
9:10:57 AM	Chairman Chandler Note: Sacre, Candace This is the date and time and location hearings have been noticed.
9:11:14 AM	Chairman Chandler Note: Sacre, Candace First case will call this morning is 2021-00356, Kevin Phillips d/b/a Phillips Waterproofing and Concrete, Incident 43400, in which service completed November 6, 2023.
9:11:36 AM	Chairman Chandler Note: Sacre, Candace Anybody here for Case No. 2021-00356?
9:23:55 AM	Session Resumed
9:24:45 AM	Session Paused
9:24:48 AM	Session Resumed
9:24:54 AM	Chairman Chandler Note: Sacre, Candace Preliminary remarks.
9:25:11 AM	Chairman Chandler Note: Sacre, Candace Here for purpose of holdng a hearing and taking evidence on three different cases, Case No. 2021-00356, 2023-00303, and 2023-00304 with respondent in all cases being Kevin Phillips d/b/a as Phillips Waterproofing and Concrete.
9:25:35 AM	Chairman Chandler Note: Sacre, Candace First case is 2021-00356, Kevin Phillips d/b/a Phillips Waterproofing and Concrete, Incident 43400, in which service of Opening Order and Notice completed on November 6, 2023.
9:26:02 AM	Chairman Chandler Note: Sacre, Candace Seeing no one in the room nor anyone on line, recommendation?
9:26:22 AM	Staff Atty Gormley PSC Note: Sacre, Candace Staff move for default judgment.
9:26:29 AM	Chairman Chandler Note: Sacre, Candace Entertain motion, ask file motion for default judgment and in addition to or along with that motion tender proposed order.
9:26:45 AM	Chairman Chandler Note: Sacre, Candace Next case, Case No. 2023-00303, Kevin Phillips d/b/a Phillips Waterproofing and Concrete, Incident 53846, in which Opening Order and Notice of Hearing served on respondent on November 6, 2023. Anyone in that case please come forward.

9:27:23 AM	Chairman Chandler Note: Sacre, Candace	Seeing no one, what action propose to take?
9:27:29 AM	Staff Atty Gormley PSC Note: Sacre, Candace	Again, move for default judgment.
9:27:34 AM	Chairman Chandler Note: Sacre, Candace	Entertain that motion and ask file motion and along with it tender proposed order.
9:27:45 AM	Chairman Chandler Note: Sacre, Candace	Finally, Case No. 2023-00304, Kevin Phillips d/b/a Phillips Waterproofing and Concrete, Incident 54333, in which Opening Order and Notice of Hearing provided and served November 6, 2023. Ask anyone in case please come forward?
9:28:14 AM	Chairman Chandler Note: Sacre, Candace	Seeing no one in room and no one on line, have recommendation?
9:28:31 AM	Staff Atty Gormley PSC Note: Sacre, Candace	Move to dismiss with prejudice based on documentation obtained during investigation, and will be drafting motion and tendered order.
9:28:49 AM	Chairman Chandler Note: Sacre, Candace	Ask that all three motions file those along with tendered order within next 30 days.
9:29:06 AM	Chairman Chandler Note: Sacre, Candace	Any other issues take up before adjourn?
9:29:11 AM	Chairman Chandler Note: Sacre, Candace	Hearing adjourned.
9:29:24 AM	Session Ended	

\*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