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

Laura Kelly, Governor

## NOTICE OF PENALTY ORDER

January 17, 2019

19-DPAX-269-PEN

Judy Jenkins Hitchye  
Kansas Gas Service, A Division of ONE Gas, Inc.  
7421 W 129th Street  
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 investigations conducted on various, 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 \$5,500 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,

Phoenix Anshutz, S. Ct. No. 27617  
Litigation Counsel  
(785)271-3312  
[p.anshutz@kcc.ks.gov](mailto:p.anshutz@kcc.ks.gov)

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

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

In the Matter of the Investigation of <b>Kansas</b>	)	
<b>Gas Service, A Division of ONE Gas, Inc. of</b>	)	
<b>Overland Park, Kansas,</b>	)	
Regarding	)	Docket No. 19-DPAX-269-PEN
Violation(s) of the Kansas Underground Utility	)	
Damage Prevention Act (KUUDPA) (K.S.A.	)	
66-1801, <i>et seq.</i> , and K.A.R. 82-14-1, <i>et seq.</i> ,	)	
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, on Commission Staff (Staff) investigated the activity and operations of Kansas Gas Service, A Division of ONE Gas, Inc. (Respondent). *See* Report and Recommendation of Staff dated January 2, 2019, 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 August 9, 2018, Staff performed an onsite inspection at 1902 SE Sage Street in Topeka, Kansas, wherein Gaither’s Way Excavating Co. damaged a Kansas Gas Service (KGS) ½ inch PE gas service line with a track hoe while excavating for sewer replacement. There was a valid One-Call Ticket on file. Staff’s investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 14, 2108, (Attachment “B”), 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 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 October 25, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the service line was difficult to locate and was marked outside of the tolerance zone. Repairs were made and Respondent has confirmed the service is now locatable. (Attachment "B"). Staff recommends a fine of \$500 for this violation.

- b. On August 30, 2018, Staff performed an onsite inspection at 21111 W 68<sup>th</sup> Street in Shawnee, Kansas, wherein Paramount Landscape damaged a KGS ¾ inch PE gas service line with a vibration plow while installing irrigation. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable



Noncompliance issued by Staff on September 14, 2108, (Attachment “C”), 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 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 October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician was late responding to the ticket request due to a spike in ticket volume. (Attachment “C”). Staff recommends a fine of \$500 for this violation.

- c. On September 10, 2018, Staff performed an onsite inspection at 2425 Metropolitan Avenue in Kansas City, Kansas, wherein DF Construction damaged a KGS ¾ inch PE gas service line with a mini excavator while demolishing a building. There was a valid One-Call Ticket on file.

Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 14, 2108, (Attachment "D"), 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 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 October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the company's maps and records did not display the service that was damaged and they have been corrected. (Attachment "D"). Staff recommends a fine of \$500 for this violation.

- d. On September 11, 2018, Staff performed an onsite inspection at 4140 W 151<sup>st</sup> Street in Leawood, Kansas, wherein Schlagle Trucking and

Excavating damaged a KGS ¾ inch PE gas service line with a skid loader while grading the lot. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 14, 2108, (Attachment "E"), 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 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 October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated that USIC confirmed its technician failed to complete the locate mark by the due date. The technician was coached on completing all locate requests by the due date or to contact the

contractor if unable to do so. (Attachment "E"). Staff recommends a fine of \$500 for this violation.

- e. On September 11, 2018, Staff performed an onsite inspection at 5207 Buena Vista in Roeland Park, Kansas, wherein KC Master Companies damaged a KGS ¾ inch PE gas service line with a mini excavator while installing piers for a foundation repair. There was a valid One-Call Ticket on file. Staff's investigation discovered there were inaccurate locate marks by Respondent. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 14, 2108, (Attachment "F"), 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 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

October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician failed to properly hook up to the tracer wire when locating the facility. (Attachment "F"). Staff recommends a fine of \$500 for this violation.

- f. On September 11, 2018, Staff performed an onsite inspection at 6210 Flint in Shawnee, Kansas, wherein Sosaya and Sons Construction damaged a KGS  $\frac{3}{4}$  inch PE gas service line with a mini excavator while installing street lights. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 13, 2108, (Attachment "G"), 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 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 October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician assumed the service line went a different direction and failed to verify this assumption. USIC has coached this technician to always verify his assumptions. (Attachment "G"). Staff recommends a fine of \$500 for this violation.

- g. On September 18, 2018, Staff performed an onsite inspection at South Cherry Street and East Willow Street in Gardner, Kansas, wherein Teague Electric damaged a KGS 2-inch PE gas main line with a vibration plow while installing primary and street light conduit. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 27, 2108, (Attachment "H"), 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 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 October 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated that KGS has installed this new main on September 17, 2018, the day prior to the damage. KGS instructed all of its employees to locate and mark all new facilities installed after backfill. (Attachment "H"). Staff recommends a fine of \$500 for this violation.

- h. On September 20, 2018, Staff performed an onsite inspection at 7757 Reeds Road in Prairie Village, Kansas, wherein Water District No. 1 of Johnson County damaged a KGS ¾ inch PE gas service line with a mini excavator while replacing a water main. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 27, 2108, (Attachment "I"), 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 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 October 25, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician failed to respond to the locate request by the due date. The technician has been coached on meeting due dates or contact the contractor if unable to do so. (Attachment "I"). Staff recommends a fine of \$500 for this violation.

- i. On September 21, 2018, Staff performed an onsite inspection at 10321 Benson Street in Overland Park, Kansas, wherein Water District No. 1 of Johnson County damaged a KGS 5/8 inch PE gas service line with a pipe bursting machine while replacing a water main. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 27,

2108, (Attachment “J”), 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 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 October 25, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician failed to locate the ticket correctly. The technician was given a written warning and coached on reviewing all information on the locate ticket. (Attachment “J”). Staff recommends a fine of \$500 for this violation.

- j. On September 26, 2018, Staff performed an onsite inspection at 3121 S. 33rd Street in Kansas City, Kansas, wherein the City of Kansas City Street Department damaged a KGS 7/8 inch PE gas service line with a backhoe

while performing ditch work. There was a valid One-Call Ticket on file. Staff's investigation discovered locate marks were not provided by Respondent after being requested. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on September 27, 2018, (Attachment "K"), 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 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 October 25, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician failed to respond to the locate request by the due date. The technician was coached on communicating with the contractor and the need to ensure locate marks

are completed on time. (Attachment "K"). Staff recommends a fine of \$500 for this violation.

- k. On October 23, 2018, Staff performed an onsite inspection at 7380 W. 162<sup>nd</sup> Street in Overland Park, Kansas, wherein Gary Calvert damaged a KGS 1 ¼ inch PE gas service line with a mini backhoe while removing drain lines. There was a valid One-Call Ticket on file. Staff's investigation discovered inaccurate locate marks were provided by Respondent. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on October 29, 2018, (Attachment "L"), 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 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

November 14, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician failed to find and use the tracer wire present and attached to the service line. The technician was coached on taking additional steps to find the tracer wire. (Attachment “L”). Staff recommends a fine of \$500 for this violation.

5. KUUDPA requires all utilities to inform the excavator of the location of the utilities’ 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 \$5,500 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 \$5,500 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 \$5,500 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 \$5,500 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. 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).*



D. 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.

E. Unless a hearing is requested, failure to pay the \$5,500 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.

F. 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.**

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 01/24/2019



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Lynn M. Retz  
Secretary to the Commission

PZA/vj

## **ATTACHMENT “A”**

# STATE OF KANSAS

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



PHONE: 785-271-3220  
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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:** January 2, 2019

**SUBJECT:** **Docket Number:** 19-DPAX-269-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 \$5,500 for eleven violations of KUUDPA that have occurred over the past five months. The penalty is based on results of Staff investigations following eleven damages to KGS natural gas service and main lines in Johnson, Shawnee, and Wyandotte Counties in the Kansas City and Topeka metropolitan areas 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.

Inv #	Date of Damage	Type of Facility Affected	Address Damage Occurred	Root Cause	Amount of Fine
KF-18-OC-1009	8/9/2018	Plastic Natural Gas Service	1902 S.E. Sage St., Topeka	Not Marked	\$500
CK-18-OC-1122	8/30/2018	Plastic Natural Gas Service	21111 W. 68th S.t, Shawnee	Not Marked	\$500
CK-18-OC-1124	9/10/2018	Plastic Natural Gas Service	2425 Metropolitan Ave, Kansas City	Inaccurate Maps	\$500
CK-18-OC-1126	9/11/2018	Plastic Natural Gas Service	4140 W. 151st St., Leawood	Not Marked	\$500
CK-18-OC-1127	9/11/2018	Plastic Natural Gas Service	5207 Buena Vista, Roeland Park	Inaccurate Maps	\$500
CK-18-OC-1130	9/11/2018	Plastic Natural Gas Service	6210 Flint St., Shawnee	Not Marked	\$500
CK-18-OC-1137	9/18/2018	Plastic Natural Gas Main	S. Cherry St. & E. Willow St., Gardner	Not Marked	\$500
CK-18-OC-1142	9/20/2018	Plastic Natural Gas Service	7757 Reeds Rd., Prairie Village	Not Marked	\$500
CK-18-OC-1143	9/21/2018	Plastic Natural Gas Service	10321 Benson St., Overland Park	Not Marked	\$500
CK-18-OC-1145	9/26/2018	Plastic Natural Gas Service	3121 S. 33rd St., Kansas City	Not Marked	\$500
CK-18-OC-1153	10/23/2018	Plastic Natural Gas Service	7380 W. 162nd St., Overland Park	Not Marked	\$500
<b>TOTAL</b>					<b>\$5,500</b>

Notices of Probable Noncompliance (PNC) were issued to KGS on September 14, 2018; September 27, 2018; and October 29, 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 area is called the tolerance zone. 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 232 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. KGS personnel failed to provide accurate 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 232 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 \$5,500.

**RECOMMENDATION:**

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$5,500 for violation(s) of K.S.A. 66-1806.

Attachment

### **CK-18-OC-1142 NOPV Response**

#### **KCC Description:**

On 9/20/2018, KGS did not correctly mark their facilities at 7757 Reeds Rd. in Prairie Village, Kansas. Water District No. 1 of Johnson County damaged a KGS ¾" PE gas service line with a mini excavator while replacing a water main. There was a valid One-Call ticket #18437071 with a due date of 9/20/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. This was a long-side service to 5507 W. 78th St. in Prairie Village, Kansas.

#### **Operator Response:**

KGS and USIC investigated the damage and confirmed the USIC technician failed to respond to the locate request by the due date. The USIC technician was coached on communicating with the contractor to ensure locate requests are completed on time.

### **CK-18-OC-1143 NOPV Response**

#### **KCC Description:**

On 9/21/2018, KGS did not correctly mark their facilities at 10321 Benson St. in Overland Park, Kansas. Water District No. 1 of Johnson County damaged a KGS 5/8" PE gas service with a pipe bursting machine while replacing a water main. There was a valid One-Call ticket #18436492 with a due date of 9/20/2018. 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 and determined the USIC technician failed to locate the ticket correctly. The USIC technician was given a written warning and coached on reviewing all information on the locate ticket.

### **CK-18-OC-1145 NOPV Response**

#### **KCC Description:**

On 9/26/2018, KGS did not correctly mark their facilities at 3121 S. 33rd St. in Kansas City, Kansas. The City of Kansas City Street Department damaged a KGS 7/8" PE gas service line with a backhoe while performing ditch work. There was a valid One-Call ticket #18442637 with a due date of 9/22/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket.

## **Attachment I**

### **KF-18-OC-1009 NOPV Response**

#### **KCC Description:**

On 8/9/2018, Gaither's Way Excavating Co. damaged a KGS ½" PE gas service line with a track hoe while excavating for sewer replacement at 1902 S.E. Sage St. in Topeka, Kansas. There was a valid One-Call Ticket on file. There were no locate marks present at the time on the damaged pipe and this service was within the scope of the ticket. An additional 1" steel service line, approximately 30" to the east and parallel to the damaged line, was located, marked and successfully exposed. KGS failed to mark all facilities in the area.

#### **Operator Response:**

KGS and USIC investigated the damage wherein Gaither's Way Excavation excavated to start their work and discovered the abandoned 1" bare steel line. The excavator proceeded to dig and struck the new 1/2" PE service line that was approximately 26" away from the mark.

During the investigation KGS and USIC determined the service line was difficult to locate and that it had been marked outside of the tolerance zone. KGS has repaired the damage and confirmed that the service is now locatable.

### **CK-18-OC-1122 NOPV Response**

#### **KCC Description:**

On 8/30/2018, KGS did not correctly mark their facilities at 21111 W. 68th St. in Shawnee, Kansas. Paramount Landscape damaged a KGS ¾" PE gas service line with a vibration plow while installing irrigation. There was a valid One-Call ticket #18399360 with a due date of 8/30/2018. 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 have investigated the damage. USIC confirms the technician was late responding to the ticket request due to a spike in ticket volume. The technician was coached on completing all locate requests by the due date and on the requirement to contact the contractor if unable to do so.



### **CK-18-OC-1124 NOPV Response**

#### **KCC Description:**

On 9/10/2018, KGS did not correctly mark their facilities at 2425 Metropolitan Ave. in Kansas City, Kansas. DF Construction damaged a KGS ¾" PE gas service line with a mini excavator while demolishing a building. There was a valid One-Call ticket #18418406 with a due date of 9/11/2018, and all utilities had responded. There were no locate marks present at the time of the damage. Maps did not indicate a service and debris covered up the riser, making it difficult for the locator to see a service was present.

#### **Operator Response:**

KGS and USIC have investigated the damage. KGS has determined that the Company's maps and records did not display the service that was damaged. After repairs were made, facility records were updated and maps were corrected.

### **CK-18-OC-1126 NOPV Response**

#### **KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 4140 W. 151st St. in Leawood, Kansas. Schlagle Trucking and Excavating damaged a KGS ¾" PE gas service line with a skid loader while grading the lot. There was a valid One-Call ticket #18414210 with a due date of 9/7/2018. There were not locate marks present at the time of the damage and this service was within the scope of the ticket.

#### **Operator Response:**

KGS and USIC have investigated the damage. USIC has confirmed that its technician failed to complete the locate by the due date. The technician was coached on completing all locate requests by the due date and of the requirement to contact the contractor if unable to do so.

### **CK-18-OC- 1127 NOPV Response**

#### **KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 5207 Buena Vista in Roeland Park, Kansas. KC Master Companies damaged a KGS ¾" PE gas service line with a mini excavator while installing piers for a foundation repair. There was a valid One-Call ticket #18410108 with a due date of 9/6/18. There were locate marks present; however, the maps did not indicate an offset on the service card, therefore, marks were approximately 12 feet from the damaged pipe.

**Operator Response:**

KGS and USIC have investigated the damage. The investigation determined the USIC technician failed to properly hook up to the tracer wire when locating the facility. The technician was coached on verifying that a proper connection has been made during the locating process.

**CK-18-OC-1130 NOPV Response****KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 6210 Flint in Shawnee, Kansas. Sosaya and Sons Construction damaged a KGS ¾" PE gas service line with a mini excavator while installing street lights. There was a valid One-Call ticket #18418050 with a due date of 9/11/2018. 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 have investigated the damage. The service line was not marked because the USIC technician assumed the service line went a different direction and failed to verify this assumption. The service line had tracer wire and records measurements that were accurate. USIC has coached the technician on the importance of always verifying the location of facilities.

**CK-18-OC-1137 NOPV Response****KCC Description:**

On 9/18/2018, KGS did not correctly mark their facilities at S. Cherry St. & E. Willow St. in Gardner, Kansas. Teague Electric damaged a KGS 2" PE gas main line with a vibration plow while installing primary and street light conduit. There was a valid One-Call ticket #18420552 with a due date of 9/12/2018. 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 have investigated the damage and determined that KGS had installed this new main on 9/17/2018, the day prior to the damage. Therefore, the facilities were not yet installed when the locate ticket was completed on 9/12/2018. KGS instructed all of its employees to locate and mark all new facilities installed after backfill.

**Operator Response:**

KGS and USIC investigated the damage and determined. The USIC technician failed to respond to the locate request by the due date. The technician was coached on communicating with the contractor and the need to ensure the requests are completed on time.

**CK-18-OC-1153 NOPV Response****KCC Description:**

On 10/23/2018, KGS did not correctly mark their facilities at 7380 W. 162nd St. in Overland Park, Kansas. Gary Calvert damaged a KGS 1 ¼" PE gas service line with a mini backhoe while removing drain lines. There was a valid One-Call ticket #18485317 with a due date of 10/18/2018. There were locate marks present; however, the marks were approximately 11 feet from the damaged pipe. Tracer wire was present at the damage site and at the meter. Locator was not able to reproduce the marks onsite.

**Operator Response:**

KGS and USIC investigated the damage and determined the USIC technician failed to find and use the tracer wire present and attached to the service line. The USIC technician was coached on taking additional steps to find the tracer wire and on the importance of reviewing service cards for more information. After repairs, KGS confirmed that the tracer wire would accurately locate the service line.

## **ATTACHMENT “B”**

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 8/9/2018, Gaither's Way Excavating Co. damaged a KGS 1/2" PE gas service line with a trackhoe while excavating for sewer replacement at 1902 SE Sage St in Topeka, Kansas. There was a valid One-Call ticket on file. There were no locate marks present at the time on the damaged pipe and this service was within the scope of the ticket. An additional 1" steel service line, approximately 30" to the east, parallel to the damaged line was located, marked and successfully exposed. KGS failed to mark all facilities in the area.

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

Operator's Authorized Signature: Randy SpectorDate: 10/24/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/09/2018

Inspected By: KF



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

October 25, 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. KF-18-OC-1009

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. KF-18-OC-1009 referencing a location at or near: 1902 Sage St., Topeka, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. KF-18-OC-1009

## KCC NOPV KF-18-OC-1009

### KCC Description:

On 8/9/2018, Gaither's Way Excavating Co. damaged a KGS ½" PE gas service line with a track hoe while excavating for sewer replacement at 1902 SE Sage St in Topeka, Kansas. There was a valid One-Call Ticket on file. There were no locate marks present at the time on the damaged pipe and this service was within the scope of the ticket. An additional 1" Steel service line, approximately 30" to the east, parallel to the damaged line was located, marked and successfully exposed. KGS failed to mark all facilities in the area.

### Operator Response:

KGS and USIC investigated the damage event that occurred at 1902 SE Sage St. Topeka, KS on August 9, 2018 wherein Gaither's Way Excavation, excavated to start their work and discovered the old abandoned 1" bare steel line. The excavator proceeded to dig and struck the new 1/2" PE service line that was approximately 26" away from the mark.

During the investigation KGS and USIC determined the service line was difficult to locate and that it had been marked outside of the tolerance zone. KGS has repaired the damage and confirmed that the service is now locatable.



## **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  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

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

**September 14, 2018**

**KCC Investigation #: CK-18-OC-1122**

**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 September 10, 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-1122

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 8/30/2018, KGS did not correctly mark their facilities at 21111 W 68th St in Shawnee, Kansas. Paramount Landscape damaged a KGS 3/4" PE gas service line with a vibration plow while installing irrigation. There was a valid One-Call ticket #18399360 with a due date of 8/30/2018. 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: Randy SpectorDate: 10/15/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/10/2018

Inspected By: CK



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

October 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-1122

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1122 referencing a location at or near: 21111 W. 68<sup>th</sup> St., Shawnee, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1122

## KCC NOPV CK-18-OC-1122

### KCC Description:

On 8/30/2018, KGS did not correctly mark their facilities at 21111 W 68<sup>th</sup> St in Shawnee, Kansas. Paramount Landscape damaged a KGS ¾" PE gas service line with a vibration plow while installing irrigation. There was a valid One-Call ticket #18399360 with a due date of 8/30/2018. 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 have investigated the damage. USIC confirms the technician was late responding to the ticket request due to a spike in ticket volume. The technician was coached on completing all locate requests by the due date and on the requirement to contact the contractor if unable to do so.



## **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  
Dwight D. Keen, Commissioner

Jeff Colyer, M.D., Governor

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

**September 14, 2018**

**KCC Investigation #: CK-18-OC-1124**

**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 September 10, 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)**

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 9/10/2018, KGS did not correctly mark their facilities at 2425 Metropolitan Ave in Kansas City, Kansas. DF Construction damaged a KGS 3/4" PE gas service line with a mini excavator while demolishing a building. There was a valid One-Call ticket #18418406 with a due date of 9/11/2018, and all utilities had responded. There were no locate marks present at the time of the damage. Maps did not indicate a service and debris had the riser covered up for locator to see a service was present.

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

Operator's Authorized Signature: Randy Spector Date: 10/15/18

## PIPELINE SAFETY USE ONLY:

Date reviewed: \_\_\_\_\_ Date reviewed: \_\_\_\_\_  
Chief: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/10/2018

Inspected By: CK





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

October 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-1124

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1124 referencing a location at or near: 2425 Metropolitan Ave., Kansas City, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1124

## KCC NOPV CK-18-OC-1124

### **KCC Description:**

On 9/10/2018, KGS did not correctly mark their facilities at 2425 Metropolitan Ave in Kansas City, Kansas. DF Construction damaged a KGS ¾" PE gas service line with a mini excavator while demolishing a building. There was a valid One-Call ticket #18418406 with a due date of 9/11/2018, and all utilities had responded. There were no locate marks present at the time of the damage. Maps did not indicate a service and debris had the riser covered up for locator to see a service was present.

### **Operator Response:**

KGS and USIC have investigated the damage. KGS has determined that the Company's maps and records did not display the service that was damaged. After repairs were made, facility records were updated and maps were corrected.

## **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**

**September 14, 2018**

**KCC Investigation #: CK-18-OC-1126**

**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 September 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)**

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 9/11/2018, KGS did not correctly mark their facilities at 4140 W 151st St in Leawood, Kansas. Schlagle Trucking & Excavating damaged a KGS 3/4" PE gas service line with a skid loader while grading the lot. There was a valid One-Call ticket #18414210 with a due date of 9/7/2018. 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: Randy Spector Date: 10/15/18

## PIPELINE SAFETY USE ONLY:

Date reviewed: \_\_\_\_\_ Date reviewed: \_\_\_\_\_  
Chief: \_\_\_\_\_ Inspector: \_\_\_\_\_Inspection Type: One Call Inquiry/Complaint  
Date Inspected: 09/11/2018  
Inspected By: CK



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

October 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-1126

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1126 referencing a location at or near: 4140 W. 151<sup>st</sup> St., Leawood, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1126

## KCC NOPV CK-18-OC-1126

### **KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 4140 W 151<sup>st</sup> St in Leawood, Kansas. Schlagle Trucking and Excavating damaged a KGS ¾" PE gas service line with a skid loader while grading the lot. There was a valid One-Call ticket #18414210 with a due date of 9/7/2018. There were not locate marks present at the time of the damage and this service was within the scope of the ticket.

### **Operator Response:**

KGS and USIC have investigated the damage. USIC has confirmed that its technician failed to complete the locate by the due date. The technician was coached on completing all locate requests by the due date and of the requirement to contact the contractor if unable to do so.



## **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

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

**September 12, 2018**

**KCC Investigation #: CK-18-OC-1127**

**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 September 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-1127

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 9/11/2018, KGS did not correctly mark their facilities at 5207 Buena Vista in Roeland Park, Kansas. KC Master Companies damaged a KGS 3/4" PE gas service line with a mini excavator while installing piers for a foundation repair. There was a valid One-Call ticket #18410108 with a due date of 9/6/2018. There were locate marks present; however, the maps did not indicate an offset on the service card, therefore, marks were approximately 12 ft from the damaged pipe.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy SpectorDate: 10/15/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/11/2018

Inspected By: CK



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

October 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-1127

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1127 referencing a location at or near: 5207 Buena Vista, Roeland Park, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1127

## KCC NOPV CK-18-OC-1127

### **KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 5207 Buena Vista in Roeland Park, Kansas. KC Master Companies damaged a KGS ¾" PE gas service line with a mini excavator while installing piers for a foundation repair. There was a valid One-Call ticket #18410108 with a due date of 9/6/18. There were locate marks present; however, the maps did not indicate an offset on the service card, therefore, marks were approximately 12ft from the damaged pipe.

### **Operator Response:**

KGS and USIC have investigated the damage. The investigation determined the USIC technician failed to properly hook up to the tracer wire when locating the facility. The technician was coached on the manner of verifying the proper connection has been made during the locating process.

## **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**

**September 13, 2018**

**KCC Investigation #: CK-18-OC-1130**

**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 September 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)**

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 9/11/2018, KGS did not correctly mark their facilities at 6210 Flint St in Shawnee, Kansas. Sosaya and Sons Construction damaged a KGS 3/4" PE gas service line with a mini excavator while installing street lights. There was a valid One-Call ticket #18418050 with a due date of 9/11/2018. 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: Randy SpectorDate: 10/15/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/11/2018

Inspected By: CK



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

October 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-1130

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1130 referencing a location at or near: 6210 Flint St., Shawnee, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1130



## KCC NOPV CK-18-OC-1130

### **KCC Description:**

On 9/11/2018, KGS did not correctly mark their facilities at 6210 Flint in Shawnee, Kansas. Sosaya and Sons Construction damaged a KGS ¾" PE gas service line with a mini excavator while installing street lights. There was a valid One-Call ticket #18418050 with a due date of 9/11/2018. 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 have investigated the damage. The service line was not marked because the USIC technician assumed the service line went a different direction and failed to verify this assumption. The service line had tracer wire and records measurements were accurate. USIC has coached the technician on the importance of always verifying the location of facilities.

## **ATTACHMENT “H”**

STATE OF KANSAS



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

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

GOVERNOR JEFF COLYER, M.D.

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

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

September 27, 2018

KCC Investigation #: CK-18-OC-1137

**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 September 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)

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 9/18/2018, KGS did not correctly mark their facilities at S Cherry St & E Willow St in Gardner, Kansas. Teague Electric damaged a KGS 2" PE gas main line with a vibration plow while installing primary and street light conduit. There was a valid One-Call ticket #18420552 with a due date of 9/12/2018. 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: Randy SpectorDate: 10/15/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/18/2018

Inspected By: CK



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

October 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-1137

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1137 referencing a location at or near: S. Cherry St. & E. Willow St., Gardner, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1137

## KCC NOPV CK-18-OC-1137

### KCC Description:

On 9/18/2018, KGS did not correctly mark their facilities at S Cherry St & E Willow St in Gardner, Kansas. Teague Electric damaged a KGS 2" PE gas main line with a vibration plow while installing primary and street light conduit. There was a valid One-Call ticket #18420552 with a due date of 9/12/2018. 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 have investigated the damage and determined that KGS had installed this new main on 9/17/2018, the day prior to the damage. Therefore, the facilities were not yet installed when the locate ticket was completed on 9/12/2018. KGS instructed all of our employees to locate and mark all new facilities installed after backfill.



## **ATTACHMENT “I”**

STATE OF KANSAS

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



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

GOVERNOR JEFF COLYER, M.D.

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

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

September 27, 2018

KCC Investigation #: CK-18-OC-1142

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 September 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-1142

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 9/20/2018, KGS did not correctly mark their facilities at 7757 Reeds Rd in Prairie Village, Kansas. Water District No 1 of Johnson County damaged a KGS 3/4" PE gas service line with a mini excavator while replacing a water main. There was a valid One-Call ticket #18437071 with a due date of 9/20/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. This was a long-side service to 5507 W 78th St in Prairie Village, Kansas.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy SpectorDate: 10/24/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/20/2018

Inspected By: CK



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

October 25, 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-1142

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1142 referencing a location at or near: 7757 Reeds Rd., Prairie Village, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1142

## KCC NOPV CK-18-OC-1142

### KCC Description:

On 9/20/2018, KGS did not correctly mark their facilities at 7757 Reeds Rd in Prairie Village, Kansas. Water District No 1 of Johnson County damaged a KGS ¾" PE gas service line with a mini excavator while replacing a water main. There was a valid One-Call ticket #18437071 with a due date of 9/20/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. This was a long-side service to 5507 W 78<sup>th</sup> St in Prairie Village, Kansas.

### Operator Response:

KGS and USIC investigated the damage and confirmed the USIC technician failed to respond to the locate request by the due date. The USIC technician was coached on communicating with the contractor to ensure locate requests are completed on time.

**ATTACHMENT “J”**

# STATE OF KANSAS

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



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

GOVERNOR JEFF COLYER, M.D.

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

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

September 27, 2018

KCC Investigation #: CK-18-OC-1143

**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 September 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)

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 9/21/2018, KGS did not correctly mark their facilities at 10321 Benson St in Overland Park, Kansas. Water District No 1 of Johnson County damaged a KGS 5/8" PE gas service line with a pipe bursting machine while replacing a water main. There was a valid One-Call ticket #18436492 with a due date of 9/20/2018. 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: Randy Spector Date: 10/24/18

## PIPELINE SAFETY USE ONLY:

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/21/2018

Inspected By: CK



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

October 25, 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-1143

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1143 referencing a location at or near: 10321 Benson St., Overland Park, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1143

## KCC NOPV CK-18-OC-1143

### KCC Description:

On 9/21/2018, KGS did not correctly mark their facilities at 10321 Benson St in Overland Park, Kansas. Water District No 1 of Johnson County damaged a KGS 5/8" PE gas service with a pipe bursting machine while replacing a water main. There was a valid One-Call ticket #18436492 with a due date of 9/20/2018. 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 and determined the USIC technician failed to locate ticket correctly. The USIC technician was given a written warning and coached on reviewing all information on the locate ticket.



## **ATTACHMENT “K”**

# STATE OF KANSAS

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



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

GOVERNOR JEFF COLYER, M.D.

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

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

September 27, 2018

KCC Investigation #: CK-18-OC-1145

**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 September 26, 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)

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 9/26/2018, KGS did not correctly mark their facilities at 3121 S 33rd St in Kansas City, Kansas. City of Kansas City - Street Department damaged a KGS 7/8" PE gas service line with a backhoe while performing ditch work. There was a valid One-Call ticket #18442637 with a due date of 9/22/2018. 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: Randy SpectorDate: 10/24/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/26/2018

Inspected By: CK



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

October 25, 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-1145

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1145 referencing a location at or near: 3121 S 33<sup>rd</sup> St., Kansas City, Kansas.

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

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1145

## KCC NOPV CK-18-OC-1145

### KCC Description:

On 9/26/2018, KGS did not correctly mark their facilities at 3121 S 33<sup>rd</sup> St in Kansas City, Kansas. City of Kansas City – Street Department damaged a KGS 7/8" PE gas service line with a backhoe while performing ditch work. There was a valid One-Call ticket #18442637 with a due date of 9/22/2018. 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 and determined. The USIC technician failed to respond to the locate request by the due date. The technician was coached on communicating with the contractor and the need to ensure the requests are completed on time.



## ATTACHMENT “L”

STATE OF KANSAS



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

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

GOVERNOR JEFF COLYER, M.D.

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

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

October 29, 2018

KCC Investigation #: CK-18-OC-1153

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 October 23, 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-1153

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 10/23/2018, KGS did not correctly mark their facilities at 7380 W 162nd St in Overland Park, Kansas. Gary Calvert damaged a KGS 1-1/4" PE gas service line with a mini backhoe while removing drain lines. There was a valid One-Call ticket #18485317 with a due date of 10/18/2018. There were locate marks; however, the marks were approximately 11 ft off the damaged pipe. Tracer wire was present at the damage site and at the meter. Locator was not able to reproduce the marks onsite.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy SpectorDate: 10/15/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 10/23/2018

Inspected By: CK





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

November 14, 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-1153

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1153 referencing a location at or near: 7380 W 162<sup>nd</sup> St, Overland Park, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

*Randy Spector*

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. CK-18-OC-1153

## KCC NOPV CK-18-OC-1153

### **KCC Description:**

On 10/23/2018, KGS did not correctly mark their facilities at 7380 W 162<sup>nd</sup> St in Overland Park, Kansas. Gary Calvert damaged a KGS 1 ¼" PE gas service line with a mini backhoe while removing drain lines. There was a valid One-Call ticket #18485317 with a due date of 10/18/2018. There were locate marks present; however, the marks were approximately 11 ft off the damaged pipe. Tracer wire was present at the damage site and at the meter. Locator was not able to reproduce the marks onsite.

### **Operator Response:**

KGS and USIC investigated the damage and determined the USIC technician failed to find and use the tracer wire present and attached to the service line. The USIC technician was coached on taking additional steps to find the tracer wire and on the importance of reviewing service cards for more information. After repairs, KGS confirmed that the tracer wire would accurately locate the service line.

**CERTIFICATE OF SERVICE**

19-DPAX-269-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 01/25/2019.

PHOENIX ANSHUTZ, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
p.anshutz@kcc.ks.gov

JUDY JENKINS HITCHYE, 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