



# Public Utilities Commission

## Agenda for the Underground Technical Committee on May 9, 2019 – 10:00 a.m., Hearing Room 11-B *Updated on April 30, 2019*

<u>Case No.</u>	<u>Complainant</u>	<u>Respondent</u>
<b>18-00065</b>	<b>CST Utilities</b>	<b>Village of Urban Crest</b>

Recusals: NONE

Discussion: Tabled from previous meeting. Complainant said that the Village does not locate its facilities though they have stated that they operate facilities leased from Columbus. Gudenkauf advised staff that they do not have a contract to locate for the Village but do occasionally perform locates for them. Village is not a member of OUPS, tickets do not show notification to the Village.

Violation: Violation of 3781.26(A) Respondent is not registered with Ohio811 as required. Unanimous.

Penalty Discussion: Respondent only sent application but not proof of final membership. Village needs to join and send confirmation letter to PUCO staff within 30 days of notification.

<b>19-00004</b>	<b>Majaac, Inc</b>	<b>Toledo Edison</b>
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Recusals: NONE

Discussion: Alleged that facilities were not mark. It appears the proposed excavation was marked with white flags in straight line. Respondent required to mark within 10 feet of the proposed excavation line according to marking standards and though excavation deviated from original line the damage appears to be within that 10 foot requirement. Complainant needs to know that locate ticket should be consistent with actual because entire property was called in but then it was whitelined which could be confusing to locators as to what is required.

Violation: Violation of 3781.29(A)(1) Respondent did not locate as required. Unanimous.

Penalty Discussion: Discussed compliance history before UTC. In response, Respondent is addressing compliance plan with continued improvement goal and is working with Complainant to avoid future issues. UTC is interested in details of the plan as well as some of the results they are finding in an executive summary statement. Decision to accept plan as submitted in response to the complaint. Unanimous.

**19-00006**

**Beheler Excavating Inc**

**Columbia Gas**

Recusals: CELONA

Discussion: Alleged that facilities were not marked. Complainant admitted that it failed to mark in time and submitted that it is taking corrective action.

Violation: Violation of 153.64(C) Respondent did not mark facilities as required. Unanimous.

Penalty Discussion: Discussion about deferring penalty until after 19-00007 (next on agenda). Decision to not assess penalty because they are still within the active window of last penalty and working on submission of PIP from previous cases. Have not had time to implement its plan. Unanimous.

**19-00007**

**Beheler Excavating Inc**

**Columbia Gas**

Recusals: CELONA

Discussion: Alleged that facilities were not marked. Complainant admitted that it failed to mark in time and submitted that it is taking corrective action.

Violation: Violation of 153.64(C) Respondent did not mark facilities as required. Unanimous.

Penalty Discussion: Decision to not assess penalty because they are still within the active window of last penalty and working on submission of PIP from previous cases. Have not had time to implement its plan. Unanimous.

**19-00008**

**City of Marysville**

**VLD Grading**

Recusals: NONE

Discussion: Alleged that Complaint that the Respondent called in tickets more than 10 days prior to excavation. Respondent did, in fact, call in a lot of tickets. Accusation is that company is not calling them in when actually working. Contractor members noting that calling in ticket 6 days COULD be a valid situation. Hesitant to penalized excavators for calling but calling in excessive tickets is a problem as it uses up locating resources that could be used for tickets where excavator will actually be digging. Discussion that you are not permitted to call in 10 days, others believe that this is only a violation if excavator digs after the 10 days, it may not contemplate penalties for calling in a ticket more than 10 days without excavation. Another

considerations is that it sounds like respondent may have been doing excavation work throughout the timeframe that tickets were called in.

Motion to send case back to PUCO staff for a recommendation on this case to be considered at next meeting. Unanimous.

Violation: See above.

Penalty Discussion: See above.

**19-00009**

**Tennessee Gas Pipeline**

**Jake Moore**

Recusals: NONE

Discussion: Alleged that no ticket called in prior to excavation. Respondent admitted that he did not call in a ticket, he put up a tent on his property and it was over the pipeline.

Violation: Violation of 3781.28(A) Respondent excavated over ROW without calling.  
Unanimous.

Penalty: Have recommended free training seminars to previous property owners in similar cases. Will proceed with the same requirement in this case. Required Training. Unanimous.

**19-00010**

**J & D Rack Company**

**Spectrum**

Recusals: CELONA, WARD

Discussion: Alleged that Respondent did not mark. Ticket history appears to show that the first three requests were “request could not be completed/contact excavator” (004) then on the fourth responses it was “marked” (002). Discussion about seeing evidence where it was not marked properly. Damage occurred. Not enough evidence to show that the lines were not properly marked. But a third party (municipal project inspector ) supplied project notes that stated that these lines were not marked. Respondent noted that it was marked but weather removed marks. Also, use of 004 has been misused in the past and concern expressed that Respondent may be using it now in attempt to appear that it is responding in time. Discussion about asking parties if contact was made with the 004 codes or if 004 was just used to meet response time and that issue comes down to whether or not there were marks and whether or not the they were marked properly. Motion to postpone consideration until next meeting and request further information failed (Unanimous after discussion). Motion for no violation due to insufficient evidence. No Enforcement Action. Unanimous.

Violation: No violation.

Penalty: See above.

Status Update: L Hampton: Only 2 cases currently being investigated. 19-00012 and 18-00072.

Old business:

Approved following PIPs:

WOW – further discussion between Staff and officers to ensure all facts are aligned.as

Requesting resubmittal of PIPs on following cases:

Discussed registration fee

Discussed sending OUPS tickets with initial respondent letter

Next meeting: August 15, 2019 @ 10:00am.

Adjourn