



UTC Minutes November 19, 2018

- I. Call to Order
II. Roll Call & Declaration of Quorum
Present: Potnick, Ward, Igel, Celona, Losinski, Motzer, Jewell, Willis, Callan
Teleconference: Reams, Slatzer, Corrin
III. Swearing in of Any Newly Appointed and/or Re-Appointed Members
Discussion of appointments that are expiring at the end of 2018. Potnick, Callan, Igel, Losinski, Motzer, and Willis
IV. Approval of Minutes from September 27, 2018 Meeting

Table with 3 columns: Case No., Complainant, Respondent. Row 1: 18-00040, Majaac, Inc, Toledo Edison

Recusals: None
Discussion: No conflicted by Respondent, due to overhead. Mapping inaccuracy from Respondent resulted in unidentified buried electric cable coming from an overhead transformer. Mapped showed all overhead. Still believes that ug facility was not within the scope of the ticket.
Decision: Violation of 3781.29(A)(1). Unanimous.
Penalty: No complaints for over a year. Respondent investigated and corrected upon notice. Response in this case is sufficient, no further submission required. Unanimous.

Table with 3 columns: Case No., Complainant, Respondent. Row 1: 18-00043, Prus Construction Company, Duke Energy

Recusals: None
Discussion: Marked previously but marks not refreshed. Prus claimed marks still visible. This should carry the public improvement ORC code since it is a public improvement project.
Decision: Tabled to ask questions and change violation to 153.64.
Questions:
- Comp: Provide photographic evidence of mismatch
- Comp: Provide refresh ticket from 4/27
- Resp: Provide pics from last locate prior to event that prompted complaint (3rd party locator usually take pics after a locate)
- Resp: Provide relocation plans from the project.
Penalty: Tabled.

18-00044

Toledo Edison

Infrasource Construction LLC

Discussion:

Decision: Violation. Unanimous

Penalty: First offense and discussion of complainant's suggestion that Resp is a repeat offender in its opinion. UTC cannot take that into account – will only treat complaints before the UTC as previous offenses. Require a PIP that includes training and excavation practice. Unanimous.

18-00045

Geotex Construction Services Inc

AT&T

Discussion: First two no conflict, complainant had to call a third time to get marked. Was the description of the dig site adequate? The description was pretty general. Resp claims it was outside the scope of ticket, comp says it was not. Discussion that information is adequate and locator likely would not have located it (eventually) if it was outside scope. Original no conflict responses may have been to avoid making it late. Discussion that both parties could have done a better job of communicating. Resp could have used 004 code if confused about scope or unable to locate entire area.

Decision: Violation. Unanimous.

Penalty: Reviewed recent cases for respondent. No conflict from confusion on the scope of the ticket, not from any intent – believed there was no conflict. Ultimately, the complainants process needs cleaned up. Suggest that UTC provide explanation why this was a violation and asking comp to address it. There was a revised PIP addressing use of 004 code recently. May just be that the individual locator made a mistake, suggestion that maybe the company address the individual if that was the root cause. UTC to require a revised PIP that addresses improved communication with excavators to facilitate better use of response codes. Unanimous.

18-00046

Heather Zaugg

OUPS/Ohio811

Recusals: Jewell, Motzer, Losinski, Ward

Discussion: Request to withdraw.

Decision: Approve withdrawal. Unanimous.

Penalty: N/A

18-00047

Dominion Energy Ohio

Helms & Sons Excavating

Recusals: Corrin, Celona,

Discussion: Respondent admitted violation because originally only planned to dig 1.5" and didn't call.

Decision: Violation. Unanimous.

Penalty: Should know that there is no minimum depth in the law. Call required for shallow depths, too. PIP addressing that includes proper excavation ticket requests. Unanimous.

18-00048

Dominion Energy Ohio

Helms & Sons Excavating

Recusals: Corrin, Celona

Discussion: Same parties as above. Appears that respondent called in a ticket in response to the previous complaint but still did not wait the required 48 hours.

Decision: Violation. Unanimous.

Penalty: PIP (see above). One submission. Unanimous.

Other items:

- Officer elections in January
- New database platform coming
- OUDPC update
 - Third party accountability
 - Exemptions
 - Size/Scope of Tickets – Large Projects
- Holiday get-together in the works
- OUPS/OGPUPS joining should improve safety in Ohio

Next meeting: January 10, 2019. 10:00 am.

Adjourn.