



Underground Technical Committee

Meeting Minutes – Draft
Thursday, October 10 2019

Roll Call

Celona, Corrin, Hocevar, Igel, Jewell, Losinski, Perry, Potnick, Reams, Ward, Woods in attendance.

Table with 3 columns: Case No., Complainant, Respondent. Row 1: 19-00034, Enbridge Energy, Know How Systems Global

Recusals: CELONA

Discussion: Complaint is that the Respondent did not call Ohio811 before placing tent stakes approximately 36” long over an Enbridge pipeline in violation of R.C. 3781.28(A). No response was received from Know How Systems.

Violation: Violation of 3781.28(A). Respondent did not contact OH811 before conducting an activity meeting the definition of “Excavation” in R.C. 3781.25. Unanimous.

Penalty Discussion: First violation from the respondent. Proposed penalty is to require the respondent to submit a performance improvement plan in accordance with previous precedent in similar cases. Unanimous.

Table with 3 columns: Case No., Complainant, Respondent. Row 1: 19-00035, Josh Daniels & Company, Ohio Edison

Recusals: NONE

Discussion: Complaint is that an electrical line was mis-marked, markings were approximately 26” away from the line location, violating R.C. 3781.29(A)(1). Respondent states this is a customer owned line and therefore they are not required to mark. This line hit occurred between the drop at the pole and the customer meter, for commercial accounts the customer owned portion of the line extends from the drop at the pole.

Violation: The UTC determined no violation occurred. Unanimous.

Penalty Discussion: No penalty discussion.

**19-00036**

**Michael Siroskey**

**AEP**

Recusals: LOSINSKI

Discussion: Allegation is that electrical lines were not marked correctly in violation of R.C. 3781.29(A)(1). AEP provided documentation that the line was marked up to a privately owned utility. The complainant provided no supporting documentation.

Violation: The UTC determined no violation occurred. Unanimous.

Penalty Discussion: No penalty discussion.

**19-00037**

**Michael Siroskey**

**AT&T**

Recusals: NONE

Discussion: Allegation is that electrical lines were not marked correctly in violation of R.C. 3781.29(A)(1). The complainant provided no supporting documentation.

Violation: The UTC determined no violation occurred. Unanimous.

Penalty Discussion: No penalty discussion.

**19-00038**

**Michael Siroskey**

**Spectrum**

Recusals: CELONA, WARD

Discussion: Allegation is that electrical lines were not marked correctly in violation of R.C. 3781.29(A)(1). The respondent admitted to the line being marked outside the tolerance zone.

Violation: Violation of 3781.29(A)(1). Respondent failed to accurately mark its underground utility facilities. Unanimous.

Penalty Discussion: Spectrum has submitted and followed a satisfactory performance improvement plan prescribed from a previous case and ongoing implementation is considered an adequate response. Unanimous.

**19-00039**

**Majaac Inc.**

**AT&T**

Recusals: NONE

Discussion: Alleged that the respondent failed to mark lines in violation of R.C. 3781.29(A)(1). Photographs sent in response by AT&T were in a zip file and a majority of the Committee membership was unable to open this file to view the pictures. As a result, the UTC decided to table the case until the next UTC meeting. Unanimous.

**19-00040**

**SureShot Directional**

**Columbia Gas of Ohio**

Recusals: CELONA

Discussion: Alleged that the respondent failed to mark lines in violation of R.C. 3781.29(A)(1). The respondent admitted to the violation.

Violation: Violation of 3781.29(A)(1), failure to locate and mark within forty-eight hours of receiving notice. Unanimous.

Penalty: The performance improvement plan previously in the Respondent response submitted by Columbia Gas was determined to be an adequate response. Unanimous.

**19-00044**

**SureShot Directional**

**National Gas & Oil Cooperative**

Recusals: CELONA

Discussion: Alleged that the respondent failed to mark lines in violation of R.C. 3781.29(A)(1). The respondent admitted to the violation. National Gas & Oil Cooperative mentioned the field tech in question was no longer employed with their contract locator USIC but did not discuss how they oversaw USIC or looked at performance.

Violation: Violation of 3781.29(A)(1), failure to locate and mark within forty-eight hours of receiving notice. Unanimous.

Penalty: Require National Gas & Oil Cooperative to submit a performance improvement plan with investigation of process. Unanimous.

**19-00045**

**Majaac Inc.**

**Spectrum**

Recusals: CELONA, WARD

Discussion: Alleged that the respondent failed to mark lines in violation of R.C. 3781.29(A)(1). Some notes referenced by the respondent were not able to be viewed on the Commission web site. As a results the UTC decided to table the case until the next UTC meeting. Unanimous.

**19-00046**

**Ohio Edison**

**Josh Daniels & Company**

Recusals: NONE

Discussion: Alleged misuse of the one call system by inappropriately calling in an emergency ticket in a non-emergency. The UTC heard recordings of the call and determined the defendant was calling asking for information and the OH811 operator created an emergency ticket although he did not request one.

Violation: The UTC determined there was no violation. Unanimous.

#### Status Update

Including the two cases that were tabled, there are 11 cases ready for a decision from the UTC.

#### Old Business

Previous performance improvement plans required as corrective action by the UTC were not received for cases 18-00025, 18-00026, 18-00027, and 18-00028. The UTC determined that letters be sent to the respondents for each of these cases requiring the performance improvement plan be delivered within 30 days and if these plans were not received a \$500 fine would be assessed. These letters were sent but not via certified mail, which the Commission will do.

The UTC previously rejected a performance improvement plan submitted by Polchovski Excavating (Case 18-00058) and voted to send it back for revision. No response was received. The UTC decided to have a notice sent to Polchovski Excavating by certified mail requiring a revised performance improvement plan with a \$500 penalty assessed if it is not received within 30 days. Unanimous.

Cases 17-00063 and 18-00002 were previously recommended to be referred to the Office of the Attorney General for escalated enforcement action. So far these cases have not been referred. The PUCO legal section is developing a process to referring cases to the Office of the Attorney General.

The PUCO legal section contacted the legal director of the Village of Urbancrest regarding the requirement for the Village to join OH811. Ongoing.

## New Business

Chairman Celona noted that four of the UTC members are up for reappointment by the end of the year.

UTC member Jason Woods had a question about what the status of “direct response needed” was for already decided cases listed on the agenda. The answer is these are cases where training was provided by OH811 community liaisons but a response verifying completion of training from the defendant had not yet been received.

Next meeting: December 5<sup>th</sup>, 2019 @ 10:00am.

Adjourn