



# Public Utilities Commission

Underground Technical Committee  
October 12, 2017 – 10:00 a.m.

- Roll call, quorum present.
- Jason Woods was sworn in as member.
- Approval of minutes from previous meeting
- Cases:

<u>Case No.</u>	<u>Complainant</u>	<u>Respondent</u>
17-00019	Duke Energy	Smith & Brown
Celona and Corrin recused selves. Discussion: respondent denies allegation but notes a piece of sidewalk fell on main. No violation of damage prevention law occurred. Unanimous.		
17-00020	Duke Energy	Jackson Construction
Celona and Corrin recused selves. Replacing curb and hit a marked lateral. With no response from respondent, violation of both listed codes. Unanimous. Penalty: PIP within 30 and if not received case will be reviewed by UTC for possible further penalties/fines. Unanimous.		
17-00021	Duke Energy	Queen City Mechanical
Celona and Corrin recused selves. Discussion: Document issues. Move this back to next meeting and solicit another response. Unanimous.		
17-00030	City of Wadsworth	Jeff’s Underground Service
Ward recused self. Discussion of all 3 cases before penalty. Discussion: There is not enough information to show that respondent violated law at this location. No enforcement action – not enough information. Unanimous.		
17-00031	City of Wadsworth	Jeff’s Underground Service

Ward recused self. Discussion: No contest from respondent, new secretary, sent out early by mistake. Violation occurred. Unanimous.

17-00032                      City of Wadsworth                      Jeff's Underground Service

Ward recused self. Discussion: No contest from respondent, new secretary, sent out early by mistake. Violation occurred. Unanimous.

Penalty for 31/32: First time in front of UTC, respondent must submit a PIP within 30 days. Unanimous.

17-00033                      Sewell Irrigation                      AEP

Corrin and Losinski recused selves. Will discuss both cases against AEP before discussing penalty. Discussion: AEP admits the violation. Reams wanted to give credit to AEP for its response and acknowledges that AEP appears to be diligent in its damage prevention efforts. Respondent violated listed code. Unanimous.

17-00034                      Sewell Irrigation                      AEP

Corrin and Losinski recused selves. Will discuss both cases against AEP before discussing penalty. Discussion: Respondent violated listed code. Unanimous.

Penalty for 33/34. Discussion: PIP is usual penalty for first offense but AEP submitted a performance improvement plan in its response and it satisfies the UTC requirements. Response is accepted as PIP. Unanimous.

17-00035                      Sewell Irrigation                      Wide Open West

Corrin and Losinski recused selves. Reams abstaining – did not get all of the case file in time to review properly. Will discuss both cases against WOW before discussing penalty. Discussion: Woods concerned that digging by complainant proceeded when it knew there were facilities present. WOW is in violation of listed code. Unanimous.

17-00036                      Sewell Irrigation                      Wide Open West

Corrin and Losinski recused selves. Reams abstaining – did not get all of the case file in time to review properly. Discussion: Locator arrived but was a couple of hours after the 48 hour window. WOW is in violation of listed code. Unanimous.

Penalty for 35/36. Discussion: History 6/1/17 WOW was found in violation of same and submitted a PIP. Previous cases with recent history UTC required a fine held in abeyance until a

review of previous PIP is conducted. Voted to \$500 fine held in abeyance pending report in 30 days.

17-00037                      Sewell Irrigation                      AT&T

Corrin recused self. Will discuss penalty after both related cases. Discussion: AT&T admits locator arrived 4 hours after 48 hour window and pleads no contest. Violation of listed code. Unanimous.

17-00038                      Sewell Irrigation                      AT&T

Corrin recused self. Discussion: AT&T admits locator arrived 4 hours after 48 hour window and pleads no contest. Violation of listed code. Unanimous.

Penalty for 37/38. Discussion: History – UTC has issued 3 corrective action plans for same violation since 2016. Education is the first priority for violators but this corrective action is not changing behavior so perhaps a fine is now what is needed. Perhaps a lower fine amount of \$250 for each violation. Discussion surrounding the number of locates that AT&T does each year and whether or not a fine is warranted given the level of activity. Discriminating between small and large companies is a concern. Some members believe that a fine for both cases is inappropriate because they are here at same time. Separate motions for each case: Penalty for 37 is a \$250 fine due in 30 days (Unanimous). Penalty for 38 is a \$250 fine due in 30 days (Nays are Losinski and Motzer).

17-00041                      McClure Telephone Co.                      Brett Electric

Discussion: Respondent was given a depth that they relied on and it turned out to be incorrect. McClure denying that depth was given. But Brett Electric was not hand digging within the tolerance zone. In violation of 3781.30(A)(4) - Depth does not matter in the law, and law even notes that any depths (if given) are approximate (Unanimous). Penalty: PIP/Training, first violation. (Unanimous)

- Status & number of pending cases: Approximately 8 cases pending, most were recently reported and awaiting initial response from Respondents.
- Old business:
  - No update on 16-00017
  - Midvale (17-00010) joined OUPS as required
  - 17-00004/17-00006/17-00011 – all penalty submissions accepted
  - Request for Reconsideration (16-00024): agency is close to deciding on a course for these cases, awaiting management approval and work out the final details. Jeff Jones will update when information is available.

- Dave Celona reports that efforts to change the language in ORC continue, may have an opportunity to submit the change soon.
- UTC still planning to have a meeting at new OUPS facility when finishes – likely in the Spring.
- Form letters have been updated with Joe Igel’s suggested language in an attempt to further remind parties that the information provided in the case file must be comprehensive and stand on its own.
- Next meeting scheduled for 10:00am on January 11, 2018 @ PUCO Offices.
- Adjourn