

STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

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GOVERNOR JEFF COLYER, M.D.  
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

**NOTICE OF PENALTY ORDER**

August 7, 2018

19-DPAX-040-PEN

Judy Jenkins  
Kansas Gas Service, A Division of ONE Gas, Inc.  
7421 W 129th St  
Overland Park, Kansas 66213

This is a notice of penalty assessment for violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) discovered during an investigation conducted on between March and May 2018, by Kansas Corporation Commission Staff. For a full description of the violation(s) and penalty please refer to the Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$5,000 penalty. You have twenty (20) days from the date of service of the Penalty Order to pay the fine amount. Checks should be payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and shall include a reference to the docket number of this proceeding.

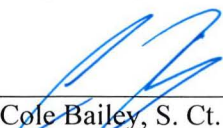
**IF YOU CONTEST THE PENALTY:**

**You have the right to request a hearing.** Requests for hearings must be made in writing, setting forth the specific grounds upon which relief is sought. The company may electronically file its request for hearing within fifteen (15) days from the date of service of this Penalty Order, and e-mail or mail a copy of the request for hearing to the Litigation Counsel listed below. If the company does not have access to the internet, it must submit an original and seven copies of the request for hearing to the Commission's Secretary at 1500 SW Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order, and provide a copy to the Litigation Counsel listed below.

**IF YOU FAIL TO ACT:**

Pursuant to K.A.R. 82-14-6(j), failure to submit a written request for a hearing within fifteen (15) days or, in the alternative, to pay the civil assessment in twenty (20) days from date of service of this Penalty Order will be considered an admission of noncompliance and result in this Penalty Order becoming a Final Order where after the Commission may order further sanctions.

Respectfully,

  
\_\_\_\_\_  
Cole Bailey, S. Ct. No. 27586  
Litigation Counsel  
(785)271-3186  
[c.bailey@kcc.ks.gov](mailto:c.bailey@kcc.ks.gov)

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Shari Feist Albrecht, Chair  
                                                  Jay Scott Emler  
                                                  Dwight D. Keen

In the Matter of the Investigation of **Kansas**                    )  
**Gas Service, A Division of ONE Gas, Inc. of**                    )  
**Overland Park, Kansas,** Regarding                    )     Docket No. 19-DPAX-040-PEN  
Violation(s) of the Kansas Underground Utility                    )  
Damage Prevention Act (KUUDPA) (K.S.A.                    )  
66-1801, *et seq.*, and K.A.R. 82-14-1, *et seq.*,                    )  
and the Commission's Authority to Impose                    )  
Penalties and/or Sanctions (K.S.A. 66-1,151).                    )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, being duly advised in the premises, and after having examined its files and records, finds and concludes as follows:

**I. JURISDICTION AND BACKGROUND**

1.        The Commission has jurisdiction and authority to administer and enforce the Kansas Underground Utility Damage Prevention Act (KUUDPA), as provided in K.S.A. 66-1801 *et seq.* Likewise, K.S.A. 66-1815 grants the Commission full power and authority to adopt all necessary rules and regulations for carrying out the provisions of K.S.A. 66-1801 through 66-1814, *et seq.*

2.        In its enforcement of KUUDPA, pursuant to K.A.R. 82-14-6, as amended, the Commission may investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

3. The Commission shall impose civil penalties and injunctive actions against any person or entity subject to and found in violation of the provisions of KUUDPA, or any rule and regulation, or any order of the Commission. Each violation is subject to a penalty, not to exceed \$25,000, for each day the violation persists, with a maximum civil penalty of \$1,000,000 for any related series of violations. *See* K.S.A. 66-1812, 66-1,151 and amendments thereto; and, K.A.R. 82-14-6.

## II. ALLEGATIONS OF NONCOMPLIANCE

4. Pursuant to the above authority, Commission Staff (Staff) investigated the activities and operations of Kansas Gas Service, A Division of ONE Gas, Inc. (Respondent). *See* Report and Recommendation of Staff dated July 16, 2018, a copy of which is attached hereto as Attachment “A” and is hereby incorporated by reference. As a result of this investigation, Staff reports the following:

- a. On March 13, 2018, Staff performed an onsite inspection at 6036 Mission Drive in Mission Hills, Kansas. Staff’s investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a 4” diameter plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on March 22, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the

tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "B") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On April 12, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "B"). Respondent stated the USIC technician did not mark all of the facilities due to it being difficult to locate. Staff recommends a fine of \$500 for this violation.

- b. On March 14, 2018, Staff performed an onsite inspection at 4911 Roe Lane, Roeland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on March 27, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed

notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "C") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On April 12, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "C"). Respondent stated the USIC technician did not mark the facilities due to there being no locate wire and inaccurate measurements on record. Staff recommends a fine of \$500 for this violation.

- c. On March 20, 2018, Staff performed an onsite inspection at 5729 Nieman Road, Shawnee, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a steel natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable

Noncompliance issued by Staff on March 27, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "D") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On April 13, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "D"). Respondent stated KGS and USIC investigated the damage and determined that at the time of the locate request, KGS records indicated the service damaged during the excavation was outside of the locate ticket. KGS repaired the leak and updated the service record to reflect an accurate depiction of the service line. Staff recommends a fine of \$500 for this violation.

d. On March 21, 2018, Staff performed an onsite inspection at 1244 Gibbs Road, Kansas City, Kansas. Staff's investigation discovered the locate marks provided were inaccurate. Because the locate marks were inaccurate, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on April 17, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "E") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On March 15, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "E"). Respondent

stated the USIC technician could not find the gas riser so he assumed there was no gas line. Staff recommends a fine of \$500 for this violation.

- e. On April 11, 2018, Staff performed an onsite inspection at 6607 Hauser Drive, Shawnee, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on April 17, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "F") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of



Probable Noncompliance. On May 14, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment “F”). Respondent stated the USIC technician did not mark the facilities because he was unable to access the construction site due to locked fence gates. The One-call ticket was closed by the technician without contacting the contractor or supervisor for assistance. Staff recommends a fine of \$500 for this violation.

- f. On April 16, 2018, Staff performed an onsite inspection at West 159<sup>th</sup> Street and Lowell Avenue in Overland Park, Kansas. Staff’s investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a 4” diameter plastic natural gas main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on April 17, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff’s Notice of Probable Noncompliance (*see*, Attachment “G”) notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or

disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On May 14, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "G"). Respondent stated the USIC technician did not mark the facilities because he was unable to access the construction site due to locked fence gates. The One-call ticket was closed by the technician without contacting the contractor or supervisor for assistance. Staff recommends a fine of \$500 for this violation.

- g. On May 8, 2018, Staff performed an onsite inspection at 12009 Overbrook Road in Leawood, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on May 11, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the

tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "H") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On June 7, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "H"). Respondent stated the PE service line did not have wire and the USIC technician forgot to apply locate marks using measurements. Staff recommends a fine of \$500 for this violation.

- h. On May 18, 2018, Staff performed an onsite inspection at 11440 Conser Street in Overland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on May 29, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "I") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On June 29, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "I"). KGS and USIC investigated the damage and confirmed the locate marks were not completed by the due date. Staff recommends a fine of \$500 for this violation.

- i. On May 29, 2018, Staff performed an onsite inspection at 12216 Dearborn Street in Overland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a plastic natural gas service line at the aforementioned address occurred. No injuries or additional

property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on June 1, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance (*see*, Attachment "J") notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On June 29, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment "J"). KGS and USIC investigated the damage and confirmed the locate marks were not completed by the due date. Staff recommends a fine of \$500 for this violation.

- j. On May 31, 2018, Staff performed an onsite inspection at 16010 Granada Street in Overland Park, Kansas. Staff's investigation discovered locates

were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a 2” diameter plastic natural gas main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on June 1, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff’s Notice of Probable Noncompliance (*see*, Attachment “K”) notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff’s investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On June 29, 2018, Respondent responded to the Notice of Probable Noncompliance (Attachment “K”). KGS and USIC investigated the damage and confirmed the locate marks were not

completed by the due date. Staff recommends a fine of \$500 for this violation.

5. KUUDPA requires all operators to inform the excavator of the location of the operator's underground facilities at a given excavation site within a 48-inch tolerance zone. A locate is required to be completed within two working days after the day on which the excavator provided notice of its intent to excavate. Although KUUDPA allows an excavator to dig without locates being completed if the required marking time has expired, most excavators will wait for locates rather than take the risk of damaging underground facilities or endangering life and property. Postponing excavation because of the failure of utilities to complete locates for excavators can result in costly downtime and scheduling problems, including but not limited to, cancellation of contracts.

6. Staff recommends the Commission issue a total civil penalty of \$5,000 for the above-described violation(s) of the Kansas Underground Utility Damage Prevention Act as alleged.

### **III. CONCLUSIONS OF LAW**

7. The Commission finds it has jurisdiction over Kansas Gas Service, A Division of ONE Gas, Inc. because it is an entity subject to the requirements of the Kansas Underground Utility Damage Prevention Act, which the Commission is required to administer and enforce pursuant to K.S.A. 66-1813. Specifically, the Commission finds Respondent to be acting as an operator who operates Tier 1 facilities as defined in K.S.A. 66-1802.

8. The Commission finds Respondent violated Kansas law governing underground utilities, including various provisions of the Kansas Underground Utility Damage Prevention Act, as described above, and is therefore subject to sanctions or fines imposed by the

Commission. Specifically, the Commission finds Respondent failed to comply with K.S.A. 66-1806(a) for the above listed incident(s).

9. The Commission finds a civil penalty is warranted due to Respondent's violation(s) of the Kansas Underground Utility Damage Prevention Act. Accordingly, pursuant to K.S.A. 66-1812 and K.S.A. 66-1,151, the Commission concludes the Respondent shall be assessed a \$5,000 penalty for violation(s) of the Kansas Underground Utility Damage Prevention Act.

10. The Commission finds and concludes Respondent shall be afforded an opportunity to request a hearing on the assessment of this civil penalty. Pursuant to K.A.R. 82-14-6(j), the Commission finds and concludes Respondent shall have 15 days from the date of service of this Penalty Order to request a hearing on the matter. Pursuant to K.A.R. 82-14-6(i), and (j), the Commission finds and concludes Respondent's failure to pay the assessed civil penalty within 20 days or request a hearing within 15 days from the date of service of this Penalty Order shall be considered an admission of noncompliance. To ensure uniformity and consistency among Commission proceedings, the Commission finds and concludes any hearing on this matter before the Commission shall be conducted in a manner consistent with the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Kansas Gas Service, A Division of ONE Gas, Inc., is hereby assessed a \$5,000 civil penalty for the violation(s) of the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 *et. seq.*

B. Pursuant to K.A.R. 82-14-6(j) and amendments thereto, any party may request a hearing by electronically filing its request for hearing within fifteen (15) days from the date of



service of this Penalty Order, and e-mail or mail a copy of the request for hearing to the Litigation Counsel listed on the Notice of Penalty Assessment. If the company does not have access to the internet, it must submit an original and seven copies of the request for hearing to the Secretary for Commission at 1500 SW Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order, and provide a copy to Litigation Counsel. Hearings will be scheduled only upon written request. Failure to timely request a hearing shall be considered an admission of noncompliance and result in a waiver of Respondent's right to a hearing. Furthermore, this Penalty Order will become a Final Order assessing a \$5,000 civil penalty against Respondent. Any hearing on this matter before the Commission shall be conducted in a manner consistent with the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

C. On August 7, 2018, this Penalty Order was mailed via certified mail, return receipt number 70161970000105745681. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. *See K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).*

E. Pursuant to K.A.R. 82-14-6, if you do not request a hearing, the payment of the civil penalty is due in twenty (20) days from the date of service of this Order. A check shall be made payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal

Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. The payment shall include a reference to the docket number of this proceeding.

F. Unless a hearing is requested, failure to pay the \$5,000 civil penalty within twenty (20) days from the date of service of this Penalty Order will result in enforcement action against Respondent, including all sanctions, requirements, and penalties described above being enforceable without further action by the Commission.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/07/2018



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Lynn M. Retz  
Secretary to the Commission

CB/vj

**ATTACHMENT "A"**

# STATE OF KANSAS



CORPORATION COMMISSION  
UTILITIES DIVISION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3220  
FAX: 785-271-3357  
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GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Dwight D. Keen

**FROM:** Christie Knight, Damage Prevention Special Investigator  
Leo Haynos, Chief of Pipeline Safety  
Jeff McClanahan, Director of Utilities

**DATE:** July 16, 2018

**SUBJECT:** **Docket Number:** 19-DPAX-040-PEN  
In the Matter of the Investigation of Kansas Gas Service, A Division of ONE Gas, Regarding Violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5) and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151).

### **EXECUTIVE SUMMARY:**

Staff is recommending a civil penalty be issued to Kansas Gas Service, A Division of ONE Gas (KGS), in the amount of \$5,000 for ten violations of KUUDPA that have occurred over the past four months. The penalty is based on results of Staff investigations following ten damages to KGS natural gas service and main lines in Johnson and Wyandotte Counties in Kansas. Failure to provide the excavator with the location of the tolerance zone of the buried facility before excavation begins is a violation of K.S.A. 66-1806(a).

### **BACKGROUND:**

KGS's failure to provide accurate locates resulted in damages to its natural gas facilities and lost work time for the excavators that damaged the lines. No injuries or property damage occurred as a result of these damages. The following table provides the date of the pipeline damage; the type of facility damaged; address where the damage occurred; and Staff's assertion of the cause of the damage along with Staff's recommended penalty amount for each of the damages.

<b>Date of Damage</b>	<b>Type of Facility Affected</b>	<b>Address Damage Occurred</b>	<b>Root Cause</b>	<b>Amount of Fine</b>
3/13/2018	4" Diameter Plastic Natural Gas Main	6036 Mission Dr., Mission Hills	Not Marked	\$500
3/14/2018	Plastic Natural Gas Service	4911 Roe Ln., Roeland Park	Not Marked	\$500
3/20/2018	Steel Natural Gas Service	5729 Nieman Rd., Shawnee	Not Marked	\$500
3/21/2018	Plastic Natural Gas Service	1244 Gibbs Rd., Kansas City	Inaccurate Locate	\$500
4/11/2018	Plastic Natural Gas Service	6607 Hauser Dr., Shawnee	Not Marked	\$500
4/16/2018	4" Diameter Plastic Natural Gas Main	W 159th St. & Lowell Ave., Overland Park	Not Marked	\$500
5/8/2018	Plastic Natural Gas Service	12009 Overbrook Rd., Leawood	Not Marked	\$500
5/18/2018	Plastic Natural Gas Service	11440 Conser St., Overland Park	Not Marked	\$500
5/29/2018	Plastic Natural Gas Service	12216 Dearborn St., Overland Park	Not Marked	\$500
5/31/2018	2" Diameter Plastic Natural Gas Main	16010 Granada St., Overland Park	Not Marked	\$500
<b>TOTAL</b>				<b>\$5,000</b>

Notices of Probable Noncompliance (PNC) were issued to KGS on March 22, 2018; March 27, 2018; April 9, 2018; April 17, 2018; May 11, 2018; May 29, 2018; and June 1, 2018. KGS has responded to all of these PNCs as required by K.A.R. 82-14-6(c) and agrees with Staff's allegations as to the cause of the damage. A full description of Staff's findings and KGS's response for each PNC is included in this memorandum as Attachment I.

## **ANALYSIS:**

### **Rationale for Penalties:**

#### **A. Gravity of noncompliance:**

Once an excavator notifies underground utility operators of a planned excavation, each operator with facilities buried at that site must provide surface markings that indicate where the utilities are located within 24 inches of either side of the position of the buried facility. This 48 inch corridor is defined as the "tolerance zone". Failure to provide accurate locate marks depicting the tolerance zone is a high-risk activity with the potential for significant consequences to public safety. In these instances, KGS stated the buried gas service and main lines were either not located or mis-located due to operator error, inaccurate maps or not completed by the due date. Because KGS failed to comply with this requirement of the law, it warrants the assessment of a civil penalty.

B. Culpability:

KGS is directly responsible for its actions in failing to provide accurate locates as Kansas law requires.

C. History of noncompliance:

Staff has issued a total of 177 KUUDPA PNCs to KGS in the years 2016, 2017 and to the present. These alleged violations were for similar issues regarding failure to provide timely and accurate locates.

D. Response of the utility operator regarding noncompliance(s):

KGS agreed with Staff's findings described in the PNCs. For all ten gas lines hit, KGS personnel failed to provide locates of the tolerance zone as requested by the excavator. KGS has counseled its locating personnel on how to read its maps and reminded the locators to use the tracer wire or curb etchings, if they are available, or to contact the KGS office for assistance.

E. Aggravating/Mitigating Circumstances:

In the years 2016, 2017 and to the present, KGS has received 177 PNCs from Staff alleging failure to provide accurate and/or timely locates upon request. Staff is recommending civil penalties only be applied to the most egregious violations of KUUDPA. For the remainder, Staff is willing to accept KGS's documented remedial action as a satisfactory response to the PNCs. Staff has not determined any circumstances that would cause us to modify the recommended penalty amount of \$5,000.

**RECOMMENDATION:**

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$5,000 for violation(s) of K.S.A. 66-1806.

Attachment

## Attachment I

### CK-18-OC-1024 NOPV Response

#### KCC Description:

On 3/13/2018, KGS did not mark their facilities at 6036 Mission Dr. in Mission Hills, Kansas. Water District No. 1 of Johnson County damaged a KGS 4" PE gas main line with a mini excavator while relocating a water main. Locate marks were present but only a faint mark was on the curb opposite two curbs with no indication the main ran in the street. The damage occurred in the middle of Mission Dr.

#### Operator Response:

USIC and KGS investigated the damage. The USIC technician did not mark all of the facilities due to it being difficult to locate. The technician was brought back out to the site and trained on the proper procedure when encountering facilities that do not have a good tone when locating.

### CK-18-OC-1026 NOPV Response

#### KCC Description:

On 3/14/2018, KGS did not mark their facilities at 4911 Roe Ln. in Roeland Park, Kansas. Westland Construction Inc. damaged a KGS 7/8" PE gas service line with a trackhoe while installing a water main. There were no locate marks present at the time of the damage.

#### Operator Response:

USIC and KGS investigated the damage. The USIC technician did not mark all of the facilities due to there being no locate wire and there were inaccurate measurements on record. USIC was reminded to contact KGS when having difficulty locating their facilities.

### CK-18-OC-1028 NOPV Response

#### KCC Description:

On 3/20/2018, KGS did not mark their facilities at 5729 Nieman Rd. in Shawnee, Kansas. Northern Pipeline damaged a KGS 1" steel gas service line with a mini excavator while repairing a gas main. There were no locate marks present at the time of the damage.

Operator Response:

KGS and USIC investigated the damage and determined that at the time of the locate request, KGS records indicated the service damaged during the excavation was outside of the locate ticket. KGS repaired the leak and updated the service record to reflect an accurate depiction of the service line. Additionally, USIC was also reminded to be aware of factors such as meter location that may give insight to facility locations.

CK-18-UN-1091 NOPV Response

KCC Description:

On 3/21/2018, Staff conducted a ticket audit and found the KGS service at 1244 Gibbs Rd. in Kansas City, Kansas, had not been marked correctly at the time the ticket was due on 3/14/2018. This facility was within the scope of the ticket. The marks were approximately 18ft. from the damaged pipe. Tracer wire was present at the meter and toned correctly.

Operator Response:

KGS and USIC investigated the damage. The USIC technician admitted to marking the service line in a straight line from the meter because he was short on time. The USIC technician was brought back out to the site, had the correct procedures reviewed with him, and he was disciplined.

CK-18-OC-1040 NOPV Response

KCC Description:

On 4/11/2018, KGS did not mark their facilities at 6607 Hauser Dr. in Shawnee, Kansas. Phoenix Concrete and Underground damaged a KGS 3/ 4" PE gas service line with a concrete form stake during a sidewalk replacement project. There were no locate marks present at the time of the damage and this service was within the scope of the ticket.

Operator Response:

KGS and USIC investigated the damage. The USIC technician could not find the gas riser so he assumed there was no gas line and the service was not located. The technician was brought back out to the site, where the service riser was found. The service had wire and toned correctly. The technician was coached on walking all the way around all structures when looking for a gas riser.



#### CK-18-OC-1042 NOPV Response

##### KCC Description:

On 4/16/2018, KGS did not mark their facilities at W. 159th St. and Lowell Ave. in Overland Park, Kansas. Haupt Construction damaged a KGS 4" PE gas main line with a road tiller while incorporating fly ash for a new roadway. There were no locate marks present at the time of the damage and this main was within the scope of the ticket.

##### Operator Response:

KGS and USIC investigated the damage. The USIC technician stated that he did not mark the facilities because he was unable to access the construction site due to locked fence gates. The One-Call ticket was closed without contacting the contractor or supervisor for assistance. The technician was reprimanded and is being audited daily for performance.

#### CK-18-OC-1059 NOPV Response

##### KCC Description:

On 5/8/2018, KGS did not fully mark the scope of the ticket leaving one gas service line not marked at 12009 Overbrook Rd. in Leawood, Kansas. The City of Leawood damaged a KGS 7/8" PE gas service line while removing curbs. Locate marks were present on the main line; however, there were no marks on the long-side service to 12004 Overbrook Rd.

##### Operation Response:

KGS and USIC investigated the damage. The PE service line did not have wire and the USIC technician forgot to apply locate marks using measurements. The technician was brought back out to the site and coached on ensuring all steps of the locating process are taken. After repairs were made, KGS installed locate markers to make the service locatable.

#### CK-18-OC-1067 NOPV Response

##### KCC Description:

On 5/18/2018, KGS did not mark their facilities at 11440 Conser St. in Overland Park, Kansas. Freeman Concrete Construction damaged a KGS 7/8" PE gas service line with a mini excavator while replacing curbs. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Ticket indicated facilities as being clear with no conflict.

Operator Response:

KGS and USIC investigated the damage and confirmed the locates were not completed by the due date. KGS is addressing this issue with USIC.

CK-18-OC-1072 NOPV Response

KCC Description:

On 5/29/2018, KGS did not mark their facilities at 12216 Dearborn St. in Overland Park, Kansas. Leath & Sons Inc. damaged a KGS 3/4" PE gas service line with a mini excavator while installing drainage. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

Operation Response:

KGS and USIC investigated the damage and confirmed the locates were not completed by the due date. KGS is working with USIC to address this issue.

CK-18-OC-1074 NOPV Response

KCC Description:

On 5/31/2018, KGS did not mark their facilities at 16010 Granada St. in Overland Park, Kansas. LeCluyse Trenching Inc. damaged a KGS 2" PE gas main line with a mini excavator while installing conduit for primary electric. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

Operator Response:

KGS and USIC investigated the damage and confirmed the locates were not completed by the due date. KGS is working with USIC to address this issue.

**ATTACHMENT "B"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**March 22, 2018**

**KCC Investigation #: CK-18-OC-1024**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On March 13, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
**Chief Engineer**  
**(785) 271-3278**  
**[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)**

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1024

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

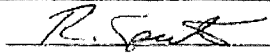
(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 3/13/2018, KGS did not mark their facilities at 6036 Mission Dr in Mission Hills, Kansas. Water District No 1 of Johnson County damaged a KGS 4" PE gas main line with a with a mini excavator while relocating a water main. There was a valid One-Call ticket #18083168 with a due date of 3/9/2018. Locate marks present but only a faint mark on the curb opposite two curbs with no indication the main ran in the street. The damage occurred in the middle of Mission Dr.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/11/18

**PIPELINE SAFETY USE ONLY:**

Date reviewed: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Chief: \_\_\_\_\_

Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 03/13/2018

Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

April 12, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1024

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1024 referencing a location at or near: 6036 Mission Dr., Mission Hills, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Spector', written in a cursive style.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1024

KCC NOPV CK-18-OC-1024

**KCC Description:**

On 3/13/2018 KGS did not mark their facilities at 6036 Mission Dr in Mission Hills, Kansas. Water District No 1 of Johnson County damaged a KGS 4" PE gas main line with a mini excavator while relocating a water main. There was a valid One-Call ticket #18083168 with a due date of 3/9/2018. Locate marks present but only a faint mark on the curb opposite two curbs with no indication the main ran in the street. The damage occurred in the middle of Mission Dr.

**Operator Response:**

USIC and KGS investigated the damage. The USIC technician did not mark all of the facilities due to it being difficult to locate. The technician was brought back out to the site and trained on the proper procedure when encountering facilities that don't have a good tone when locating.

**ATTACHMENT "C"**



Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**March 22, 2018**

**KCC Investigation #: CK-18-OC-1026**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

**Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).**

**On March 14, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).**

**Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:**

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;**
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,**
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.**

**Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings**

**Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.**

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

**Please feel free to contact me directly if you have questions or concerns.**

**Sincerely,**

**Leo Haynos /s/  
Chief Engineer  
(785) 271-3278  
[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)**

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1026

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

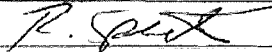
(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 3/14/2018, KGS did not mark their facilities at 4911 Roe Ln in Roeland Park, Kansas. Westland Construction Inc damaged a KGS 7/8" PE gas service line with a trackhoe while installing a water main. There was a valid One-Call ticket #18088922 with a due date of 3/14/2018. There were no locate marks present at the time of the damage.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/11/18

**PIPELINE SAFETY USE ONLY:**

Date reviewed: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Chief: \_\_\_\_\_

Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 03/14/2018

Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

April 12, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1026

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1026 referencing a location at or near: 4911 Roe Ln., Roeland Park, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink that reads 'R. Spector'.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1026

KCC NOPV CK-18-OC-1026

**KCC Description:**

On 3/14/2018, KGS did not mark their facilities at 4911 Roe Ln in Roeland Park, Kansas. Westland Construction Inc damaged a KGS 7/8" PE gas service line with a trackhoe while installing a water main There was a valid One-Call ticket #18088922 with a due date of 3/14/2018. There were no locate marks present at the time of the damage.

**Operator Response:**

USIC and KGS investigated the damage. The USIC technician did not mark all of the facilities due to there being no locate wire and inaccurate measurements on record. USIC was reminded to contact KGS when having difficulty locating our facilities.

**ATTACHMENT "D"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**March 27, 2018**

**KCC Investigation #: CK-18-OC-1028**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On March 20, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
**Chief Engineer**  
**(785) 271-3278**  
**[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)**

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1028

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 3/20/2018, KGS did not mark their facilities at 5729 Nieman Rd in Shawnee, Kansas. Northern Pipeline damaged a KGS 1" Steel gas service line with a mini excavator while repairing a gas main. There was a valid One-Call ticket #18097083 with a due date of 3/17/2018. There were no locate marks present at the time of the damage.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: \_\_\_\_\_

*R. Speck*

Date: \_\_\_\_\_

4/12/18

**PIPELINE SAFETY USE ONLY:**

Date reviewed: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Chief: \_\_\_\_\_

Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 03/20/2018

Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

April 13, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1028

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1028 referencing a location at or near: 5729 Nieman Rd. in Shawnee, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Spector', with a long horizontal flourish extending to the right.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1028



KCC NOPV CK-18-OC-1028

KCC Description:

On 3/20/2018, KGS did not mark their facilities at 5729 Nieman Rd in Shawnee, Kansas. Northern Pipeline damaged a KGS 1 " Steel gas service line with a mini excavator while repairing a gas main. There was a valid One-Call ticket #18097083 with a due date of 3/17/2018. There were no locate marks present at the time of the damage.

Operator Response:

KGS and USIC investigated the damage and determined that at the time of the locate request, KGS records indicated the service damaged during the excavation was outside of the locate ticket. KGS repaired the leak and updated the service record to reflect an accurate depiction of the service line. Additionally, USIC was also reminded to be aware of factors such as meter location, that may give insight to facility locations.

**ATTACHMENT "E"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
Kansas Gas Service  
7421 W. 129th St.  
Overland Park, KS 66213

**April 09, 2018**

**KCC Investigation #: CK-18-UN-1091**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On March 21, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

Kansas Corporation Commission  
Pipeline Safety Section  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

Leo Haynos /s/  
Chief Engineer  
(785) 271-3278  
[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-UN-1091

Company: Kansas Gas Service

Division: One Call

**Regulation:**

**66-1806 (a) Identification of location of facilities; duties of operator;**

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 3/21/2018, Staff conducted an audit on ticket #18094300 and found the KGS service at 1244 Gibbs Rd in Kansas City, Kansas had not been marked correctly at the time the ticket was due on 3/14/2018. This facility was within the scope of the ticket and was marked incorrectly. The marks were approximately 18 ft from the damaged pipe. Tracer wire was present at the meter and toned correctly.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

\_\_\_\_\_

Operator's Authorized Signature: *R. [Signature]*

Date: 5/7/18

PIPELINE SAFETY USE ONLY:	
Date reviewed: _____	Date reviewed: _____
Chief: _____	Inspector: _____

Inspection Type: One Call Compliance Inspection  
 Date Inspected: 03/21/2018  
 Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

May 8, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-UN-1091

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-UN-1091 referencing a location at or near: 1244 Gibbs Rd., Kansas City, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Spector'.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-UN-1091

## KCC NOPV CK-18-UN-1091

### KCC Description:

On 3/21/2018, Staff conducted an audit on ticket #18094300 and found the KGS service at 1244 Gibbs Rd. in Kansas City, Kansas had not been marked correctly at the time the ticket was due on 3/14/2018. This facility was within the scope of the ticket and was marked incorrectly. The marks were approximately 18ft from the damaged pipe. Tracer wire was present at the meter and toned correctly.

### Operator Response:

KGS and USIC investigated the damage. The USIC technician admitted to marking the service line in a straight line from the meter because he was short on time. The USIC technician was brought back out to the site, had the correct procedures reviewed with him, and he was disciplined.

**ATTACHMENT "F"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

APR 17 2018

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**April 17, 2018**

**KCC Investigation #: CK-18-OC-1040**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On April 11, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
**Chief Engineer**  
**(785) 271-3278**  
**[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)**



**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1040

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 4/11/2018, KGS did not mark their facilities at 6607 Hauser Dr in Shawnee, Kansas. Phoenix Concrete & Underground damaged a KGS 3/4" PE gas service line with a concrete form stake during a sidewalk replacement project. There was a valid One-Call ticket #18137434 with a due date of 4/11/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

\_\_\_\_\_

Operator's Authorized Signature:           *R. Smith*           Date:           5/14/18          

PIPELINE SAFETY USE ONLY:  
 Date reviewed: \_\_\_\_\_ Date reviewed: \_\_\_\_\_  
 Chief: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint  
 Date Inspected: 04/11/2018  
 Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

March 15, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1040

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1040 referencing a location at or near: 6607 Hauser Dr., Shawnee, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1040

KCC NOPV CK-18-OC-1040

KCC Description:

On 4/11/2018, KGS did not mark their facilities at 6607 Hauser Dr. in Shawnee, Kansas. Phoenix Concrete and Underground damaged a KGS 3/ 4" PE gas service line with a concrete form stake during a sidewalk replacement project. There was a valid One-Call ticket #18137434 with a due date of 4/11/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket.

Operator Response:

KGS and USIC investigated the damage. The USIC technician could not find the gas riser so he assumed there was no gas line. Therefore, the service was not located. The technician was brought back out to the site, where the service riser was found. The service had wire and toned correctly. The technician was coached on walking all the way around all structures when looking for a gas riser.

**ATTACHMENT "G"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
Kansas Gas Service  
7421 W. 129th St.  
Overland Park, KS 66213

**April 17, 2018**

**KCC Investigation #: CK-18-OC-1042**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On April 16, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
Pipeline Safety Section  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
Chief Engineer  
(785) 271-3278  
[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1042

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 4/16/2018, KGS did not mark their facilities at W 159th St & Lowell Ave in Overland Park, Kansas. Haupt Construction damaged a KGS 4" PE gas main line with a road tiller while incorporating fly ash for a new roadway. There was a valid One-Call ticket #18138109 with a due date of 4/12/2018. There were no locate marks present at the time of the damage and this main was within the scope of the ticket.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: *R. Spitz* Date: 5/14/18

PIPELINE SAFETY USE ONLY:	
Date reviewed: _____	Date reviewed: _____
Chief: _____	Inspector: _____

Inspection Type: One Call Inquiry/Complaint  
 Date Inspected: 04/16/2018  
 Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

March 15, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1042

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1042 referencing a location at or near: W. 159<sup>th</sup> St. and Lowell Ave., Overland Park, Kansas.

If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1042

KCC NOPV CK-18-OC-1042

KCC Description:

On 4/16/2018, KGS did not mark their facilities at W 159th St. and Lowell Ave. in Overland Park, KS. Haupt Construction damaged a KGS 4" PE gas main line with a road tiller while incorporating fly ash for a new roadway. There was a valid One-Call ticket #18138109 with a due date of 4/12/2018. There were no locate marks present at the time of the damage and this main was within the scope of the ticket.

Operator Response:

KGS and USIC investigated the damage. The USIC technician stated that he did not mark the facilities because he was unable to access the construction site due locked fence gates. The One-call ticket was closed without contacting the contractor or supervision for assistance. The technician has been reprimanded and is being audited daily for performance.



**ATTACHMENT "H"**



Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**May 11, 2018**

**KCC Investigation #: CK-18-OC-1059**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On May 8, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
**Chief Engineer**  
**(785) 271-3278**  
**[lhaynos@kcc.ks.gov](mailto:lhaynos@kcc.ks.gov)**

Company: Kansas Gas Service

Division: One Call

Regulation:

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 5/8/2018, KGS did not fully mark the scope of the ticket leaving one gas service line not being marked at 12009 Overbrook Rd in Leawood, Kansas. The City of Leawood damaged a KGS 7/8" PE gas service line while removing curbs. There was a valid One-Call ticket #18175211 with a due date of 5/1/2018. Locate marks were present on the main line; however there were no marks on this long-side service to 12004 Overbrook Rd.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:

*R. Smith*

Date:

5/7/18

PIPELINE SAFETY USE ONLY:

Date reviewed: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Chief: \_\_\_\_\_

Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 05/08/2018

Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

June 7, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1059

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1059 referencing a location at or near: 12009 Overbrook Rd., Leawood, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink that reads 'R. Spector'.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1059

Probable Noncompliance Description: KCC CK-18-OC-1059

On 5/8/2018, KGS did not fully mark the scope of the ticket leaving one gas service line not being marked at 12009 Overbrook Rd. in Leawood, Kansas. The City of Leawood damaged a KGS 7 /8" PE gas service line while removing curbs. There was a valid One-Call ticket #18175211 with a due date of 5/1/2018. Locate marks were present on the main line; however, there were no marks on this long-side service to 12004 Overbrook Rd.

Operation Response:

KGS and USIC investigated the damage. The PE service line did not have wire and the USIC technician forgot to apply locate marks using measurements. The technician was brought back out to the site and coached on ensuring all steps of the locating process are taken. After repairs were made, KGS installed locate markers to make the service locatable.

**ATTACHMENT "I"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
Kansas Gas Service  
7421 W. 129th St.  
Overland Park, KS 66213

May 29, 2018

**KCC Investigation #: CK-18-OC-1067**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On May 18, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

Kansas Corporation Commission  
Pipeline Safety Section  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

Leo Haynos /s/  
Chief Engineer  
(785) 271-3278  
[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1067

Company: Kansas Gas Service

Division: One Call

**Regulation:**

**66-1806 (a) Identification of location of facilities; duties of operator;**

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

**On 5/18/2018, KGS did not mark their facilities at 11440 Conser St in Overland Park, Kansas. Freeman Concrete Construction damaged a KGS 7/8" PE gas service line with a mini excavator while replacing curbs. There was a valid One-Call ticket #18191589 with a due date of 5/9/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Ticket indicated as being clear with no conflict.**

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: *R. Spate* Date: 6/28/18

PIPELINE SAFETY USE ONLY:  
 Date reviewed: \_\_\_\_\_ Date reviewed: \_\_\_\_\_  
 Chief: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint  
 Date Inspected: 05/18/2018  
 Inspected By: CK





11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

June 29, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1067

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1067 referencing a location at or near: 11440 Conser St in Overland Park, Kansas.

If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1067

KCC NOPV CK-18-OC-1067

KCC Description:

On 5/18/2018, KGS did not mark their facilities at 11440 Conser St in Overland Park, Kansas. Freeman Concrete Construction damaged a KGS 7/8" PE gas service line with a mini excavator while replacing curbs. There was a valid One-Call ticket #18191589 with a due date of 5/9/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Ticket indicated as being clear with no conflict.

Operator Response:

KGS and USIC investigated the damage. We confirmed that the locates were not completed by the due date. The Company is addressing this issue with USIC.

**ATTACHMENT "J"**

Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
**Kansas Gas Service**  
**7421 W. 129th St.**  
**Overland Park, KS 66213**

**June 01, 2018**

**KCC Investigation #: CK-18-OC-1072**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On May 29, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

**Kansas Corporation Commission**  
**Pipeline Safety Section**  
**1500 SW Arrowhead Road**  
**Topeka, KS 66604-4027**  
**[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)**

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

**Leo Haynos /s/**  
**Chief Engineer**  
**(785) 271-3278**  
**[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)**

**PROBABLE NONCOMPLIANCE**

Investigation: CK-18-OC-1072

Company: Kansas Gas Service

Division: One Call

**Regulation:**

66-1806 (a) Identification of location of facilities; duties of operator;

66-1806 Identification of location of facilities; duties of operator;

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 5/29/2018, KGS did not mark their facilities at 12216 Dearborn St in Overland Park, Kansas. Leath & Sons Inc damaged a KGS 3/4" PE gas service line with a mini excavator while installing drainage. There was a valid One-Call ticket #182304839 with a due date of 5/26/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

**OPERATOR'S RESPONSE: (Attach verification if needed)**

Operator's Authorized Signature: \_\_\_\_\_

*R. Speitz*

Date: \_\_\_\_\_

6/28/18

**PIPELINE SAFETY USE ONLY:**

Date reviewed: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Chief: \_\_\_\_\_

Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 05/29/2018

Inspected By: CK



11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

June 29, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1072

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1072 referencing a location at or near: 12216 Dearborn St., Overland Park, Kansas.

If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1072

Probable Noncompliance Description: KCC CK-18-OC-1072

On 5/29/2018, KGS did not mark their facilities at 12216 Dearborn St. in Overland Park, Kansas. Leath & Sons Inc damaged a KGS 3/4" PE gas service line with a mini excavator while installing drainage. There was a valid One -Call ticket #182304839 with a due date of 5/26/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

Operation Response:

KGS and USIC investigated the damage. It was confirmed that the locates were not completed by the due date. KGS is working with USIC to address this issue.

**ATTACHMENT "K"**



Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



785-271-3220  
785-271-3357  
<http://kcc.ks.gov>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

**Dennis Okenfuss**  
Kansas Gas Service  
7421 W. 129th St.  
Overland Park, KS 66213

**June 01, 2018**

**KCC Investigation #: CK-18-OC-1074**

**Subject: Pipeline Investigation**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1801, et. Seq. the Kansas Corporation Commission (KCC) has jurisdiction and authority to investigate and to issue civil penalties for violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).

On May 31, 2018, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

Kansas law, K.A.R. 82-14-6(c), requires the recipient of this notice to provide a written response to any Notice of Probable Noncompliance. After reviewing the findings, please respond in at least one of the following ways:

- 1) Submit written explanation, a statement of general denial, or other materials contesting the allegations;
- 2) Submit a signed acknowledgement of Commission Staff's findings of noncompliance; or,
- 3) Submit a signed proposal for the completion of any remedial action that addresses the Commission Staff's findings of noncompliance.

Pursuant to K.A.R. 82-14-6(e), failure to respond within 30 days to this Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the Commission Staff and may be used against the respondent in future proceedings

Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this report to the address or email below. Any response submitted by email must include an electronic signature and date.

Kansas Corporation Commission  
Pipeline Safety Section  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[kccsafetyresponse@kcc.ks.gov](mailto:kccsafetyresponse@kcc.ks.gov)

Please feel free to contact me directly if you have questions or concerns.

Sincerely,

Leo Haynos /s/  
Chief Engineer  
(785) 271-3278  
[l.haynos@kcc.ks.gov](mailto:l.haynos@kcc.ks.gov)





11401 W. 89<sup>th</sup> Street  
Overland Park, KS 66214

June 29, 2018

Mr. Leo Haynos  
Chief of Pipeline Safety and Energy Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, Kansas 66604-0427

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-OC-1074

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1074 referencing a location at or near: 16010 Granada St., Overland Park, Kansas.

If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

A handwritten signature in black ink that reads 'R. Spector'.

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1074

KCC NOPV CK-18-OC-1074

KCC Description:

On 5/31/2018, KGS did not mark their facilities at 16010 Granada St in Overland Park, Kansas. LeCluyse Trenching Inc damaged a KGS 2" PE gas main line with a mini excavator while installing conduit for primary electric. There was a valid One-Call ticket #18229563 with a due date of 5/26/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

Operator Response:

KGS and USIC investigated the damage. It was confirmed that the locates were not completed by the due date. KGS is working with USIC to address this issue.

**CERTIFICATE OF SERVICE**

19-DPAX-040-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 08/08/2018.

COLE BAILEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
c.bailey@kcc.ks.gov

JUDY JENKINS, MANAGING ATTORNEY  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8622  
judy.jenkins@onegas.com

/S/ DeeAnn Shupe  
DeeAnn Shupe