

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PARADIGM CONCRETE DESIGN, LLC)	
)	
_____)	CASE NO.
)	2024-00236
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.)

Paradigm Concrete Design, LLC (Paradigm Concrete Design) 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 October 25, 2024.

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 (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, Staff cites Paradigm Concrete Design for violation of the following provision of the Act:

KRS 367.4911(1)(a) – Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, notify each affected operator of the excavator's intended work and work schedule. Contacting the applicable protection notification centers shall satisfy this requirement.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Paradigm Concrete Design 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. Paradigm Concrete Design 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 Staff Incident Report within 20 days of receipt of this Order.

2. Paradigm Concrete Design shall appear on October 25, 2024, at 9 a.m. Eastern Daylight Time, in the Richard Raff Hearing Room at 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 October 25, 2024 hearing shall be conducted via video conferencing.

4. Paradigm Concrete Design 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. Paradigm Concrete Design shall notify the Commission at least ten days prior to the hearing if Paradigm Concrete Design 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 Staff Incident Report without the representation of an attorney.

8. The Staff Incident Report 54897, attached to this Order as Appendix A, is made a part of the record in this case.

9. The October 25, 2024 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



ATTEST:



Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00236 DATED AUG 15 2024

FIFTY-EIGHT PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54897 **Investigation** 11448
Incident Date 7/7/2022 8:50:00 AM **Report Submitted** 7/29/2022

Operator Information

Operator Louisville Gas and Electric Company (LG&E) **Reported By** Mike Jones
Phone (502) 364-8281 **Email** Mike.Jones@lge-KU.com

Incident Location 1821 Tyler Ln. **Locate Ticket Number** NA
Louisville KY 40205

County Jefferson

Excavator Information

Excavator Rodney Rodgers **Organization ID** 0780747
Paradigm Concrete Design, LLC
Phone 502-708-1298 **Email**
Address 14115 Hickory Hills Trails **Locate Ticket Number** NA
Louisville KY 40299

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
No Call KY Contact Center (811)	Yes	Yes	Non-mechanized/Driving Pins	\$0.00	\$0.00

The Operator reports that the Excavator damaged a one-inch gas service, driving concrete pins, at an approximate depth of 15-inches, forming a driveway and failed to contact 811. A Legal Notice of Gas Line Damage was sent to the Excavator.

The DR and Notice are included as Attachment 1.

INVESTIGATION

On 05/20/24, the Operator, LG&E's Amber Hildebrand, provided the following documents:

- Incident Field Investigation Report & Facts-Based Investigation: Outlined in the DR Summary & Attachment 1.
- Twenty-Eight Photographs: Depicting the incident location.
- Invoice & Check copy: Indicating the Excavator paid the Operator \$578.84 for the damage repair.

LG&E's documents are included as Attachment 2.

A Past Due Notice was sent to the Excavator with a due date of 07/03/24.

The Notice is include as Attachment 3.

On 06/05/24, an attempt to contact the Excavator resulted in a message stating the mailbox is full.

On 06/10/24, Chad (502 422-1704) of Paradigm Concrete Design stated, that he was registered for the 07/01/24 training and would pay the reduced penalty.

On 07/01/24, a representative, Chad Parrott, chad@paradigmconcretedesign.com, of Paradigm Concrete Design attended the Damage Prevention Course.

PIPELINE DAMAGE INVESTIGATION REPORT

VIOLATIONS¹

367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation, or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, unless a future start date is agreed upon as provided in KRS 367.4917(7), notify each affected operator's designated protection notification center of the excavator's intended work and work schedule.

of Offences Within 365 Days

(Including this incident)

Excavator	Last Offence Incident #	Last Offence Incident Date	Revert to 1st Offence Date (Last Offence Date +366 Days)
1 st	See above	07/07/22	07/08/23

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

Louisville Gas and Electric Company

Submitted 7/29/2022 Incident ID: 54897

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54897\)](#)

Reported By:

Name: Mike Jones
Phone: (502) 364-8281
Email: Mike.Jones@lge-KU.com

Gas Line Incident Occured:

Date: 7/7/2022
Time: 8:50 AM

Details:

Reported Date: 7/29/2022 9:57 AM

Incident Location Address:

Location:
Address: 1821 Tyler Ln.
City: Louisville
State: KY
County: Jefferson
Zip: 40205
Confirm Code:

Number of Customers out:

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.: NA

Excavator: Contractor

Excavator Address:

First Name: Rodney
Last Name: Rodgers
Organization ID:
Company: Paradigm Concrete Design
Phone: 502-708-1298
Email:
Address: 14115 Hickory Hills Trails
City: Louisville
State: KY
Zip: 40299
Confirm Code:

Excavation Damage: No notification made to the One Call Center

Description of Incident ?Excavator damaged gas service driving pins for concrete driveway form.
Summary Information

7/29/2022

Paradigm Concrete Design(PCD) was contracted by the homeowner of 1821 Tyler Ln to install a new driveway, sidewalks & other various minor excavation projects at this location. On 6/29/22 PCD framed & poured a new concrete driveway on the south side(Tyler Ln) of the property, running from the road to a side door for the home, also adding new stairs to enter the door. PCD returned to the property on 7/7/22 to continue working on various landscaping & concrete projects, which included removing the concrete forms from earlier concrete pours. While removing a concrete pin near the southeast corner of the property, PCD immediately heard & smelt natural gas. After digging up the area, LG&E discovered that Paradigm had drove a pin straight through the 1" plastic customer service, damaging the line at an approximate depth of 15". All the information I collected regarding dates & work involved was obtained from Paradigm supervisor, Rodney Rodgers.

Full details such as the cause

Extent of the damage
Cost of the damage

Punctured 1" plastic gas service
\$0.00

Steps taken to prevent re-occurrence

Paradigm Concrete Design(PCD)- I spoke with Rodney Rodgers regarding this damage, detailing the mistakes that Paradigm made. Rodney stated that he was unaware they needed to call 811, but admitted he knew what 811 was all about. Rodney stated that Paradigm usually has the homeowner call 811 before they arrive to begin their work, so the property is usually marked when they get to the site. I gave Rodney all the 811 information I had including QR readers, excavation booklets & brochures: I made sure to give Rodney enough brochures/readers to distribute at Paradigm's office. I made Rodney stop using equipment until they called 811, so ELM could locate the gas & electric also allowing time for other locating companies(USIC, OCC). Rodney called his office and his supervisor called in an 811 ticket, the new ticket # is 2207070655. I tried to get with the homeowner but by the time I knocked on the door they had left home. I plan on getting with Paradigm's owners/operators on 7/8/22 to discuss this damage & what Paradigm's plans are to prevent this from happening again.

Amount billed to excavator

\$0.00



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
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

May 3, 2024

Paradigm Concrete Design, LLC
14115 Hickory Hills Trails
Louisville, KY 40299

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54897**

LEGAL NOTICE OF GAS LINE DAMAGE

Dear Paradigm Concrete Design, LLC:

The Kentucky Public Service Commission (Commission) received the attached report on July 29, 2022, regarding damage by Paradigm Concrete Design, LLC (Paradigm Concrete Design) to a natural gas facility owned and/or operated by Louisville Gas and Electric Company. The Gas Excavation Damage Report (Damage Report) from Louisville Gas and Electric Company indicates that on July 7, 2022, Paradigm Concrete Design violated the Underground Facilities Damage Prevention Act at 1821 Tyler Ln., Louisville, KY 40205 by **failing to contact the Kentucky Contact Center (811) prior to excavating.**

Under the Kentucky Underground Facility Damage Prevention Act (Act), KRS 367.4901 through KRS 367.4917, the Commission has jurisdiction to investigate and assess civil penalties for any violation of the Act that results in excavation damage to underground facilities used to transport gas or hazardous liquid subject to federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq. The Commission regulates the safety of jurisdictional natural gas pipelines in the Commonwealth pursuant to KRS 278.495 and 49 CFR Parts 190, 191, 192 and 195.

KRS 367.4917 provides that a person who commits a violation of the Act shall be subject to a civil penalty not to exceed \$250 for the first violation, \$1,000 for the second violation, and \$3,000 for the third and any subsequent violation. If the violation results in damage to an underground pipeline used to transport gas or hazardous liquid, the violator is subject to an additional civil penalty not to exceed \$1,000 per violation.

Based upon the allegations contained in the Damage Report and the Commission's records of prior underground facility damage, Commission Staff has determined that:

1. This incident is the first incident of damage to an underground facility involving Paradigm Concrete Design within the past 365 days.
2. The statutory provision that Paradigm Concrete Design is alleged to have violated is:

KRS 367.4911(1)(a) Each excavator, or person responsible for an excavation, planning excavation or demolition work shall, not less than two (2) full working days nor more than ten (10) full working days prior to commencing work, unless a future start date is agreed upon as provided in KRS 367.4917(7), notify each affected operator's designated protection notification center of the excavator's intended work and work schedule.

3. The civil penalty for this alleged violation is \$1,250.00.

RESPONSE REQUIRED FOR RESOLUTION

There are three options you may choose from to resolve this violation. *Please select a method of resolution listed below:*

1. **Dispute the Alleged Violation:** Paradigm Concrete Design has the right to dispute the allegations made by Louisville Gas and Electric Company. If you have additional facts or evidence that you wish to provide to dispute the allegations made in the Damage Report, please contact Eric V. Tout, Division of Inspections at ericv.tout@ky.gov or 502-782-2622, prior to paying the civil penalty.

2. **Penalty Payment:** This incident may be resolved by Paradigm Concrete Design paying the full amount of the civil penalty listed above. *Payment of the penalty will not be considered an admission of willfully violating any provision of the Act.*

If Paradigm Concrete Design does not wish to dispute the alleged violation, Paradigm Concrete Design should submit payment, within 30 days of the date of this letter, in the amount of \$1,250.00.

3. **Training & Reduced Penalty:** If this letter indicates this is Paradigm Concrete Design's first alleged violation of the Act, Paradigm Concrete Design should register to attend a training course that if completed will **reduce the civil penalty amount due to \$250**. *Payment of the reduced penalty will not be considered an admission of willfully violating any provision of the Act.*

To register for the training course, go to <https://psc.ky.gov/classSignUp>. You will need your incident number: **54897** and assigned key: **11448** to register for the next available training date. Please understand that this training will be required as a contingency for the reduced penalty amount.

If the excavator would like to pay via electronic payment, please contact Andrea Wise at andrea.wise@ky.gov or (502) 782-2656 to have a digital invoice issued. If submitting payment by mail, please send a cashier's check or money order, made payable to **Kentucky State Treasurer**, to the address listed below:

**Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602**

Please include the Incident Number 54897 on the cashier's check or money order submitted for payment or any email request for invoice.

Checks made payable to any other payee besides the **Kentucky State Treasurer** or without the **Incident Number** cannot be processed and will be returned, thus delaying the resolution of this matter.

ADMINISTRATIVE PROCEEDING

If Paradigm Concrete Design does not, **within 30 days** of the date of this letter, pay the proposed civil penalty in full, or complete the course and pay the reduced penalty, or provide the Division of Inspections with additional information that relieves Paradigm Concrete Design of responsibility for the damage, the Commission will institute an administrative proceeding against Paradigm Concrete Design.

The Administrative Proceeding will include a formal hearing in front of the Commission, during which Paradigm Concrete Design will have the opportunity to present evidence, call witnesses, and cross examine witnesses called by the Division of Inspections. Failure to participate in these proceedings may result in a default judgement against Paradigm Concrete Design for the full amount of the proposed civil penalty. Pursuant to Kentucky law, **all business entities, including limited liability companies, must be represented at the administrative proceeding by legal counsel licensed to practice law in Kentucky.**

If you have questions regarding the Administrative Proceeding, please contact Jessica Norris-Canfield, the attorney representing the Division of Inspections, at 502-791-0493 or jnorriscanfield@ky.gov.

Sincerely,



Michael C. Nantz
Director, Division of Inspections

Attachment

Attachment 2

Tout, Eric V (PSC)

From: Hildebrand, Amber <Amber.Hildebrand@lge-ku.com>
Sent: Monday, May 20, 2024 2:57 PM
To: Tout, Eric V (PSC)
Subject: RE: 54897, 7/7/2022, 1821 Tyler Ln., Louisville, Paradigm Concrete Design
Attachments: DigTix_Incident_Report.pdf; 1821 Tyler Ln.pdf; 2022072920Invoice.pdf; 2022072920Payment.pdf; digitix_attachments_1716228057.zip

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Eric,

The documents for the 1821 Tyler Lane damage are attached.

Amber Hildebrand

Group Leader | Gas Regulatory Services | Louisville Gas and Electric Company

6900 Enterprise Drive, Louisville, KY 40214

O: 502-364-8378 | M: 502-439-4282

lge-ku.com

Business Use

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

Sent: Monday, May 20, 2024 10:46 AM

To: Hildebrand, Amber <Amber.Hildebrand@lge-ku.com>

Subject: 54897, 7/7/2022, 1821 Tyler Ln., Louisville, Paradigm Concrete Design

EXTERNAL email. STOP and THINK before responding, clicking on links, or opening attachments.

Hello Amber,

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

----- The information contained in this transmission is intended only for the person or entity to which it is directly addressed or copied. It may contain material of confidential and/or private nature. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is not allowed. If you received this message and the information contained therein by error, please contact the sender and delete the material from your/any storage medium.

\$578.84

Incident Field Investigation Report — Gas



Damage report # 2022072920
Is this related to a capital project? Yes No
G# 001090825

Project/task OTPD419/MAINT
Resp. ctr. _____

Damage to company facilities

Date of incident 7/7/22 Time _____ a.m. p.m. Police report # _____
 Address/location of damage 1821 Tyler Ln ZIP code 40205
 Subdivision name HIGHLANDS
 Time dispatched _____ a.m. p.m. Time of completion _____ a.m. p.m.
 Who caused damage? Paradigm Concrete Design
(Name of contractor, utility, individual, etc.)
 Address of party causing damage 14115 Hickory Hills Trail Louisville Ky 40299
(Street) (City) (State) (ZIP)
 Phone number of party causing damage (502) 422-1704
(Area code) (Number)
 Was party causing damage still on the job? Yes No If yes, who was in charge? Robert Rodgers
 If no, how did you obtain name of party causing damage? _____
 What was damaged? Company main Customer service Company service Other _____
 What type of work was being performed? installing new driveway & sidewalks
 Party's explanation for damage drove concrete pin on 6/29/22, pulled pin 7/7/22 & heard
 What repairs were made? Repaired 2ft section of pipe with electro-gas
 Any additional work to be performed? Yes No If yes, by whom? _____ Number of customers out _____

Possible damage to others

Date of incident _____ Time _____ a.m. p.m.
 What was damaged? _____
 What was LG&E doing at this location? _____
 Description of damage _____
 Owner of property _____ Phone (_____) _____
(Area code) (Number)
 Owner's address _____
(Street) (City) (State) (ZIP)
 To whom was damage reported? _____
 Was an LG&E contractor notified? Yes No If yes, name of contractor _____
 Is the LG&E contractor responsible for the damage? Yes No
 Were photos taken? Yes No If yes, from whom can the photos be obtained? _____
 Were there any injuries? Yes No If yes, name of injured party _____
 Were there any witnesses to the incident? Yes No

Name	Address	Phone

BUD/KY 811/VA 811 information

BUD number and requesting party's name X NO BUD
 Were facilities marked? Yes No Did excavator agree? Yes No
 If yes, were facilities properly marked? Yes No Did excavator agree? Yes No
 If no, how were they mismarked? (be specific) _____
 Was line locating contractor on the job? Yes No

7-7-22 Chris Jones E028998
(Date of report) (Signature of employee) (Employee number)
 Approved _____ Date 7-12-22

Put any additional comments on back

Comments

Repaired 2ft of lin Cust. Service
with two electrofusion Couplings

Crew Personnel	Employee #	ST Hours	OT Hours	DT Hours	Unit #	Equipment
Scott Vogel	27366	1.5			8365	<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Chris Jantzen	28998	3			4924	<input checked="" type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
Kurt Jackson	28862	3				<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota
						<input type="checkbox"/> Backhoe <input type="checkbox"/> Kubota

Please provide a sketch of the damage location, including any locate markings.

Material Used		
Qty.	Material	IIN#
ft.	Pipe PE 2406: 1/2" IPS	1170051
2	ft. Pipe PE 2406: 1" CTS	1170078
ft.	Pipe PE 2406: 1-1/4" IPS	0434843
ft.	Pipe PE 2406: 2" IPS	0459060
ft.	Pipe PE 2406: 4" IPS	0395160
ea.	1/2" IPS Permasert coupling	0394943
ea.	1" CTS Permasert coupling	0394935
ea.	2" IPS Electrofusion CPL	0394894
ea.	4" IPS Electrofusion CPL	0394901
ea.	1" Prefab Meterloop w/reg.	0532951
ea.	Flex Riser 1" male by 1/2" IPS	0530927
ea.	Flex Riser 1" male by 1" CTS	0530935
ea.	Farm tap (w/o regulator)	ARM WR 5695012
ea.	Farm tap regulator (Fischer 627 with 1/8" diameter orifice)	
2	lin Electrofusion Couplings	3004635



Facts-Based Investigation

Internal Claim ID: INC-20220707-001 Customer Claim ID: _____
Site Investigator: Steve Delap Notified At: 07/07/22 08:53:00
Notified By: Gas Operations Dispatch 5025891444
Damage Location: 1821 Tyler Ln Louisville, KY 40205
Incident Time: 06/29/22 13:00:00
Initial Call Notes: _____

Original Locate Request: None found Assigned Locator: _____
Locate Request Due: _____ Locate Request Completed: _____
Photos Taken Before Damage? N
Photos Taken of Damage Site? Y

Type and Size of Damaged Utility: Natural Gas Service/Drop 1"
Depth: < 18" (0.5m) Below Grade"

Incident Description: Paradigm Concrete Design(PCD) was contracted by the homeowner of 1821 Tyler Ln to install a new driveway, sidewalks & other various minor excavation projects at this location. On 6/29/22 PCD framed & poured a new concrete driveway on the south side(Tyler Ln) of the property, running from the road to a side door for the home also adding new stairs to enter the door. PCD returned to the property on 7/7/22 to continue working on various landscaping & concrete projects, which included removing the concrete forms from earlier concrete pours. While removing a concrete pin near the southeast corner of the property, PCD immediately heard & smelt natural gas. After digging up the area, LG&E discovered that Paradigm had drove a pin straight through the 1" plastic customer service, damaging the line at an approximate depth of 15". All the information I collected regarding dates & work involved was obtained from Paradigm supervisor, Rodney Rodgers.

Facility Owner: LG&E

Equipment Used: Hand Tools
Excavation Company Name: PARADIGM CONCRETE DESIGN
Company Address: 14115 HICKORY HILLS TRAIL, LOUISVILLE, KY 40299
Phone: 5024221704 Contact Name: CHAD PARROTT

Working For: _____
Repair Company: LG&E

Personal Injury: N 3rd Party Property Damage: N Evacuations: N Other: N

Impact Comments: _____
Was Locate requested?: N Locate Request Completed?: N
Locate Accurate (Within Tolerance Zone): N
If No, Distance Markings Off: _____
Marks Visible at Time of Damage: _____ Damage Within Scope of Ticket: N



Facts-Based Investigation

Repair Contact Name: EOC Phone: 5025891444

Repair Comments: electric fusion at the poitn of the damage

Witness: _____ Phone: _____

Comments: _____

Witness: _____ Phone: _____

Comments: _____

Root Cause Explanation: _____

Responsible Party: Paradigm Concrete Design

Responsible Party Comments: Rodney Rodgers was the crew leader on-site for Paradigm.

Date of Investigation: 07/07/22 Investigation Time (Hours): _____

Site Investigator's Name: Steve Delap Phone: 5029911135

Site Investigator's Signature: Steve Delap Date: 07/07/2022

Damage Status: One Call Notification Issue

Cause Code: No notification made to One-Call Center / 811

Damage Claims Manager: _____



2022-07-07 09:44:08

38.2093473, -85.6857530

Latitude, Longitude: 38.2093473, -85.6857530

Local Timestamp: 2022-07-07 09:44:08



2022-07-07 09:44:09

38.2092402, -85.6858235

Latitude, Longitude: 38.2092402, -85.6858235

Local Timestamp: 2022-07-07 09:44:09



2022-07-07 09:44:10

38.2092402, -85.6858235

Latitude, Longitude: 38.2092402, -85.6858235

Local Timestamp: 2022-07-07 09:44:10



2022-07-07 09:44:18

38.2094707, -85.6857212

Latitude, Longitude: 38.2094707, -85.6857212

Local Timestamp: 2022-07-07 09:44:18



2022-07-07 09:44:21

38.2094707, -85.6857212

Latitude, Longitude: 38.2094707, -85.6857212

Local Timestamp: 2022-07-07 09:44:21



2022-07-07 09:44:23

38.2094707, -85.6857212

Latitude, Longitude: 38.2094707, -85.6857212

Local Timestamp: 2022-07-07 09:44:23



2022-07-07 09:44:27

38.2094707, -85.6857212

Latitude, Longitude: 38.2094707, -85.6857212

Local Timestamp: 2022-07-07 09:44:27



2022-07-07 09:44:32

38.2094707, -85.6857212

Latitude, Longitude: 38.2094707, -85.6857212

Local Timestamp: 2022-07-07 09:44:32



2022-07-07 09:44:33

38.2094672,-85.6858267

Latitude, Longitude: 38.2094672, -85.6858267

Local Timestamp: 2022-07-07 09:44:33



2022-07-07 10:10:08

38.2095280,-85.6860093

Latitude, Longitude: 38.2095280, -85.6860093

Local Timestamp: 2022-07-07 10:10:08

NOTE: Only 10 most recent photos shown. To view all 28 attachments, please view the ticket within DigTix.



2022-07-07 09:44:08
38.2093473, -85.6857530



2022-07-07 09:44:09
38.2092402, -85.6858235



2022-07-07 09:44:10
38.2092402, -85.6858235



2022-07-07 09:44:18

38.2094707, -85.6857212





2022-07-07 09:44:23
38.2094707, -85.6857212





2022-07-07 09:44:32
38.2094707, -85.6857212



2022-07-07 09:44:33
38.2094672, -85.6858267



2022-07-07 10:10:08
38.2095280,-85.6860093



2022-07-07 10:10:18
38.2095280,-85.6860093



2022-07-07 10:10:20
38.2095280,-85.6860093





2022-07-07 10:11:16
38.2095280, -85.6860093







2022-07-07 10:11:25
38.2095280, -85.6860093



2022-07-07 10:11:51
38.2095727, -85.6861185



2022-07-07 10:12:11
38.2095727, -85.6861185



2022-07-07 10:12:13
38.2095727, -85.6861185



DAMAGE
↓



2022-07-07 10:12:23
38.2095727, -85.6861185



D
A
M
A
G
E



2022-07-07 10:12:41
38.2095727, -85.6861185



2022-07-07 10:12:57
38.2095727, -85.6861185



DAMAGE





2022-07-07 10:13:29
38.2095727, -85.6861185



2022-07-07 10:13:33
38.2095727, -85.6861185



Invoice
 Louisville Gas and Electric Company
 820 West Broadway
 Louisville, KY 40202
 Attn: Remittance and Collection
 800-928-1340

INVOICE DATE: 08/05/2022

REFERENCE: OTPD419
 NO.:
 DTS INVOICE: 2022072920
 NO.:

AMOUNT DUE: **\$578.84**
 DUE DATE: **09/04/2022**

PARADIGM CONCRETE DESIGN
 14115 HICKORY HILLS TRAIL
 LOUISVILLE KY 40299

**PLEASE RETURN TOP PORTION WITH YOUR PAYMENT
 PLEASE INCLUDE INVOICE NUMBER ON ALL REMITTANCES**

COST TO REPAIR: Damaged Customer Gas Service
 DAMAGE DATE: 07/07/2022
 DAMAGE LOCATION: 1821 Tyler Ln
 Louisville, KY 40205

LABOR HOURS: 7.50

LABOR COST: \$516.12

MATERIAL COST: \$11.40

TRANSPORTATION/EQUIPMENT COST: \$51.32

CONTRACTOR COST: \$0.00

OTHER DAMAGE COSTS: \$0.00

TOTAL DUE: \$578.84

PARADIGM CONCRETE DESIGN LLC
14115 HICKORY HILLS TRL
LOUISVILLE, KY 40299-5119
502-422-1704

4634

21-131/830
13

9-28-2022

Date

CHECK AMOUNT
FRAUD PROTECTION

Pay to the
Order of

LGE

\$ 578 ⁸⁴/₁₀₀

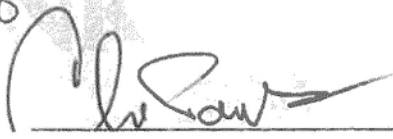
Five hundred Seventy eight ⁸⁴/₁₀₀

Dollars

Photo
Safe
Deposit
Details on back

REPUBLIC
BANK

018D419
2022072920



For

Repair

MP

DHS 2022072920

Attachment 3



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
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

June 3, 2024

Paradigm Concrete Design, LLC
14115 Hickory Hills Trails
Louisville, KY 40299

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54897**

Past Due Notice

Dear Paradigm Concrete Design, LLC:

This is a reminder that your account is now past due. Attached is the Notice of Gas Line Damage and the Damage Report that was previously sent to you for the above Incident, which our records indicate as **UNRESOLVED**.

If Paradigm Concrete Design, LLC does not, **within 30 days** of the date of this letter, pay the proposed civil penalty of **\$1,250.00** in full, or complete the course and pay the reduced penalty of **\$250.00** or provide the Division of Inspections with additional information that relieves Paradigm Concrete Design, LLC of responsibility for the damage, the Commission will institute an administrative proceeding against Paradigm Concrete Design, LLC. Please refer to the attached Notice of Gas Line Damage for instructions to schedule training and/or submit payment.

Once a referral to the Commission is made for the Administrative Hearing, any partnership, corporation, or business entity (including a limited liability company) must be represented by an attorney licensed to practice law in Kentucky. Thank you for your prompt attention to this matter.

If you have any questions regarding this notice or if you find that this penalty has already been paid, please contact Eric Tout, Division of Inspections, at ericv.tout@ky.gov or 502-782-2622.

Sincerely,

Michael C. Nantz
Director, Division of Inspections

Attachment

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00236 DATED AUG 15 2024

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 at 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. 2024-00236 DATED AUG 15 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

PARADIGM CONCRETE DESIGN, LLC)	
_____)	
PRESUNTA INFRACCIÓN DE LA LEY DE)	CASO NO.
PREVENCIÓN DE DAÑOS EN INSTALACIONES)	2024-00236
SUBTERRÁNEAS)	

ORDEN DE INICIACIÓN POR LA PRESUNTA INFRACCIÓN DE TIPO 811 DE LA LEY
DE PREVENCIÓN DE DAÑOS EN INSTALACIONES SUBTERRÁNEAS DE
KENTUCKY

Paradigm Concrete Design, LLC (Paradigm Concrete Design) 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 25 de octubre de 2024.

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 Paradigm Concrete Design por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(1)(a) Cada excavador, o persona responsable de una excavación, que planifique un trabajo de excavación o demolición deberá notificar a cada operador afectado sobre el trabajo previsto del excavador y el cronograma de trabajo no menos de dos (2) días hábiles completos ni más de diez (10) días hábiles completos antes de comenzar el trabajo. Hacer contacto con los centros de notificación de protección aplicables satisfará este requisito.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Paradigm Concrete Design 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. Paradigm Concrete Design 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. Paradigm Concrete Design comparecerá el 25 de octubre de 2024, a las 9 a.m., hora estándar del este, 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 25 de octubre de 2024 se llevará a cabo por videoconferencia.

4. Paradigm Concrete Design 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. Paradigm Concrete Design notificará a la Comisión, al menos diez días antes de la audiencia, si Paradigm Concrete Design 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 54897, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 25 de octubre de 2024 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. 2024-00236 FECHADO

CINCUENTA Y OCHO PÁGINAS A SEGUIR

APÉNDICE B

APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00236 FECHADO

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/Ojl1q_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 estés conectado por VoIP si utilizas unos auriculares.

Rodney Rodgers
Paradigm Concrete Design, LLC
14115 Hickory Hills Trails
Louisville, KENTUCKY 40299

Chad Parrott
Paradigm Concrete Design, LLC
14115 Hickory Hills Trails
Louisville, KENTUCKY 40299