



Public Utilities Commission

Underground Technical Committee

Meeting Minutes

Thursday, December 5 2019

<u>Case No.</u>	<u>Complainant</u>	<u>Respondent</u>
19-00039	Majaac Inc	AT&T

Recusals: NONE

Discussion: Tabled from previous meeting due to issues viewing photos. Complainant said utilities were not located properly. Photo documentation provided by complainant were black and white.

Violation: The UTC determined there was inadequate information to confirm a violation occurred. Vote was 10-2 with REAMS and KELLY dissenting and POTNICK abstaining.

Penalty Discussion: No penalty discussion/ Non- Violation.

19-00045	Majaac Inc.	Spectrum
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Recusals: WARD

Discussion: Tabled from previous meeting. Complainant said utilities were not properly marked. Discussion about whether the most recent Marking Standards should apply or the standards in place at the time the law was passed. Consensus after reviewing the language in the law is that the current standards filed with OUPS should apply. IGEL volunteered to work on list of items that have changed for the UTC reference materials.

Violation: The UTC determined there was inadequate information to confirm a violation occurred. Unanimous.

Penalty Discussion: No penalty discussion/ Non-Violation.

19-00047

SureShot Directional

Columbia Gas

Recusals: NONE

Discussion: Allegation is respondent failed to mark utilities within 48 hour window and failed to communicate with complainant to provide additional guidance within that window.

Violation: Violation of 3781.29(A)(1). Respondent failed to fully mark utilities within 48 hour window. Vote was 10-3 with MILLER, MOTZER, HOCEVAR dissenting.

Penalty Discussion: Accept previously submitted PIP with encouragement to use this case as a training opportunity.

19-00049

Tennessee Gas Pipeline

Six Logging

Recusals: NONE

Discussion: There was significant discussion over whether driving over a pipeline with heavy equipment and leaving ruts in soft ground was considered excavation and therefor under the purview of the UTC. There was also discussion about whether the complaint should be under 3781.28(C). Motion was made and voted down to request resubmission under 3781.28(C).

Violation: The UTC determined no violation occurred because there was no excavation but there were serious safety concerns with the activity. Unanimous.

Penalty Discussion: Requirement for respondent to attend safety training and submit adequate documentation to the UTC in accordance with previous precedent in similar cases. Unanimous.

19-00050

Tennessee Gas Pipeline

Harry Jones

Recusals: NONE

Discussion: Respondent admitted in response to digging without calling 811. Discussion about whether some language in the response indicated that respondent did not fully understand the requirements.

Violation: Violation of 3781.28(A). Unanimous.

Penalty: Require respondent to attend a training class.

19-00052

Arbor Experts

Spectrum

Recusals: WARD

Discussion: Alleged that Respondent did not mark. Three tickets had been called in at the same location due to delays in completing the work and tickets expiring. Third ticket was not marked within 48-hour window.

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 submitted by Spectrum as a result of an incident that occurred after the date of this incident was sufficient.

19-00053

Arbor Experts

AT&T

Recusals: NONE

Discussion: Alleged that Respondent did not mark. There were three tickets called in for the same location due to delays in completing the work and tickets expiring. Third ticket was not marked within 48-hour window.

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

Penalty: The actions taken by AT&T as a result of the situation was determined to be an adequate response. Unanimous.

19-00054

Arbor Experts

Vectren

Recusals: NONE

Discussion: Alleged that Respondent failed to respond to ticket. Complainant had called in two previous tickets for same location that did not list Vectren as having facilities in the area. Complainant asked for Vectren to be added to the ticket.

Violation: The UTC determined no violation occurred because the City of Lancaster had no obligation to respond because they had no facilities in the area. Unanimous.

Penalty: No penalty discussion/ Non-Violation

19-00055

Arbor Experts

Dayton P&L

Recusals: NONE

Discussion: Alleged that Respondent did not mark. Three tickets had been called in at the same location due to delays in completing the work and tickets expiring. Third ticket was not marked within 48-hour window. Respondent stated in response that they had already responded to another ticket at the same location the previous day, so they considered it marked.

Violation: Violation of 3781.29(A)(1), failure to respond to ticket. A response is required for all tickets regardless of whether the area in question has been marked recently. Unanimous.

Penalty: Respondent must submit an acceptable performance improvement plan focused on addressing the specific violation and responding to all tickets. Unanimous.

19-00057

Eric Kirk

City of Lebanon

Recusals: NONE

Discussion: Alleged that Respondent did not mark. Respondent explained in response that the utilities in question were considered private utilities owned by the property owner per City policy. Respondent marked up to the property line.

Violation: The UTC determined no violation occurred. Unanimous.

Penalty: No penalty discussion

Status Update: L Hampton: Currently 4 additional cases are being investigated.

Next meeting: March 19, 2020 @ 10:00am.

Adjourn