

ORIGINAL

JTB
AS
mm
Keeb

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF AN ORDER)
APPROVING ADVISORY COMMITTEE)
RECOMMENDATIONS PURSUANT TO)
INDIANA CODE CHAPTER 8-1-26.)

APPROVED: APR 25 2012

ORDER OF THE COMMISSION

Indiana Code chapter 8-1-26 provides the procedure for the Indiana Utility Regulatory Commission's Pipeline Safety Division ("Division") to find violations of said chapter. Upon review of those findings, the Indiana Underground Plant Protection Advisory Committee ("Advisory Committee") reviews those recommendations and recommends civil penalties in the Case.

The Cases received pursuant to Indiana Code chapter 8-1-26 and ripe for Commission action are attached hereto and collectively referred to as the Advisory Committee Recommendations.

Pursuant to statute, the Advisory Committee has submitted their recommendations to the Commission. The Commission hereby UPHOLDS the findings of violations by the Pipeline Safety Division and APPROVES the recommendations of the Advisory Committee as listed on the attached pages. The Assistant General Counsel to the Division is hereby directed to prepare and send notice to the parties advising them of the determination.

IT IS SO ORDERED.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: APR 25 2012

I hereby certify that the above is a true and correct copy of the Order as approved.

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

TO: Chairman James D. Atterholt
Commissioners Ziegner, Landis, Mays, and Bennett

FROM: DeAnna Poon, Assistant General Counsel and Legal Counsel to the Underground
Plant Protection Advisory Committee

DATE: April 19, 2012

RE: Underground Plant Protection Advisory Committee Case Recommendations for
Conference on *Wednesday, April 25 @ 1:30 P.M local time.*

The attached case recommendations have been submitted to the Commission. Via Certified Mail, the Commission's Pipeline Safety Division sent an information request to the parties to the incident soliciting a written account of the facts and circumstances surrounding the incident. After receiving proof of delivery and waiting at least thirty (30) days for the receipt of any documents from the parties, the Division investigated the case. Pursuant to IC 8-1-26-23(g), the Division found that a violation of IC 8-1-26 occurred. After public notice in conformance with IC 5-4-1.5-5, during a Public Meeting where the party had the opportunity to appear, the Indiana Underground Plant Protection Advisory Committee reviewed the Division's determination and made recommendations in the cases under IC 8-1-26-23(h). The parties were notified of the Committee's recommendations and given the opportunity to seek a public hearing pursuant to IC 8-1-26-23(k). These recommendations are now submitted for the Commission's consideration at Conference on **April 25, 2012 at 1:30 pm. local time.** Staff believes legal requirements under IC 8-1-26, the Damages to Underground Facilities Act, were met and recommends approval for all the recommendations of the attached cases. The Commission has the authority under IC 8-1-1-5(d) to make a determination in these matters.

Therefore, the Division and the Advisory Committee hereby recommend that the Cases attached hereto be considered and approved by the Commission at the next Conference.

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **K-Fex, Inc.** Operator: **NIPSCO**

Case No.: **2**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- | | | |
|---|---|---------------------------------------|
| 1. <u>I.C. 8-26-1-16(g): Failure to provide notice of excavation</u> | <input checked="" type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 2. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 3. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |

Recommended Penalty:

1. **warning letter** _____
2. _____
3. _____

Additional Information: _____

APPROVED: 
(initialed) Rick Slagle
 Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **Mike's Fencing** Operator: **NIPSCO**

Case No.: **555**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- | | | |
|---|--|---------------------------------------|
| 1. <u>I.C. 8-26-1-16(g): Failure to provide notice of excavation</u> | <input checked="" type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 2. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 3. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |

Recommended Penalty:

1. **warning letter** _____
2. _____
3. _____

Additional Information: _____

APPROVED: 
(initialed) Rick Slagle
 Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **Allen Relleke Excavating, LLC** Operator: **Vectren**

Case No.: **591**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- | | | |
|--|---|---------------------------------------|
| 1. <u>I.C. 8-26-1-16(g): Failure to provide notice of excavation</u> | <input checked="" type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 2. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 3. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |

Recommended Penalty:

1. **warning letter** _____
2. _____
3. _____

Additional Information: Slagle abstains from vote.

APPROVED: 
(initialed) Rick Slagle
 Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **Fort Wayne Fence LLC**

Operator: **NIPSCO**

Case No.: **607**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- | | | |
|---|---|---------------------------------------|
| 1. <u>I.C. 8-26-1-16(g): Failure to provide notice of excavation</u> | <input checked="" type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 2. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 3. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |

Recommended Penalty:

1. **warning letter** _____
2. _____
3. _____

Additional Information: _____

APPROVED: 
(initialed) _____
Rick Slagle
Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **Mid States Concrete** Operator: **Vectren**

Case No.: **610**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- 1. **I.C. 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment.** Violation No Violation
- 2. _____ Violation No Violation
- 3. _____ Violation No Violation

Recommended Penalty:

- 1. **warning letter** _____
- 2. _____
- 3. _____

Additional Information: _____

APPROVED: 
(initialed) Rick Slagle
 Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

Excavator: **Debra Davidson** Operator: **Vectren**

Case No.: **686**

Date of Advisory Meeting: **October 27, 2011**

Statutes Allegedly Violated:

- | | | |
|---|--|---------------------------------------|
| 1. <u>I.C. 8-26-1-16(g): Failure to provide notice of excavation</u> | <input checked="" type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 2. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |
| 3. _____ | <input type="checkbox"/> Violation | <input type="checkbox"/> No Violation |

Recommended Penalty:

1. **warning letter** _____
2. _____
3. _____

Additional Information: _____

APPROVED: 
(initialed) _____
Rick Slagle
Chairman

