

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

In the Matter of the Investigation of **Amino Brothers**)
Co., Inc., Regarding Violations of the Kansas)
Underground Utility Damage Prevention Act)
(KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-) Docket No. 25-DPAX-280-PEN
14-1 through 82-14-5), 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 was received on February 11, 2025, from Amino Brothers Co., Inc. The attached documents include:

1. Request for Hearing, dated February 11, 2025.
2. Contractor's Response, dated October 23, 2024.

WHEREFORE, the attached Request for Hearing and corresponding documents are hereby filed for consideration by the Commission.

Respectfully submitted,

/s/ Ahsan Latif

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: ahsan.latif@ks.gov

Attorney for Commission Staff

From: [Ken Ashmore](#)
To: [KCC SafetyResponse](#)
Cc: [Ahsan Latif \[KCC\]](#)
Subject: Notice of Penalty Order 25-DPAX-280-PEN
Date: Tuesday, February 11, 2025 2:31:09 PM
Attachments: [Contractors Response.pdf](#)

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Owings,

In today's mail, we received Notice of Penalty Order 25-DPAX-280-PEN.

Pursuant to K.A.R. 82-14-6(j), Amino Brothers Co., Inc. requests a hearing to challenge the allegations that Amino Brothers did not exercise reasonable care or use nonintrusive means to assure there was not a conflict between underground utilities and excavation activity in the tolerance zone. We would also challenge the allegations that our response did not dispute the Staff's findings.

The Notice said that we could electronically file this request for hearing. I assume this email would serve as that request. If there is another procedure that needs to be followed, please let me know.

Also, Ahsan can you please let me know the process of the hearing? Will the hearing be in person or a Teams meeting? Will I receive the notice of the hearing via email? I apologize, but I have never had to go through this process before.

Thank you.



Ken Ashmore
**Chief Estimator/
Project Manager**

a: Amino Brothers Co., Inc.
e: ken@aminobros.com
c: 913-208-1757 | **p:** 913-334-2330
w: www.aminobros.com

From: Ken Ashmore
Sent: Wednesday, October 23, 2024 9:55 AM
To: Paul Owings <kccsafetyresponse@kcc.ks.gov>
Cc: Mary Sullivan <mary@aminobros.com>
Subject: RE: AR-24-OC-1112 - NPV Investigation Letter - Amino Brothers Co., Inc. - 2024 - Amino Brothers Co, Inc - KGS - Shawnee - 10/15 - 1:07

Mr. Owings,

Please find attached our Contractor's Response regarding the above referenced investigation.

Thank you.



Ken Ashmore
**Chief Estimator/
Project Manager**

a: Amino Brothers Co., Inc.
e: ken@aminobros.com
c: 913-208-1757 | **p:** 913-334-2330
w: www.aminobros.com

From: Mary Sullivan <mary@aminobros.com>

Sent: Wednesday, October 23, 2024 9:06 AM

To: Ken Ashmore <ken@aminobros.com>

Subject: FW: AR-24-OC-1112 - NPV Investigation Letter - Amino Brothers Co., Inc. - 2024 - Amino Brothers Co, Inc - KGS - Shawnee - 10/15 - 1:07

From: Paul Owings <kccsafetyresponse@kcc.ks.gov>

Sent: Wednesday, October 23, 2024 8:58 AM

To: Mary Sullivan <mary@aminobros.com>; kccsafetyresponse@kcc.ks.gov; a.rak@kcc.ks.gov

Subject: AR-24-OC-1112 - NPV Investigation Letter - Amino Brothers Co., Inc. - 2024 - Amino Brothers Co, Inc - KGS - Shawnee - 10/15 - 1:07

On 10/15/2024, the Kansas Corporation Commission's Pipeline Safety conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA). The findings of this investigation are described in the attached letter. Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission. Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this email to the address or email below. All email responses must be electronically signed and dated. Kansas Corporation Commission Pipeline Safety Section 1500 SW Arrowhead Road Topeka, KS 66604-4027 kccsafetyresponse@kcc.ks.gov

Company: Amino Brothers Co., Inc.

Division:

Regulation:

66-1809 (a) Excavator's duty to exercise reasonable care.

(a) Upon receiving information as provided in K.S.A. 2001 Supp. 68-1806, and amendments thereto, an excavator shall exercise such reasonable care as may be necessary for the protection of any underground facility in and near the construction area when working in close proximity to any such underground facility.

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 10/24/2024, KCC Staff was notified of excavation work resulting in a damage that occurred to a Kansas Gas Service natural gas service line at 5812 Monrovia Street. KCC alleges Amino Brothers Co, Inc damaged a KGS 3/4" natural gas service line with a trackhoe while doing road reconstruction. There was a valid One-Call ticket #24514789 with a due date of 10/05/2024. Locate marks were present and within tolerance. One acceptable method of reasonable care is to spot the marked utility via pothole prior to excavation.

OPERATOR'S RESPONSE: (Attach verification if needed)

PLEASE SEE ATTACHED

Operator's Authorized Signature:

[Handwritten Signature]

Date:

10/23/2024

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 10/15/2024

Inspected By: AR

AMINO BROTHERS Co., INC.

Heavy & Highway
Construction

A Certified DBE/WBE Company



October 23, 2024

Mr. Paul Owings
Deputy Chief Engineer
Kansas Corporation Commission
Utilities Division
1500 SW Arrowhead Road
Topeka, Ks 66604-4027

Re: KCC Investigation # AR-24-OC-1112

Mr. Owings:

Please accept this letter as the Operator's Response regarding the above investigation.

Our storm sewer crew had potholed this line on the east side of the street and found the line to be seven feet deep. We were able to install the storm sewer on the east side of the road over the top of the gas service line without conflict.

When our crew moved to the west side of the street to remove an existing storm sewer pipe and inlet approximately 25 feet from where they had potholed the line, they assumed the line would remain at approximately seven feet deep. Instead, the line had raised in elevation and they struck the line at three feet deep.

Prior to the start of construction on this project, Kansas Gas Service was given a set of plans and were instructed to relocate all gas service along this street so they would not be in conflict with construction. Kansas Gas Service hired Northern Pipeline to complete these relocations.

For this service line, they had started at seven feet deep on the east side to avoid conflict with the new storm sewer, but for some reason, they raised the gas line on the west side of the street to three feet deep and went over the top of the storm sewer line that was to be removed instead of maintaining the seven foot depth and going under the existing storm sewer line.

P.O. Box 11277 • 8110 Kaw Drive • Kansas City, Kansas 66111

913-334-2330 • Fax 913-334-0144

members: national associated general contractors • kansas contractors association • heavy constructors association

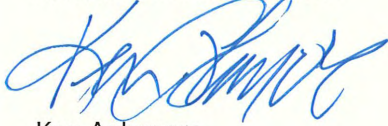
AMINO BROTHERS Co., INC.

Heavy & Highway
Construction

A Certified DBE/WBE Company

Amino Brothers could not expect that the gas service line would raise four feet in elevation within 25 feet of where we potholed for the line.

Respectfully submitted,
Amino Brothers Co., Inc.



Ken Ashmore
Utility Damage Prevention Coordinator

P.O. Box 11277 • 8110 Kaw Drive • Kansas City, Kansas 66111
913-334-2330 • Fax 913-334-0144

members: national associated general contractors • kansas contractors association • heavy constructors association

CERTIFICATE OF SERVICE

25-DPAX-280-PEN

I, the undersigned, certify that a true copy of the attached Filing has been served to the following by means of electronic service on February 13, 2025.

Ken Ashmore, UTILITY DAMAGE PREVENTION
COORDINATOR
Amino Brothers Co., Inc.
PO Box 11277
Kansas City, KS 66111

BRETT W. BERRY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brett.berry@ks.gov

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

/S/ Kiley McManaman
Kiley McManaman
