

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **Beacon** )  
**Contracting LLC**, Regarding Violation(s) of the )  
Kansas Underground Utility Damage Prevention Act )  
(KUUDPA) (K.S.A. 66-1801, *et seq.*, and K.A.R. 82- ) Docket No. 24-DPAX-211-PEN  
14-1, *et seq.*), and the Commission's Authority to )  
Impose Penalties and/or Sanctions (K.S.A. 66-1,151). )

**NOTICE OF FILING OF REQUEST FOR HEARING**

The attached Request for Hearing and corresponding documents are hereby filed in this docket on behalf of Beacon Contracting LLC. The attached documents include:

1. Letter from Beacon Contracting LLC, dated July 7, 2023.
2. Picture of project site provided by Beacon Contracting LLC.
3. Request for Hearing, dated September 19, 2023.

WHEREFORE, the attached Request for Hearing and corresponding documents are hereby filed on behalf of Beacon Contracting LLC for consideration by the Commission.

Respectfully submitted,

*/s/ Ahsan Latif*

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Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: 785-271-3118  
Fax: 785-271-3167  
Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

**BEACON**  
  
**CONTRACTING LLC**  
P.O. BOX 1927  
LEE'S SUMMIT, MO 64063  
Phone: 816-524-4230  
Fax: 816-524-4240

7/7/23

Attn: Leo Haynos – Chief Engineer  
Company: Kansas Corporation Commission  
Phone: 785.271.3278  
Email: [l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)

Dear Leo,

I offer this response to your letter dated 6/20/23, KCC Investigation #CK-23-OC-1100.

Option 1) Submit written explanation, a statement of denial, or other materials contesting the allegations.

Beacon was working as a concrete subcontractor for Strickland Construction on the Church of the Harvest property. Our role was to form and pour concrete curb and sidewalk. This incident occurred while forming curb for a subsequent concrete pour. As you can see from the attached picture the 30" steel stake was projecting 11-1/4" +/- above the 2 X 12 (11-1/4") dimension lumber. That would leave 8" +/- of the steel stake protruding into the soil subgrade. Based on that scenario it appears that the damaged Atmos gas line in question was buried at an insufficient depth of 8" below finish grade. Please consider this explanation and picture documentation as Beacon Contracting's denial of responsibility for noncompliance. Thank you in advance for your consideration in this important matter.

Sincerely,

  
Don Bishop – CEO  
Beacon Contracting, LLC



30" Pin

11 1/4" +/-

11 1/4"

2x12





**Ahsan Latif**

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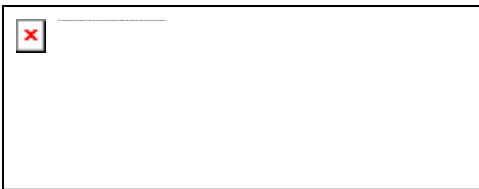
**From:** Don Bishop <dbishop@beaconcontracting.com>  
**Sent:** Tuesday, September 19, 2023 12:20 PM  
**To:** Ahsan Latif  
**Subject:** 24-DPAX-211-PEN  
**Attachments:** KCC-Leo.H-Response-Letter-Documentaion.pdf

**This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.**

Good afternoon Ahsan. Thanks for taking the time to talk to me yesterday concerning the damaged gas line at Church of the Harvest on 6/7/23. Please see the attached letter to Leo Haynos on 7/7/23 and a project picture contesting the 6/20/23 KCC Investigation #23-OC-1100.

Our operation that resulted in the damage to the gas line was not an excavation as defined in K.S.A. 66-1802(d) and (e). We were simply setting concrete forms utilizing steel stakes to set our lumber to line and grade. Our operation isn't much different than a surveyor driving a wood hub into the ground with a hammer or a real estate agent putting a for sale sign into a sellers yard. We set thousands of stakes every year on hundreds of projects.

My hope is that you will take a look at this evidence and see that Beacon Contracting was not moving forward in an activity that requires KS One Call locates. Thanks for your consideration.



**Don Bishop** *CEO*  
(P) 816-524-4230 | (F) 816-524-4240 |  
120 SW 2nd St., Lee's Summit, MO 64063  
| (W) <http://www.beaconcontracting.com/>



**CERTIFICATE OF SERVICE**

24-DPAX-211-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on September 28, 2023.

Don Bishop  
Beacon Contracting LLC  
120 SW 2nd  
Ste 206  
Lees Summit, MO 64063  
dbishop@beaconcontracting.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
a.latif@kcc.ks.gov

/S/ Kiley McManaman  
Kiley McManaman

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