

# Underground Technical Committee

Thursday, January 10, 2019 @ 10:00 AM

Conference Call Info: (866) 209-2820, Pin 1547313740#

Agenda (Last Revision 12/28/2018)

- I. Call to Order
- II. Roll Call & Declaration of Quorum
- III. Swearing in of Any Newly Appointed and/or Re-Appointed Members

Motzer, Losinski, Potnick, and Callan. Miller could not attend.

#### IV. Election of Officers

Motion to waive rule requiring election of vice chair until next meeting – approved unanimously. A docket will be opened and an Entry from AE filed approving the waiver. Election of Celona to Chair, Reams to Secretary.

#### V. Approval of Minutes from November 19, 2018 Meeting

Minutes approved.

#### VI. Cases to be Heard:

- a. 18-00043 Prus Construction v. Duke Energy

Recusals: Celona

Asked for pictures and other documents to supplement response, none received. Pics/docs do not provide enough support for the alleged violation. Ticket also contradictory as it mentions both sides of road then states curb-to-curb.

Decision: No enforcement action due to lack of evidence. Unanimous.

- b. 18-00049 Tennessee Gas Pipeline v. Steven McMullen

Recusals: None

Excavation on own property but in utility right-of-way over a high pressure gas line. 690 foot PIR.

Decision: Violation of 28A, Unanimous. Violation of 28C, Unanimous.

Penalty: Attend mandatory training on safe excavation or a Paradigm training seminar with documentation of attendance, Unanimous. Include language on gravity.

- c. 18-00050 Ace Lighting Services v. City of Berea

Recusals: None

Case where water company marked to curb stop but does not mark to structure. Appears work was beyond the curb stop and therefore no conflict was accurate. Water line struck was customer property.

**Decision: No Enforcement Action – no violation, Unanimous.**

**d. 18-00051 JK Excav & Utilities v. Duke Energy**

**Recusals: Celona**

**No response from Respondent. Only evidence to consider is that received from complainant. Also, waiting on a PIP from previous case. Respondent was contacted and reminded by Staff on Dec 4 and Dec 20 and was told to expect response but never received.**

**Decision: Violation found, Unanimous.**

**Penalty: PIP with \$1000 in abeyance pending receipt, Unanimous.**

**e. 18-00052 Mid-OH Pipeline Co v. GLW Broadband**

**Recusals: None**

**Response inadequate response, seems to believe that not required. They have facilities in OH and must follow the law and be a member of OHIO811.**

**Decision: Violation of 29A (no marks), Unanimous. Violation of 26A (not registered), Unanimous.**

**Penalty: Seem to not understand that they have an obligation. One recommendation to fine in abeyance for joining. PIP due within 30 days, 60 days to join OUPS with a fine consistent with past practice in abeyance pending PIP and joining OUPS.**

**f. 18-00053 Majaac, Inc. v. Toledo Edison**

**Recusals: None**

**Plead no contest. Evidence points to violation.**

**Decision: Violation, Unanimous.**

**Penalty: Response was comprehensive and impressive and would like all parties to use that response as a guide in the future. UTC commends the respondent for its response and no other response is necessary. No further submissions required.**

**g. 18-00054 Tennessee Gas Pipeline v. Jerry Hammonds**

**Recusals: None**

**Property owner admits did not call. Did he know about the other notifications required under the law? Violation of all, dangerous situation and pics are telling.**

**Decision: Violation of 28A, Unanimous. Violation of 28C (special notice), Unanimous. Violation of 30A6 (reporting damage), Unanimous. Violation of 30A1 (cutting edge), Unanimous.**

**Penalty: Property owner, may not be familiar with all requirements but did not report damage which created a dangerous situation. Discussion around a small forfeiture, some thought first offense does not warrant a forfeiture under these circumstances. Attend mandatory training on safe excavation or a Paradigm training seminar with documentation of attendance, Unanimous. Include language on gravity, Unanimous.**

h. 18-00055 Tennessee Gas Pipeline v. James Watts

Recusals: None

Similar to previous case but with no damage. As excavator required to call OUPS.

Decision: Violation of 28A, Unanimous. Violation of 28C, Unanimous.

Penalty: Same as other cases. Attend mandatory training on safe excavation or a Paradigm training seminar with documentation of attendance, Unanimous. Include language on gravity, Unanimous.

i. 18-00056 Tennessee Gas Pipeline v. Southern OH Septic Services

Recusals: None

No response from Respondent. This is an excavation business, should be aware of requirements.

Decision: Violation of 28A, Unanimous. Violation of 28C, Unanimous.

Penalty: PIP required including training of excavation employees.

## VII. Status update on cases

### a. Status & number of pending cases

9 cases pending

## VIII. Old Business

### a. Follow-up on cases already decided:

#### i. PIPs (*Awaiting PIPs in Italics*)

- 17-00063 *Thayer Power & Communications* Due 09/14/2018
- 18-00001 *Charter Communications*
- 18-00002 *Clayton Homes* Penalty assessed
- 18-00011 *Charter Communications* Due 10/04/2018

### b.

## IX. New Business

None.

## X. Next Meeting—TBD

March 7, 10am.

## XI. Adjourn

### Open Items:

- UTC Document Portal—meeting needs?
- 16-00024 Reconsideration Request update
- 16-00017 (checking on ownership)
- OUPS Visit?
- Define 'HABITUAL OFFENDER'?