

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GRID-TECH LLC	)	
	)	
_____	)	CASE NO.
	)	2024-00237
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.)

Grid-Tech LLC (Grid-Tech) 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).<sup>1</sup> 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

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<sup>1</sup> 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 Grid-Tech for violation of the following provision of the Act:

KRS 367.4911(10) – When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds prima facie evidence that Grid-Tech 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. Grid-Tech shall submit to the Commission, via email sent to [PSCED@ky.gov](mailto: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. Grid-Tech 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. Grid-Tech 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. Grid-Tech shall notify the Commission at least ten days prior to the hearing if Grid-Tech 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 54843, 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. 2024-00237 DATED AUG 15 2024

THIRTY-EIGHT PAGES TO FOLLOW

# PIPELINE DAMAGE INVESTIGATION REPORT

## Investigation Information

**Investigator** Eric Tout **Incident ID** 54843 **Investigation** 11232  
**Incident Date** 6/2/2022 10:00:00 AM **Report Submitted** 7/18/2022

## Operator Information

**Operator** Duke Energy Kentucky, Inc. **Reported By** Tyler Shelton  
**Phone** (859) 445-8721 **Email** tyler.shelton@duke-energy.com

**Incident Location** 10956 Appaloosa Dr **Locate Ticket Number** 2205170346  
Walton KY 41094  
10956 Appaloosa Dr  
**County** Boone

## Excavator Information

**Excavator** Shawn Mineer **Organization ID** 0770810  
Grid-Tech LLC  
**Phone** 513-535-6001 **Email** shawn@gridtechllc.com  
**Address** 10050 Norbotten Dr. **Locate Ticket Number** 2205170346  
Florence KY 41042

## Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Yes	Yes	Yes	Mechanized/Directional Boring	\$0.00	\$0.00

The Operator reports that the Excavator damaged a correctly marked one-inch gas service while directional boring. A Legal Notice of Gas Line Damage was sent to the Excavator.

**The DR and Notice are included as Attachment 1.**

## Locate Ticket (LT) Summary

Ticket #	Valid	Initial Date	Expiration Date (21 calendar days from initial date)	Incident Date	# of Days Expired	Within Scope of Excavation
2205170346	Yes	05/17/22	06/07/22	06/02/22	N/A	Yes

**The LT is included as Attachment 2.**

## INVESTIGATION

On 03/13/24 the Operator, Duke's Tyler Shelton, provided the following documents:

- Damage Investigation Findings w/ Photographs: The Findings are outlined in the DR Summary & Attachment 1. The photographs depict the incident location and indicate the damage occurred within the tolerance zone of 24-inches.
- Invoice: Indicating the Operator billed the Excavator \$2,412.82 and per Mr. Shelton the Excavator has paid for the damage repair.

**Duke's documents are included as Attachment 3.**

On 03/28/24, a Past Due Notice was sent to the Excavator with a due date of 04/27/24 and the Postal Service delivered the notice on 04/01/24.

**The Notice and Receipt are included as Attachment 4.**

## PIPELINE DAMAGE INVESTIGATION REPORT

On 04/02/24, an attempt to contact the Excavator resulted in a message stating you have reached Shawn Mineer wherein the voice mailbox was full.

On 04/03/24, Shawn Mineer of Grid-Tech requested that Duke's documents (Attachment 3) be email to [shawn@gridtechllc.com](mailto:shawn@gridtechllc.com).

On 05/06/24, Mr. Mineer, ([shawn@gridtechllc.com](mailto:shawn@gridtechllc.com)) attended the Damage Prevention Course.

As of 05/08/24 the reduced penalty payment of \$250.00 has not been paid.

### VIOLATIONS<sup>1</sup>

**367.4911(10)** When excavation or demolition is necessary within the tolerance zone, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility, except that mechanized equipment may be used:

#### **# of Offences Within 365 Days**

(Including this incident)

<b>Excavator</b>	<b>Last Offence Incident #</b>	<b>Last Offence Incident Date</b>	<b>Revert to 1<sup>st</sup> Offence Date</b> (Last Offence Date +366 Days)
1 <sup>st</sup>	54843	06/02/22	06/03/23

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<sup>1</sup> 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

## Duke Energy Kentucky, Inc.

Submitted 7/18/2022 Incident ID: 54843

[Set back to Edit](#) [Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54843\)](#)

### Reported By:

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**Name:** Tyler Shelton  
**Phone:** (859) 445-8721  
**Email:** tyler.shelton@duke-energy.com

### Gas Line Incident Occured:

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**Date:** 6/2/2022  
**Time:** 10:00 AM

### Details:

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**Reported Date:** 7/18/2022 11:42 AM

#### Incident Location Address:

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**Location:** 10956 Appaloosa Dr  
**Address:** 10956 Appaloosa Dr  
**City:** Walton  
**State:** KY  
**County:** Boone  
**Zip:** 41094  
**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.: 2205170346

Excavator: Contractor

## Excavator Address:

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**First Name:** Shawn  
**Last Name:** Mineer  
**Organization ID:** Gridtech LLC  
**Company:** Gridtech LLC  
**Phone:** 5135356001  
**Email:** shawn@gridtechllc.com  
**Address:** 10050 Norbotten Dr.  
**City:** Florence  
**State:** KY  
**Zip:** 41042  
**Confirm Code:**

**Excavation Damage:** Failure to test-hole(pot hole)

**Description of Incident** Failure to properly test hole for gas service  
**Summary Information**

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7/18/2022

STATEMENTS Gridtech LLC was boring in telecom when they struck the underground gas service line to the property. Employees of Gridtech LLC dug potholes to locate the gas service but were unsuccessful. Gridtech LLC then proceeded to shoot the drill head to the pothole but missed the pothole and struck the 1" underground plastic gas service. The line was marked untonable but the locate marks were in tolerance for locate ticket 2205170346 called in on 05/17/2022 with a due date of 05/20/2022. The damage occurred about nineteen inches away from the USIC locate marks. Shawn Mineer of Gridtech LLC stated that his employees did not find the line before shooting the drill head. Gridtech LLC caused the damage within the tolerance markings and is liable for damages in full. Gridtech LLC not only broke dig laws but did not follow their own procedure for the excavation. DETERMINATION On Thursday, June 2nd, 2022, I, Jason Raleigh, responded to an underground Duke Energy gas damage at 10959 Appaloosa Dr. Walton, KY 41094. It has been determined that Gridtech LLC failed to properly expose and protect underground facilities. This resulted in Gridtech LLC coming in contact with, thus damaging the 1" underground plastic gas service. Gridtech LLC called in locate ticket 2205170346 on 05/17/2022 and the due date was 05/20/2022. In light of the stated facts, Gridtech LLC is responsible for the damaged facility due to the Failure to properly expose and protect underground facilities.

**Full details such as the cause**

<b>Extent of the damage</b>	1" Plastic Gas Service
<b>Cost of the damage</b>	\$0.00
<b>Steps taken to prevent re-occurrence</b>	
<b>Amount billed to excavator</b>	\$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

February 27, 2024

Grid-Tech LLC  
10050 Norbotten Dr.  
Florence, KY 41042

Re: Violation of Kentucky Underground Facility Damage Prevention  
Act Incident Number: **54843**

### **LEGAL NOTICE OF GAS LINE DAMAGE**

Dear Grid-Tech LLC:

The Kentucky Public Service Commission (Commission) received the attached report on July 18, 2022, regarding damage by Grid-Tech to a natural gas facility owned and/or operated by the Duke Energy Kentucky, Inc. The Gas Excavation Damage Report (Damage Report) from Duke Energy Kentucky indicates that on **June 2, 2022**, Grid-Tech violated the Underground Facilities Damage Prevention Act at 10956 Appaloosa Dr., Walton, KY 41094 by **excavating with mechanized equipment within the approximate location / tolerance zone of 24 inches**.

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 Grid-Tech within the past 365 days.
2. The statutory provision that Grid-Tech is alleged to have violated is:

KRS 367.4911(10) When excavation or demolition is necessary within the tolerance zone, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.

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:** Grid-Tech has the right to dispute the allegations made by Duke Energy Kentucky, Inc. 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](mailto:ericv.tout@ky.gov) or 502-782-2622, prior to paying the civil penalty.

2. **Penalty Payment:** This incident may be resolved by Grid-Tech 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 Grid-Tech does not wish to dispute the alleged violation, Grid-Tech 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 Grid-Tech's first alleged violation of the Act, Grid-Tech 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: **54843** and assigned key: **11232** 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](mailto: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 54843 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 Grid-Tech 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 Grid-Tech of responsibility for the damage, the Commission will institute an administrative proceeding against Grid-Tech.

The Administrative Proceeding will include a formal hearing in front of the Commission, during which Grid-Tech 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 Grid-Tech 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](mailto:jnorriscanfield@ky.gov).

Sincerely,



Michael C. Nantz  
Director, Division of Inspections

Attachment

# Attachment 2

## Kentucky 811

<b>Ticket no</b>	2205170346	<b>Type</b>	NOI MAL CALL
<b>Request date</b>	05/17/22 08:53 am		
<b>Start date</b>	05/20/22 12:01 am		
<b>Expiration date</b>	06/07/22 11:59 pm		

### Excavator information

<b>Excavator name</b>	GRIDTECH LLC		
<b>Address</b>	10050 NORBOTTEN DR FLORENCE, KE 41042		
<b>Company phone</b>	513-535-6001		
<b>Requested by</b>	SHAWN MINEER	<b>Phone</b>	513-535-6001
<b>On-site name</b>	SHAWN MINEER - CELL	<b>On-site phone</b>	513-535-6001
<b>Contact email</b>	<a href="mailto:SHAWN@GRIDTECHLLC.COM">SHAWN@GRIDTECHLLC.COM</a>		

### Excavation information

<b>Type of work</b>	INSTALL FIBER		
<b>Depth (ft)</b>	3	<b>Explosives</b>	N
<b>Area marked</b>	U		
<b>Job name/number</b>			
<b>Work done for</b>	CINCINNATI BELL P4787		

### Location information

<b>County</b>	BOONE	<b>City</b>	UNION
<b>Address/street</b>	10964 APPALOOSA DR		
<b>Nearest intersecting street</b>	PADDOCK DR		
<b>Location of work</b>	FRONT OF PROPERTY		
<b>Comments</b>			
<b>Map Coord</b>			
<b>NW Lat</b> 38.9261076	<b>Lon</b> -84.6370010	<b>SE Lat</b> 38.9223710	<b>Lon</b> -84.6328706

### Members notified

<b>Company name</b>	<b>District</b>	<b>Type</b>	<b>Status</b>
TIME WARNER CABLE	0122	COMMUNICATIONS	Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/05/19 17:45 CBT 2022/05/19 17:45 RESCHEDULE APPROVED BY: SHAWN)
ALTA FIBER	0130	COMMUNICATIONS	



DUKE ENERGY KENTUCKY INC

0416

G

Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/05/19 17:45 CBT 2022/05/19 17:45 RESCHEDULE APPROVED BY: SHAWN)

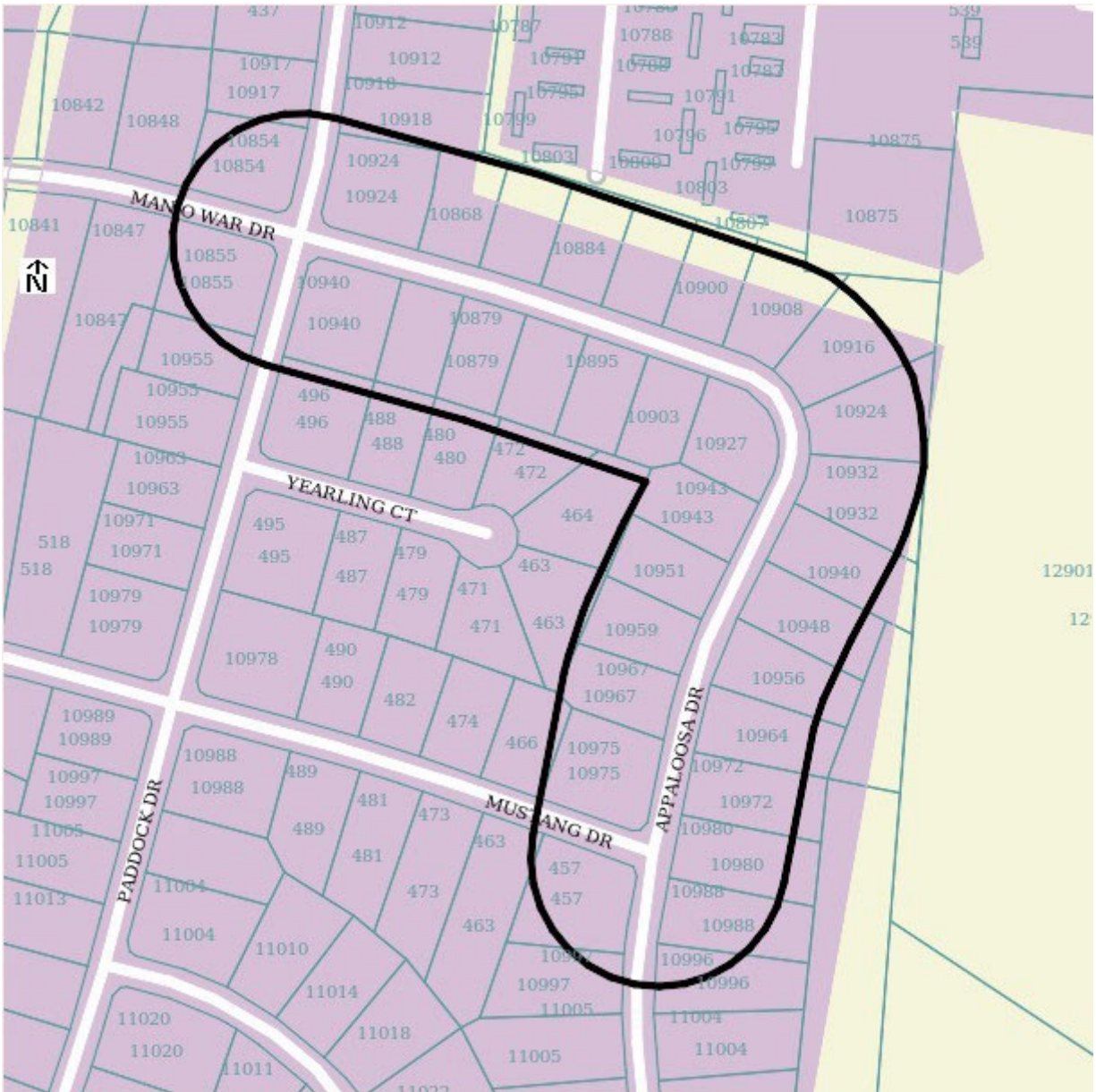
DUKE ENERGY KENTUCKY INC

0516

E

Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/05/19 17:45 CBT 2022/05/19 17:45 RESCHEDULE APPROVED BY: SHAWN)

Map



# Attachment 3

## Tout, Eric V (PSC)

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**From:** Shelton, Tyler <Tyler.Shelton@duke-energy.com>  
**Sent:** Wednesday, March 13, 2024 8:58 AM  
**To:** Tout, Eric V (PSC)  
**Subject:** RE: [EXTERNAL] 54843, 6/2/2022, 10956 Appaloosa Dr., Walton, Grid-Tech  
**Attachments:** 488089 - Claim Support Package.pdf

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

### This Message Originated from Outside the Organization

This Message Is From an External Sender.

Report Suspicious

Hello Eric,

This damage was paid in full by the excavator. I have attached our support package for the claim.

Thank you,

*Tyler Shelton*

Gas Integrity Risk Program Manager, Duke Energy Inc.

📞 Mobile: 859-445-8721 | ✉ Email: [tyler.shelton@duke-energy.com](mailto:tyler.shelton@duke-energy.com)

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**From:** Tout, Eric V (PSC) <ericv.tout@ky.gov>  
**Sent:** Wednesday, March 13, 2024 7:52 AM  
**To:** Shelton, Tyler <Tyler.Shelton@duke-energy.com>  
**Subject:** [EXTERNAL] 54843, 6/2/2022, 10956 Appaloosa Dr., Walton, Grid-Tech

**\*\*\* CAUTION! EXTERNAL SENDER \*\*\* STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

Hello Tyler,

Please send repots, photos pre & post, invoices and payment info (copy of check) if paid.

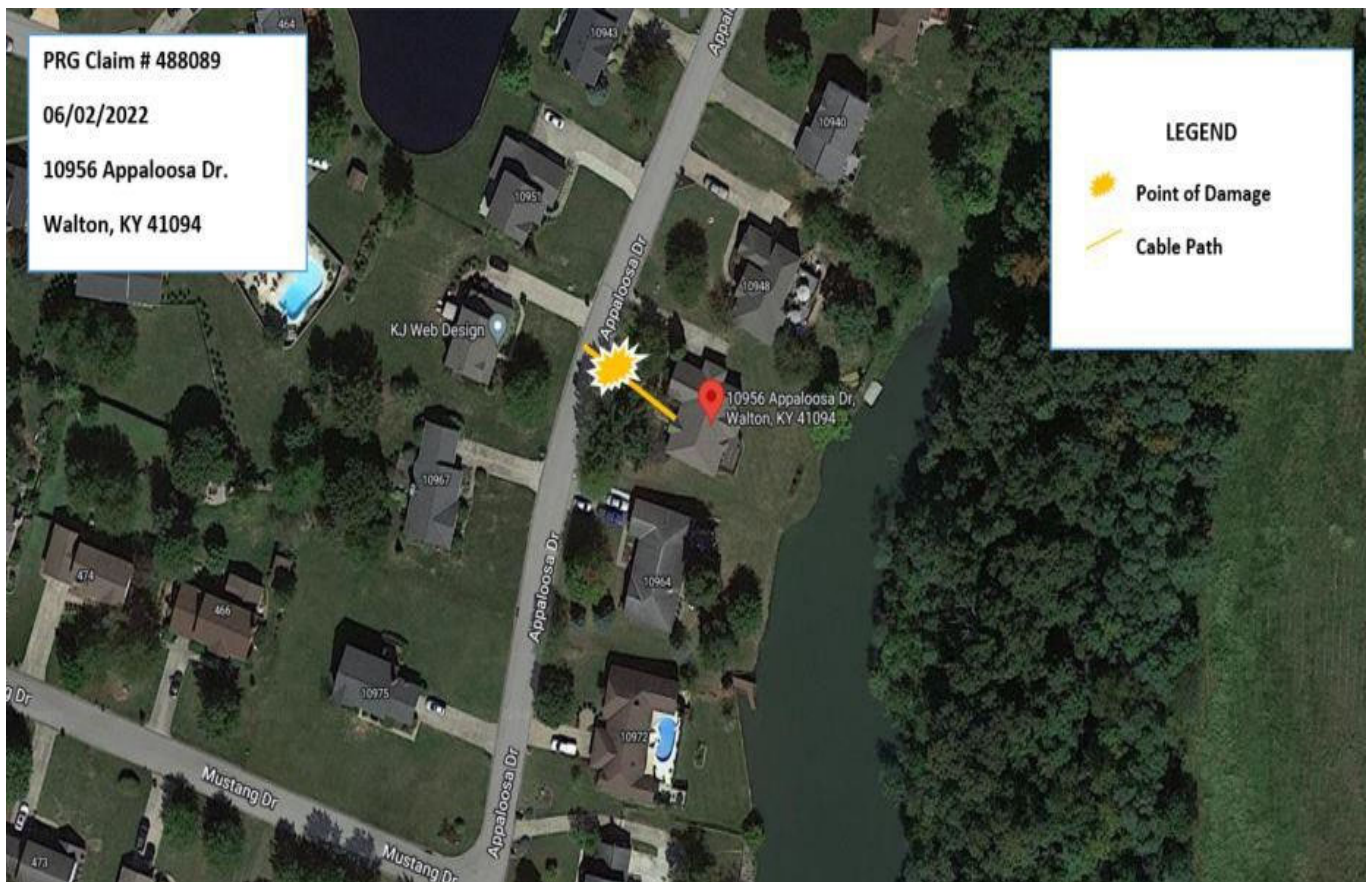
*Thanks,  
Eric V. Tout  
Kentucky Public Services Commission  
Division of Inspections / Damage Prevention  
211 Sower Blvd., Frankfort, KY 40601  
Office: 502-782-2622  
Fax: 502-564-1582*

## Damage Investigation Findings

**PRG CLAIM:** DK-488089  
**DATE OF OUTAGE:** 06/02/2022 10:00 AM  
**NOTIFICATION:** 06/02/2022 10:11 AM  
**ARRIVAL:** 06/02/2022 11:14 AM  
**LOCATION:** 10956 Appaloosa Dr, Walton, KY 41094  
**LOCATE TICKET:** 2205170346  
**INVESTIGATOR:** Jason Raleigh

### SUMMARY

On Thursday, June 2, 2022, I was notified by Duke Energy about damage at 10956 Appaloosa Dr, Walton, KY 41094. Duke Energy's Underground Facilities were damaged at the above stated location by directional boring.





## STATEMENTS

Gridtech LLC was boring in telecom when they struck the underground gas service line to the property. Employees of Gridtech LLC dug potholes to locate the gas service but were unsuccessful. Gridtech LLC then proceeded to shoot the drill head to the pothole but missed the pothole and struck the 1" underground plastic gas service. The line was marked untonable but the locate marks were in tolerance for locate ticket 2205170346 called in on 05/17/2022 with a due date of 05/20/2022. The damage occurred about nineteen inches away from the USIC locate marks. Shawn Mineer of Gridtech LLC stated that his employees did not find the line before shooting the drill head. Gridtech LLC caused the damage within the tolerance markings and is liable for damages in full. Gridtech LLC not only broke dig laws but did not follow their own procedure for the excavation.

## DETERMINATION

On Thursday, June 2nd, 2022, I, Jason Raleigh, responded to an underground Duke Energy gas damage at 10959 Appaloosa Dr. Walton, KY 41094. It has been determined that Gridtech LLC failed to properly expose and protect underground facilities. This resulted in Gridtech LLC coming in contact with, thus damaging the 1" underground plastic gas service. Gridtech LLC called in locate ticket 2205170346 on 05/17/2022 and the due date was 05/20/2022. In light of the stated facts, Gridtech LLC is responsible for the damaged facility due to the Failure to properly expose and protect underground facilities.

## Law(s): **KRS 367.4911**

Excavator or person responsible for excavation to notify operator of work schedule -- Responsibilities of excavator. (10) When excavation or demolition is necessary within the approximate location of the underground facility, the excavator shall hand-dig or use nonintrusive means to avoid damage to the underground facility.



## ROOT CAUSE

The root cause of damage to Duke Energy's facilities was due to a failure to properly expose and protect the underground facilities by Gridtech LLC. In closing of this investigation, I have concluded that Gridtech LLC is responsible for all damages that occurred at this location and is liable for any monies owed to Duke Energy, care of PRG for repairs and replacements.

**TICKET #**  
**2205170346**

[DETAILS](#)

[ONE CALL TEXT](#)

[PHOTOS](#)

[ATTACHMENTS](#)

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- EXPORT



0516 00031 KUPIa 05/17/2022 08:53:31 2205170346-00A NORM NEW  
STRT

NORMAL NOTICE

Ticket : 2205170346 Date: 05/17/2022 Time: 08:53 Oper:  
KENTUCKY811 Chan:000

State: KY Cnty: BOONE City: UNION  
Subdivision:

Address : 10964  
Street : APPALOOSA DR  
Cross 1 : PADDOCK DR  
Location: FRONT OF PROPERTY

:

Boundary: n 38.926108 s 38.922371 w -84.637001 e  
-84.632871

Work type : INSTALL FIBER  
Done for : CINCINNATI BELL P4787  
Start date: 05/20/2022 Time: 00:01 Hours notice: 63/63  
Priority: NORM

Ug/Oh/Both: U Blasting: NO Emergency:  
N

Duration : N/A Depth: 3 FT

Company : GRIDTECH LLC Type: CONT  
Co addr : 10050 NORBOTTEN DR  
City : FLORENCE State: KE Zip: 41042  
Caller : SHAWN MINEER Phone: (513)535-6001  
Contact : SHAWN MINEER - CELL Phone:  
Mobile : (513)535-6001  
Email : SHAWN@GRIDTECHLLC.COM

Submitted date: 05/17/2022 Time: 08:53  
Members: 0122 0130 0416 0516

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Email\_From: Kentucky 811 <tickets@kentucky811.org>  
Email\_Subject: KUPI 0516 2022/05/17 #00031 2205170346-00A NORM  
NEW  
Email\_Recv\_Date: 2022-05-17 07:53:32 CDT  
Email\_Sent\_Date: 2022-05-17 07:53:31 CDT  
Email\_MessageID: <01000180d214ab70-daf12490-53ea-4934-b652-  
a64459d8782b-000000@email.amazonses.com>  
Email\_host: tickets6.811tickets.com  
Email\_user: 811.ky.oc-duk  
Email\_To: 811.ky.oc-duk@tickets.811tickets.com  
Email\_ContentType: text/plain; charset=utf-8  
Email\_Timestamp: 2022-05-17 07:54:06 CDT





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488089 - Investigator51.jpeg



488089 - Investigator52.jpeg



488089 - Investigator53.jpeg



488089 - Investigator54.jpeg





Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:56:30 PM EDT

488089 - Locate Damage1.jpg





Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:56:41 PM EDT

488089 - Locate Damage2.jpg



Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:57:08 PM EDT

488089 - Locate Damage3.jpg





Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:57:10 PM EDT

488089 - Locate Damage4.jpg



Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:56:30 PM EDT

488089 - Locate Damage5.jpg





Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:56:41 PM EDT

488089 - Locate Damage6.jpg



Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:57:08 PM EDT

488089 - Locate Damage7.jpg





Property of United States Infrastructure Corporation  
Photo created on 06/02/2022 12:57:10 PM EDT

488089 - Locate Damage8.jpg



Property of United States Infrastructure Corporation  
Photo created on 05/21/2022 10:44:35 PM EDT

488089 - Locate Pre-Dig1.jpg



Property of United States Infrastructure Corporation  
Photo created on 05/21/2022 10:44:43 PM EDT

488089 - Locate Pre-Dig2.jpg



Property of United States Infrastructure Corporation  
Photo created on 05/21/2022 10:44:45 PM EDT

488089 - Locate Pre-Dig3.jpg



# INVOICE



Please Make Check Payable to: Project Resources Group

<b>Remit to:</b> Project Resources Group, Inc. Attn. Damage Claims 5690 DTC Blvd, Suite 650 E Greenwood Village, CO 80111  Terms: Due Upon Receipt EIN: 84-1576547	<b>Invoice #</b> DK-488089 <b>Date:</b> August 3, 2022 <b>Terms:</b> Due Upon Receipt <b>Conf. Code #</b> DN842  <b>Bank:</b> BOK Financial <b>Account #:</b> <b>Routing:</b> <b>Remit Email:</b> <a href="mailto:accounting@prgconsulting.net">accounting@prgconsulting.net</a>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Responsible for Damages:</b> Gridtech LLC 10050 Norbotten Dr. Florence, KY 41042
----------------------------------------------------------------------------------------------

<b>Date &amp; Address Where Damage Occurred:</b> 6/2/2022 10956 Appaloosa Dr Walton, KY 41094
-----------------------------------------------------------------------------------------------------

<u>Labor and Materials Costs:</u>		<u>Units</u>	<u>Unit Rate</u>	<u>Amount</u>
<i>Internal Labor Costs</i>				
	Mechanic Operator I	5.00	73.70	\$368.50
	Service Mechanic A	5.00	82.82	\$414.10
	Mechanic Iii - C&M (12049)	5.00	35.79	\$178.95
	Service Mechanic B	1.00	75.11	\$75.11
	Supervisor	3.00	94.34	\$283.02
	Emergency Call Out	1.00	250.00	\$250.00
	Digger Derrick / Line Truck	5.00	32.53	\$162.65
	Ld Material Handler Bucket 35'-41' 4X4	5.00	24.84	\$124.20
	Md Material Handler Bucket 36'-45', 4X2	1.00	22.39	\$22.39
	Damage Investigation/Quality Control	1.00	483.00	\$483.00
	Sub-Total			\$2,361.92
<i>Material Costs</i>				
	Pipe, 1" Cts, 250' Lg, Plain Ends, Extruded,	2.00	0.56	\$1.12
	Coupling, Pipe, 1" Cts, Electrofusion, Pe 471	2.00	6.83	\$13.66
	Sub-Total			\$14.78
<i>Loss of Gas</i>				
	Sub-Total			\$36.12
	<b>Invoice Total</b>			\$2,412.82

Please Make Check Payable to: Project Resources Group

For questions regarding this invoice, please contact: Cecilia Diaz, 720-500-9664 or via email please contact: [cdiaz@prgconsulting.net](mailto:cdiaz@prgconsulting.net)

# Attachment 4





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

March 28, 2024

Grid-Tech, LLC  
10050 Norbotten Drive  
Florence, KY 41042

Re: Violation of Kentucky Underground Facility Damage Prevention  
Act Incident Number: **54843**

### Past Due Notice

Dear Grid-Tech, 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 Grid-Tech 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 Grid-Tech of responsibility for the damage, the Commission will institute an administrative proceeding against Grid-Tech. 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](mailto:ericv.tout@ky.gov) or 502-782-2622.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Nantz".

Michael C. Nantz  
Director, Division of Inspections

Attachment



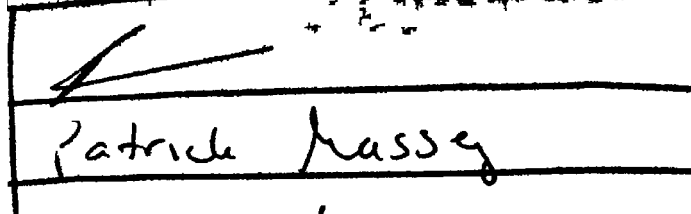
Mailer: Kentucky Public Service Commission

Date Produced: 04/02/2024

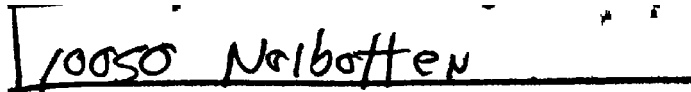
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8354 8169 91. Our records indicate that this item was delivered on 04/01/2024 at 01:59 p.m. in FLORENCE, KY 41042. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GRID-TECH LLC  
10050 NORBOTTEN DR  
FLORENCE KY 41042-2797

Customer Reference Number: C4908318.29491719

Return Reference Number PD 54843 55115



**Return address:**

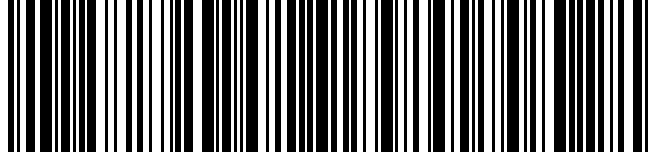
KENTUCKY PUBLIC SERVICE COMMISSION  
211 SOWER BLVD.  
FRANKFORT KY 40602

**Recipient address:**

GRID-TECH LLC  
10050 NORBOTTEN DR  
FLORENCE KY 41042-2797

MAILING DATE: 03/28/2024  
DELIVERY DATE: 04/01/2024

**USPS CERTIFIED MAIL**



9214 8901 9403 8354 8169 91

**USPS Tracking Label Number: 9214 8901 9403 8354 8169 91**

<b>USPS Tracking History</b>	<b>Location</b>	<b>Date / Time</b>
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FRANKFORT,KY 40602	03/28/2024 10:14
ORIGIN ACCEPTANCE	FRANKFORT,KY 40602	03/28/2024 23:23
PROCESSED THROUGH USPS FACILITY	LOUISVILLE,KY 40221	03/29/2024 00:38
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	03/30/2024 10:17
DELIVERED LEFT WITH INDIVIDUAL	FLORENCE,KY 41042	04/01/2024 13:59

CUSTOM 1:

## APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2024-00237 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](mailto: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/Oj1q\\_sPrP0?autoplay=1&showinfo=0&controls=0&rel=0](https://www.youtube.com/embed/Oj1q_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 3<sup>rd</sup> 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. 2024-00237 DATED AUG 15 2024

EIGHT PAGES TO FOLLOW

ESTADO DE KENTUCKY  
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

GRID-TECH LCC	)	
	)	
_____	)	CASO NO.
	)	2024-00237
PRESUNTA INFRACCIÓN DE LA LEY DE	)	
PREVENCIÓN DE DAÑOS EN INSTALACIONES	)	
SUBTERRÁNEAS	)	

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

Grid-Tech LLC (Grid-Tech) 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).<sup>1</sup> 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 de la Ley está sujeta a la imposición de una sanción civil por un importe de 250 dólares

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<sup>1</sup> KRS 367.4901 a KRS 367.4917.

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 Grid-Tech por la infracción de la siguiente disposición de la Ley:

KRS 367.4911(10) - Cuando sea necesario excavar o demoler dentro de la ubicación aproximada de la instalación subterránea, el excavador deberá cavar a mano o utilizar medios no intrusivos para evitar daños a la instalación subterránea.

Basándose en su revisión del Informe de Incidentes y estando suficientemente informada, la Comisión encuentra pruebas prima facie de que Grid-Tech 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. Grid-Tech 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](mailto:PSCED@ky.gov) con el número de caso de este procedimiento en el asunto del mensaje.

2. Grid-Tech 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. Grid-Tech 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. Grid-Tech notificará a la Comisión, al menos diez días antes de la audiencia, si Grid-Tech 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 54843, 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. 2024-00237 FECHADO

TREINTA Y OCHO PÁGINAS A SEGUIR

## APÉNDICE B

### APÉNDICE DE UNA ORDEN DE LA COMISIÓN DE SERVICIOS PÚBLICOS DE KENTUCKY EN EL CASO No. 2024-00237 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](mailto: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](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.

\*Shawn Mineer  
Grid-Tech LLC  
10050 Norbotten Dr., Suite A  
Florence, KENTUCKY 41042