

Underground Technical Committee Meeting Minutes

Thursday, March 7, 2019 @ 10:00 AM

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

Edward Miller sworn in

- IV. Election of Vice Chair

Postponed until Joe Igel's re-appointment

- V. Approval of Minutes from January 10, 2019 Meeting

Approved

- VI. Cases to be Heard:

- a. 18-00058 Madison Village v. Polchosky Excavating

Recusals: None

Discussion of other possible violations evident (complainant not responding, possibly removing topsoil before calling for locates). Complaint is on digging prior to 48hrs. Callan noted that on at least one ticket it appears that respondent dug before 48hrs.

Respondent is in violation of 3781.28(A). Unanimous.

Penalty: First offense. Motion: PIP to include calling one call and remarking tickets. Unanimous.

- b. 18-00060 JCon Construction v. Dayton Power & Light

Recusals: None

JCon is not an aggrieved party – did not perform excavation. Calling in tickets for his subcontractors does not fulfill obligations under revised code. Invalid – not aggrieved party. Unanimous.

- c. 18-00061 Dominion Energy v. Helms & Sons Excavating

Recusals: Celona, Corrin

Discussion that Complainant appears to be correct regarding the location of the marks and the damage. Dominion documentation was thorough. Respondent claims hit near center of house but respondent photos clearly show it near the left side as claimed. Members noted that it can take time to notify a pipeline operator of damage and does not believe that the amount of time the respondent took was unreasonable.

Respondent is in violation 3781.30(A)(1). Unanimous. No violation of 3781.30(A)(6). Unanimous.

Penalty: PIP submitted in Jan 2019 – complaint submitted prior to that PIP so respondent did not have a chance to correct issues and complete PIP. No Penalty.

d. 18-00062 Tennessee Gas Pipeline v. Leatherwood Logging

Recusals: None

Respondent is not contesting. Heavy loads are supposed to be reported to pipeline but that is not in damage prevention laws and outside the scope/jurisdiction of UTC per 4901:1-2-02.. Respondent was unaware of requirement. Does not appear to be any excavation work performed, just driving heavy load across. Evidence provided indicates no violation occurred. No Enforcement Action.

e. 18-00063 Columbus Torah Acdmy v. AEP

Recusals: Losinski

Respondent admitted to the compliance failure. However, complainant is not an aggrieved party. Work was done for complainant by a contractor. Invalid – not aggrieved party. Explanation to be provided to complainant.

f. 18-00064 Hinckley Township v. Ohio Edison

Recusals: None

Complaint is invalid due to being past the 90 day requirement per 4913.05 of Code. Invalid – 90 days.

g. 18-00065 CST Utilities v. Village of Urbancrest

Recusals: None

Response not clear. Tabled for further information:

- Does the Village own/operator facilities?
- Did it provide locations per 3781.26?
- Further explanation of issue from complainant.

Staff will request information from both parties.

h. 18-00067 SureShot Directional Brgv. Columbia Gas

Recusals: Celona

Code 004 appears to have been used a lot and used improperly by the respondent. Simply responding with an 004 code within 48hrs does not comply with the law. Must attempt to locate and contact excavator.

Violation of 3781.29(A)(1). Unanimous.

Penalty discussion: Been over one year since last violation. Updated PIP regarding positive response. Unanimous.

i. 18-00068 SureShot Directional Brgv. Columbia Gas

Recusals: Celona

Similar to 18-00067 above.

Violation of 3781.29(A)(1). Unanimous.

Penalty discussion: Been over one year since last violation. Updated PIP regarding positive response. Unanimous.

j. 18-00069 SureShot Directional Brgv. Columbia Gas

Recusals: Celona

Did not mark, used yard card. This action does not satisfy the requirements of damage prevention law.

Violation of 3781.29(A)(1). Unanimous.

Penalty discussion: Updated PIP regarding positive response and eliminating use of yard card. Unanimous.

k. 18-00070 SureShot Directional Brgv. Columbia Gas

Recusals: Celona

Similar to 18-00067 above.

Violation of 3781.29(A)(1). Unanimous.

Penalty discussion: Been over one year since last violation. Updated PIP regarding positive response. Unanimous.

l. 18-00071 Harris Excavating v. Duke Energy

Recusals: Celona

Violation. Unanimous.

Penalty discussion: Duke not responding. Missing previous PIPs and no response to this complaint. Issue PIP with \$5,000 in abeyance.

VII. Status update on cases

a. Status & number of pending cases

6 cases under investigation

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- Request to turn over to Attorney General for collection -\$500.00*

- 18-00002 Clayton Homes Due—missed reconsideration deadline- Request to turn over to Attorney General for collection \$500.00
- 18-00018 Duke Energy Due 10/04/2018
Monetary penalty assessed \$500.00 due upon notification
- 18-00049 Tennessee Gas Pipeline v. S McCullen (June 30, 2019)
- 18-00051 JK Excavating v. Duke Energy- monetary penalty assessed if not received by 3/26/2019 \$1000.00.
- 18-00052 Mid-Ohio Pipeline v. GLW Broadband (Due 4/26/2019 or penalty assessment to be applied)
- 18-00054 Tennessee Gas Pipeline v. Jerry Hammonds (June 30, 2019)
- 18-00055 Tennessee Gas Pipeline v. James Watts (June 30, 2019)
- 18-00056 Tennessee Gas Pipeline v. Southern OH Septic (June 30, 2019)

IX. New Business

18-00002 - refer to AG. Unanimous.

17-00063 – refer to AG. Unanimous.

X. Next Meeting:

May 9, 2019. 10:00 am.

XI. Adjourn

Open Items:

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