

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLUEGRASS IRRIGATION AND PLUMBING, INC.)	
)	
_____)	CASE NO.
)	2025-00297
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 B.)

Bluegrass Irrigation and Plumbing, Inc. (Bluegrass Irrigation and Plumbing) 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 23, 2025.

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

¹ KRS 367.4901 through KRS 367.4917.

more than \$1,000 for the second offense within one year, and no more than \$3,000 for 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 Bluegrass Irrigation and Plumbing for violations of the following provisions of the Act:

KRS 367.4911(8) – The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues

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.

Based on its review of the Incident Report and being otherwise sufficiently advised, the Commission finds *prima facie* evidence that Bluegrass Irrigation and Plumbing 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. Bluegrass Irrigation and Plumbing 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. Bluegrass Irrigation and Plumbing shall appear on October 23, 2025, 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 23, 2025 hearing shall be conducted via video conferencing.

4. Bluegrass Irrigation and Plumbing shall attend the hearing by using the following link:

https://teams.microsoft.com/join/19%3ameeting_NjA4ZWYxZjAtMDI3MC00ZTA3LTkwODMtOTI1MWRhYWFlmMjE1%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-480337c1709c%22%7d

5. Bluegrass Irrigation and Plumbing shall notify the Commission at least ten days prior to the hearing if Bluegrass Irrigation and Plumbing 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 54427, attached to this Order as Appendix A, is made a part of the record in this case.


9. The October 23, 2025 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.**

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



Case No. 2025-00297

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00297 DATED SEP 12 2025

THIRTY-SIX PAGES TO FOLLOW

PIPELINE DAMAGE INVESTIGATION REPORT

Investigation Information

Investigator Eric Tout **Incident ID** 54427 **Investigation** 10650
Incident Date 1/24/2022 11:43:00 AM **Report Submitted** 2/21/2022

Operator Information

Operator Columbia Gas of Kentucky, Inc.
Phone (859) 537-2123 **Reported By** James Rice
Email JamesRice@NiSource.com

Incident Location 822 Chinoe Rd
Lexington KY 40502 **Locate Ticket Number** 2201130572

County Fayette

Excavator Information

Excavator Brent Hill
Bluegrass Irrigation and Plumbing, Inc. **Organization ID** 0291374
Phone 859-271-2758 **Email**
Address 160 Louisa Dr
Nicholasville KY 40356 **Locate Ticket Number** 2201130572

Damage Report (DR) Summary

Excavation Within 24" (Tolerance Zone)	Gas Or Hazardous Liquids		Type Of Equipment Used	Cost of Damage	Amount Billed
	Contained	Released			
Failure to maintain marks	Yes	Yes	Mechanized/Excavator	\$1,200.00	\$1,200.00

The Operator reports that the Excavator damaged a one-inch gas service with an excavator and failed to maintain the marks, the marks were covered with snow. A Legal Notice of Gas Line Damage was mailed to the Excavator.

The DR & 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
2201130572	Yes	01/13/22	02/03/22	1/24/2022	N/A	Yes

The LT is included as Attachment 2.

INVESTIGATION

On 09/29/23, the Operator, Columbia's James Rice, provided the following documents:

- DR: Outlined in the DR Summary and Attachment 1.
- Four Photographs: Depicting the incident location indicating the marks were covered with spoil piles and snow.
- Invoices: Indicating the Operator billed the Excavator \$1,749.44 for the damage repair.

Columbia's documents are included as Attachment 3.

On 10/12/23, Scott Schumacher of Bluegrass Irrigation and Plumbing stated that a portion of the incident location was marked with flags and where the damage occurred no flags were visible, therefore it was

PIPELINE DAMAGE INVESTIGATION REPORT

determined no markings were present where the excavation/damage occurred. Mr. Schumacher stated that he would provide photographs of the incident location showing where the flags were placed.

A Past Due Letter was sent to the Excavator with a due date of 11/30/23.

The Past Due Letter is included as Attachment 4.

On 11/22/23, a response from the Excavator's legal counsel Robert Gullette states that the Excavator denies any negligence or wrongdoing, the gas line was improperly marked and requests a formal hearing. Mr. Gullette also provided the following:

- Affidavit of Scott Schumacher: Denying any negligence or wrongdoing on either his part or that of Bluegrass Irrigation and Plumbing and the markings were done by utilizing flags, evidently due to the fact that the weather forecast called for snow. The Affidavit indicates that Bluegrass Irrigation and Plumbing was operating well outside of the marked gas line when the line was struck.
- Five Photographs: Three pre-excavation and two post damage photographs. The pre-excavation photographs indicate the incident location was marked. The two post damage photographs appear to be the identical.

Bluegrass Irrigation and Plumbing's documents are included as Attachment 5.

VIOLATIONS¹

KRS 367.4911(8) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if: **(a)** The markings of any underground facility have been removed or are no longer visible.

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

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	54427	01/24/22	01/25/23

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

Columbia Gas of Kentucky, Inc.

Submitted 2/21/2022 Incident ID: 54427

[Set back to Edit](#)

[Staff Edit](#)

[Print \(PDFForm.aspx?Rpt=GasInvestigation&IG=54427\)](#)

Reported By:

Name: James Rice
Phone: (859) 537-2123
Email: JamesRice@NiSource.com

Gas Line Incident Occured:

Date: 1/24/2022
Time: 11:43 AM

Details:

Reported Date: 2/21/2022 10:06 AM

Incident Location Address:

Location:
Address: 822 Chinoe Rd
City: Lexington
State: KY
County: Fayette
Zip: 40502
Confirm Code: Y

Number of Customers out: 1

Was gas or hazardous liquids contained in the underground facility? ☒

Was gas or hazardous liquids released into the atmosphere? ☒

Locate Request Ticket No.: 2201130572

Excavator: Contractor

Excavator Address:

First Name: Brent

Last Name: Hill

Organization ID:

Company: Bluegrass Irrigation

Phone: 859-271-2758

Email:

Address: 160 Louisa Dr

City: Nicholasville

State: KY

Zip: 40356

Confirm Code: Y

Excavation Damage: Failure to maintain marks

Description of Incident Bluegrass Irrigation struck a plastic one inch natural gas service line with mechanized equipment.

Summary Information

2/21/2022

Full details such as the cause	Bluegrass Irrigation was excavating in an area with a locate ticket. Bluegrass Irrigation was using an excavator within the tolerance zone of a properly marked service line. While excavating, Bluegrass Irrigation struck and damaged a plastic one inch natural gas service line. The markings had been covered by a recent snow fall.
Extent of the damage	A plastic one inch natural gas service line was severed, and the service line was repaired.
Cost of the damage	\$1,200.00
Steps taken to prevent re-occurrence	CKY's damage prevention specialist had a tailgate onsite, advising Bluegrass Irrigation of the KY 811 Dig Law, and to always use caution within the tolerance zone of a facility including maintaining marks or calling for remarking of facilities.
Amount billed to excavator	\$1,200.00



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

September 25, 2023

Scott Schumacher
Bluegrass Irrigation and Plumbing, Inc.
P.O. Box 22354
Lexington, KY 40522

Scott Schumacher, Registered Agent
Bluegrass Irrigation and Plumbing, Inc.
160 Louisa Dr.
Nicholasville, KY 40356

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54427**.

LEGAL NOTICE OF GAS LINE DAMAGE

Dear Mr. Schumacher:

The Kentucky Public Service Commission (Commission) received the attached report on **February 21, 2022**, regarding damage by **Bluegrass Irrigation and Plumbing, Inc.** to a natural gas facility owned and/or operated by the **Columbia Gas of Kentucky, Inc.** The Gas Excavation Damage Report (Damage Report) from **Columbia Gas of Kentucky, Inc.** indicates that on **January 24, 2022**, **Bluegrass Irrigation and Plumbing, Inc.** violated the Underground Facilities Damage Prevention Act at **822 Chinoe Rd., Lexington, KY 40502** by **failing to maintain the markings which were covered by a recent snow.**

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 **Bluegrass Irrigation and Plumbing, Inc.** within the past 365 days.

2. The statutory provision that **Bluegrass Irrigation and Plumbing, Inc.** is alleged to have violated is:

KRS 367.4911(8) The excavator shall contact the protection notification center to request remarking two (2) working days in advance of the expiration of each twenty-one (21) day period while excavation or demolition continues or if:

(a) The markings of any underground facility have been removed or are no longer visible.

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:** **Bluegrass Irrigation and Plumbing, Inc.** has the right to dispute the allegations made by **Columbia Gas of 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 or 502-782-2622, prior to paying the civil penalty.

2. **Penalty Payment:** This incident may be resolved by **Bluegrass Irrigation and Plumbing, Inc.** 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 **Bluegrass Irrigation and Plumbing, Inc.** does not wish to dispute the alleged violation, **Bluegrass Irrigation and Plumbing, Inc.** should submit payment within 30 days of the date of this letter in the amount of \$1,250.00.

3. **Training:** If this letter indicates this is **Bluegrass Irrigation and Plumbing's, Inc.** first alleged violation of the Act, **Bluegrass Irrigation and Plumbing, Inc.** should contact Andrea Wise, Division of Inspections, at andrea.wise@ky.gov or (502) 782-2656 to arrange 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.*

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 54427 on the cashier's check or money order submitted for payment or any email request for invoice. *Checks made payable to any other payee*



September 25, 2023

Page 3

besides the Kentucky State Treasurer or without the Incident Number cannot be processed and will be returned, thus delaying the resolution of this matter.

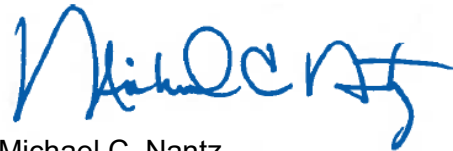
ADMINISTRATIVE PROCEEDING

If **Bluegrass Irrigation and Plumbing, Inc.** 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 **Bluegrass Irrigation and Plumbing, Inc.** of responsibility for the damage, the Commission will institute an administrative proceeding against **Bluegrass Irrigation and Plumbing, Inc.**

The Administrative Proceeding will include a formal hearing in front of the Commission, during which **Bluegrass Irrigation and Plumbing, Inc.** 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 **Bluegrass Irrigation and Plumbing, Inc.** 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 the attorney representing Division of Inspections at 502-791-0493 or jnorricanfield@ky.gov.

Sincerely,



Michael C. Nantz
Director, Division of Inspections

Attachment

Attachment 2

Kentucky 811

Ticket no	2201130572	Type	NORMAL CALL
Request date	01/13/22 10:30 am		
Start date	01/19/22 12:01 am		
Expiration date	02/03/22 11:59 pm		
Excavator information			
Excavator name	BLUEGRASS IRRIGATION		
Address	PO BOX 22354 LEXINGTON, KY 40522		
Company phone	859-963-8685		
Requested by	SEAN MCCORMICK	Phone	859-963-8685
On-site name	SEAN MCCORMICK - CELL	On-site phone	859-963-8685
Contact email	SALES@BLUEGRASSIRRIGATION.COM		

Excavation information

Type of work	INSTALL IRRIGATION SYSTEM		
Depth (ft)	3	Explosives	N
Area marked	U		
Job name/number			
Work done for	PROPERTY OWNER		

Location information

County	FAYETTE	City	LEXINGTON
Address/street	822 CHINOE RD		
Nearest intersecting street	MOORELAND DR		
Subdivision	LAKEWOOD		
Location of work	LOCATE THE ENTIRE PROPERTY		
Comments			
Map Coord			
NW Lat 38.0084161	Lon -84.4861248	SE Lat 38.0063327	Lon -84.4835829

Members notified

Company name	District	Type	Status
LEXINGTON URBAN CNTY GOV	0200	S	No Conflict - The KY811 member has no facilities in the area of excavation described.
INSIGHT COMMUNICATIONS	0237	TV	No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/01/18 08:19 MESSAGED CONTACT TO ADVISE OF

			<p>DELAY DUE TO WEATHER AND SNOW. 2022/01/18 08:19 RESCHEDULE APPROVED BY: SEAN MCCORMICK - CELL 2022/01/18 11:38 CATV IS ALL AERIAL AND NOT IN CONFLICT. WILL HAVE TO WAIT TIL THAW TO ADDRESS KU ON PROPERTY.)</p>
KENTUCKY UTILITIES	0326	E	<p>Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate. (2022/01/18 08:19 MESSAGED CONTACT TO ADVISE OF DELAY DUE TO WEATHER AND SNOW. 2022/01/18 08:19 RESCHEDULE APPROVED BY: SEAN MCCORMICK - CELL 2022/01/18 11:38 CATV IS ALL AERIAL AND NOT IN CONFLICT. WILL HAVE TO WAIT TIL THAW TO ADDRESS KU ON PROPERTY. 202)</p>
KENTUCKY AMERICAN WATER CO	0370	W	<p>Marked - The approximate location has been marked. File a 2ND NOTICE with KY811 if marks are not complete and accurate.</p>
METRONET FIBER NETWORK	0700	COMMUNICATIONS	<p>No Conflict - The KY811 member has no facilities in the area of excavation described. (2022/01/18 08:19 MESSAGED CONTACT TO ADVISE OF DELAY DUE TO WEATHER AND SNOW. 2022/01/18 08:19 RESCHEDULE APPROVED BY: SEAN MCCORMICK - CELL 2022/01/18 11:38 CATV IS ALL AERIAL AND NOT IN CONFLICT. WILL HAVE TO WAIT TIL THAW TO ADDRESS KU ON PROPERTY.)</p>

Attachment 3

Tout, Eric V (PSC)

From: Rice \ James \ D <jamesrice@nisource.com>
Sent: Friday, September 29, 2023 3:34 PM
To: Tout, Eric V (PSC)
Subject: RE: 54427, 1/24/2022, 822 Chinoe Rd., Lexington, Bluegrass Irrigation and Plumbing
Attachments: 822 Chinoe Rd - Lex - Failure to maintain marks.pdf; 822 Chinoe Rd - Pics.pdf; KY22-1011 Claim Invoice.pdf; KY22-1011 Claim letter.pdf

****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

Good afternoon Eric,

See attached.

-james

From: Tout, Eric V (PSC) <ericv.tout@ky.gov>
Sent: Wednesday, September 27, 2023 5:53 AM
To: Rice \ James \ D <jamesrice@nisource.com>
Subject: 54427, 1/24/2022, 822 Chinoe Rd., Lexington, Bluegrass Irrigation and Plumbing

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to security@nisource.com for review.

Hello James,

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



PSC Gas Excavation Damage Report

Excavation Damage Occurred

Date: 01/24/2022

Time: 11:43 AM

JO #: 21-9694950-00

Incident Location

Address: 822 Chinoe Rd

City: Lexington

County: Fayette

Zip: 40502

Cust. Lost: 1

Was gas released into the atmosphere? Y

Locate Request Ticket Number: 2201130572

Excavator Information

Excavator Type: Contractor

First Name: Brent

Last Name: Hill

Company: Bluegrass Irrigation

Phone: 859-271-2758

Email: Unknown

Address: 160 Louisa Dr

City: Nicholasville

State: KY

Zip: 40356



Incident Details

Cause of Damage: Failure to maintain marks

Columbia DIMP Root Cause: Excavator Error - Marks destroyed/illegible

Description of Incident: Bluegrass Irrigation struck a plastic one inch natural gas service line with mechanized equipment.

Full details such as the cause: Bluegrass Irrigation was excavating in an area with a locate ticket. Bluegrass Irrigation was using an excavator within the tolerance zone of a properly marked service line. While excavating, Bluegrass Irrigation struck and damaged a plastic one inch natural gas service line. The markings had been covered by a recent snow fall.

Extent of the damage: A plastic one inch natural gas service line was severed, and the service line was repaired.

Cost of the damage: \$1,200

Steps taken to prevent re-occurrence: CKY's damage prevention specialist had a tailgate onsite, advising Bluegrass Irrigation of the KY 811 Dig Law, and to always use caution within the tolerance zone of a facility including maintaining marks or calling for remarking of facilities.

Amount billed to excavator: \$1,200









Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY22-1011

JOB ORDER NO.: 22-9694950-00

DATE: February 08, 2022

MRA ACCOUNT NUMBER: 21148916-000-001-7

PAYMENT DUE 28 DAYS FROM ABOVE DATE
PLEASE MAKE REMITTANCE PAYABLE TO:

Bluegrass Irrigation, Inc.
P.O. Box 22354
Lexington, Kentucky 40522

Columbia Gas / NiSource
3101 N. Ridge Rd. E.
Lorain, Ohio 44055
ATTN: Damage Prevention Support

AMOUNT DUE

\$1,749.44

PLEASE CUT HERE AND RETURN TOP WITH PAYMENT

Itemization of the charges for the damages which occurred on 01/24/2022 in the vicinity of 822 Chinoe Rd, Lexington, Kentucky 40502.

ITEMS	AMOUNT
Labor	\$1,066.75
Materials	\$2.02
Equipment	\$677.32
Gas Loss	\$3.23
Contracted Fees	\$0.00
Taxes	\$0.12
TOTAL EXPENSE	\$1,749.44

Notes:

If you have any questions regarding this bill, please contact Nicole Gillette,
Facility Damage Coordinator, at (440)420-2717.



Columbia Gas/NiSource

INVOICE

CLAIM NO.: KY22-1011

JOB ORDER NO.: 22-9694950-00

DATE: February 08, 2022



**Columbia Gas of Kentucky, Inc.
Damage Prevention Support**

3101 N Ridge Road E
Lorain, Ohio 44055

02/08/2022

(440)420-2717

Bluegrass Irrigation, Inc.
P.O. Box 22354
Lexington, Kentucky 40522

Re: Our Claim: KY22-1011

Gentlemen,

Enclosed is our damage claim invoice in the amount of \$1,749.44, which is the expense our company incurred as the result of your contact with our facilities, located in the vicinity of 822 Chinoe Rd, Lexington, Kentucky 40502. Our reports indicate that our facilities were damaged on 01/24/2022, due to marks destroyed/illegible.

If you have insurance to cover this type of damage claim, please forward the enclosed damage claim invoice and envelope to your insurance carrier for payment. Then please advise our department of your insurance company's name and address so that we can follow the matter to a conclusion. In the event you are not insured, your check, draft or money order in the above amount is hereby requested. To insure proper credit to your account, please remit the top portion of the damage claim invoice, along with your payment, in the enclosed pre-addressed envelope.

If you wish to discuss this matter further, please contact the undersigned.

Sincerely,

Nicole Gillette
Facility Damage Coordinator
ngillette@nisource.com

Enclosure

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

October 31, 2023

Scott Schumacher
Bluegrass Irrigation and Plumbing, Inc.
P.O. Box 22354
Lexington, KY 40522

Scott Schumacher, Registered Agent
Bluegrass Irrigation and Plumbing, Inc.
160 Louisa Dr.
Nicholasville, KY 40356

Re: Violation of Kentucky Underground Facility Damage Prevention
Act Incident Number: **54427**

Past Due Notice

Dear Mr. Schumacher,

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 Bluegrass Irrigation and Plumbing 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 Bluegrass Irrigation and Plumbing of responsibility for the damage, the Commission will institute an administrative proceeding against Bluegrass Irrigation and Plumbing. 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 demand for remedial measures and penalty assessment, please contact Eric V. Tout, Division of Inspections at ericv.tout@ky.gov or (502) 782-2622.

Sincerely,

Michael C. Nantz
Director, Division of Inspections

Attachment



Attachment 5

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
Incident# 54427

RECEIVED

NOV 22 2023

PUBLIC SERVICE
COMMISSION

IN RE: THE MATTER OF
SCOTT SCHUMACHER
BLUEGRASS IRRIGATION AND PLUMBING, INC.

RESPONSE

Comes Scott Schumacher and Bluegrass Irrigation and Plumbing, Inc.. by and through counsel. and for their Response to Notice of Violation in regards to Incident Number 54427. do hereby state as follows:

The Respondents, Scott Schumacher and Bluegrass Irrigation and Plumbing, Inc. do hereby acknowledge that on January 24, 2022, the equipment operated by an employee of Bluegrass Irrigation and Plumbing, Inc. struck and damages a Columbia Gas service line. which was located at 822 Chinoc Road in Lexington. Kentucky.

The Respondents specifically deny any negligence or wrongdoing whatsoever inasmuch as Bluegrass Irrigation and Plumbing, Inc. utilized the Kentucky 811 service and obtained a marking of the exact location of the line in question. Unfortunately, this line was improperly marked as the flags which were utilized in the marking process were clearly visible by Bluegrass employees on the date of the incident. The gas line that was struck was well outside of the flagged area and the damage sustained by the line was not the result of any failure on the part of the Respondents.

Attached hereto and incorporated herein is the Affidavit of Scott Schumacher and photographs of the job site that show both the flagged gas line and the exact location

where the damage was done. The Respondents respectfully request a formal hearing in which evidence can be produced on their behalf.



ROBERT L. GULLETTE, JR.
GULLETTE & GULLETTE, P.S.C.
125 SOUTH MAIN STREET
NICHOLASVILLE, KY. 40356
(859) 885-5536

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was served by both email and U.S. Mail, postage prepaid, upon all of the following, on this the 21st day of November, 2023.

Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602
jnorricanlid@ky.gov



ROBERT L. GULLETTE, JR.
GULLETTE & GULLETTE, P.S.C.
125 SOUTH MAIN STREET
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859-885-5536

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
Incident # 54427

IN RE: THE MATTER OF
SCOTT SCHUMACHER
BLUEGRASS IRRIGATION AND PLUMBING, INC.

AFFIDAVIT OF SCOTT SCHUMACHER

Comes. Scott Schumacher, and after being duly sworn to tell the truth, docs hereby
state as follows. to wit:

- I. I am Scott Schumacher. an officer and shareholder of Bluegrass Irrigation and Plumbing, Inc.
2. I have reviewed Violation Notice, dated September 25, 2023, regarding Incident Number 54427.
3. I am aware of the facts surrounding the incident set forth in the report dated February 21, 2022 and I specifically deny any negligence or wrongdoing on either my part or that of Bluegrass Irrigation and Plumbing, Inc.
4. I have personal knowledge that an 811 inquiry was made by my company and that Columbia Gas marked the line. This marking was done by utilizing flags, evidently due to the fact that the weather forecast called for snow.
5. On the day in question, my crew arrived at the job site and observed the line clearly marked with flags. The flags were clearly visible although it had snowed the night before.

6. My crew was operating well outside of the marked gas line when the line was struck by Bluegrass equipment. Clearly, there was no negligence on the part of my operator as evidenced by the attached photographs which show the flagged gas line and the location where the damage was done.

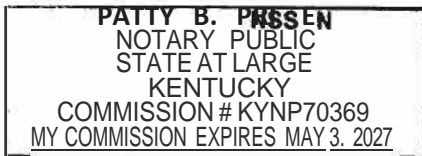
This the 26 day of November, 2022.


SCOTT SCHUMACHER

COMMONWEALTH OF KENTUCKY
COUNTY OF JESSAMINE

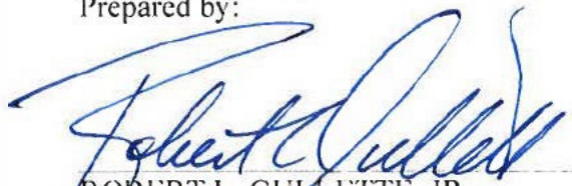
Signed, acknowledged and sworn to before me by Scott Schumacher, on this the 14 day of November, 2023.

My commission expires: 12/2, J:J




NOTARY PUBLIC-STATE AT LARGE

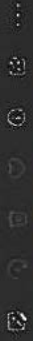
Prepared by:


ROBERT L. GULLETTE, JR.
GULLETTE & GULLETTE, P.S.C.
125 SOUTH MAIN STREET
NICHOLASVILLE, KY. 40356
(859) 885-5536





0916_16604_2201120572_2022-01-14 09:38:46.076.jpg







APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00297 DATED SEP 12 2025

SIX PAGES TO FOLLOW

ESTADO DE KENTUCKY
ANTE LA COMISIÓN DE SERVICIOS PÚBLICOS

Concerniente:

BLUEGRASS IRRIGATION AND PLUMBING, INC.)	
)	
_____)	CASO NO.
)	2025-00297
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

Bluegrass Irrigation and Plumbing, Inc. (Bluegrass Irrigation and Plumbing) 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 23 de octubre 2025.

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 Bluegrass Irrigation and Plumbing por la infracciones de la siguiente disposición de la Ley:

KRS 367.4911(8) - El excavador se pondrá en contacto con el centro de notificación de protección para solicitar un volver a marcar con dos (2) días hábiles de antelación al vencimiento de cada período de veintiún (21) días mientras la excavación o la demolición continúe

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 Bluegrass Irrigation and Plumbing 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. Bluegrass Irrigation and Plumbing 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. Bluegrass Irrigation and Plumbing comparecerá el 23 de octubre 2025, a las 9 a.m. Hora 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 23 de octubre 2025 se llevará a cabo por videoconferencia.

4. Bluegrass Irrigation and Plumbing deberá asistir a la audiencia utilizando el siguiente enlace:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjA4ZWYxZjAtMDI3MC00ZTA3LTkwODMtOTI1MWRhYWFlmMjE1%40thread.v2/0?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%220a598c1f-a179-47d5-a86f-480337c1709c%22%7d

5. Bluegrass Irrigation and Plumbing notificará a la Comisión, al menos diez días antes de la audiencia, si Bluegrass Irrigation and Plumbing 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 54427, que se adjunta a esta Orden como Apéndice A, forma parte del expediente de este caso.

9. La audiencia 23 de octubre 2025 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

Comisionado/a

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. 2025-00297 FECHADO

TREINTA Y SEIS PÁGINAS A SEGUIR

Scott Schumacher
Registered Agent
Bluegrass Irrigation and Plumbing, Inc.
160 Louisa Drive
Nicholasville, KY 40356