



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

NOTICE OF PENALTY ORDER
19-DPAX-433-PEN

May 2, 2019

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,

Carly R. Masenthin, S. Ct. No. 27944
Litigation Counsel
(785)271-3361
c.masenthin@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 **Kansas**)
Gas Service, A Division of ONE Gas, Inc. of)
Overland Park, Kansas, Regarding)
Violation(s) of the Kansas Underground Utility)
Damage Prevention Act (KUUDPA) (K.S.A.)
66-1801, *et seq.*, and K.A.R. 82-14-1, *et seq.*,)
and the Commission's Authority to Impose)
Penalties and/or Sanctions (K.S.A. 66-1,151).)

Docket No. 19-DPAX-433-PEN

PENALTY ORDER

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

I. JURISDICTION AND BACKGROUND

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

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

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

II. ALLEGATIONS OF NONCOMPLIANCE

4. Pursuant to the above authority, Commission Staff (Staff) investigated the activities and operations of Kansas Gas Service, A Division of ONE Gas, Inc. (Respondent). *See* Report and Recommendation of Staff dated April 16, 2019, a copy of which is attached hereto as Attachment “A” and is hereby incorporated by reference. As a result of the investigations, Staff reports that Respondent has violated the KUUDPA, specifically K.S.A. 66-1806(a), a total of 11 times during the period of November 2018 through February 2019. Notices of Probable Noncompliance were submitted to Respondent on each occasion and Respondent has provided a written response for each occasion. The notices and responses are attached to the Report and Recommendation. Below is a table summarizing Respondent’s KUUDPA violations and Staff’s recommendation for penalty amount:

Invoice Number	Date of Damage	Type of Facility Affected	Address Damaged Occurred	Root Cause	Amount of Fine
CK-18-OC-1167	11-21-18	Plastic natural gas service	8614 W 109 th Ter., Overland Park	Not marked	\$500
CK-18-OC-1175	12-11-18	Plastic natural gas service	237 N 13 th St, Kansas City	Not marked	\$500
CK-19-OC-1001	1-4-19	2” diameter plastic natural gas main	3500 W 50 th St., Roeland Park	Not marked	\$500
CK-19-OC-1008	1-10-19	Plastic natural gas service	5925 Broadmoor St., Mission	Not marked	\$500

Invoice Number	Date of Damage	Type of Facility Affected	Address Damaged Occurred	Root Cause	Amount of Fine
CK-19-OC-1009	1-14-19	Plastic natural gas service	Broadmoor St. & Johnson Dr., Mission	Miss-marked	\$500
JW-19-OC-1005	1-16-19	Plastic natural gas service	2334 N Walden, Wichita	Miss-marked	\$500
JW-19-OC-1014	1-31-19	2" diameter plastic natural gas main	256 N Millwood, Wichita	Miss-marked	\$500
CK-19-OC-1013	2-4-19	4"diameter plastic natural gas main	4611 W 54 th Ter, Roeland Park	Inaccurate maps	\$500
CK-19-OC-1017	2-13-19	2"diameter steel natural gas main	8902 Hadley St., Overland Park	Not marked	\$500
JW-19-UN-1063	2-14-19	4" diameter plastic natural gas main	317 E Commerce, Andover	Inaccurate maps	\$500
JW-19-OC-1029	2-19-19	1-1/4" diameter plastic natural gas main	1236 N Sunset Dr., Mulvane	Not marked	\$500

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: 05/02/2019



Lynn M. Retz
Secretary to the Commission

CRM/vj

ATTACHMENT "A"

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

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

DATE: April 16, 2019

SUBJECT: Docket Number: 19-DPAX-433-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), for \$5,500 for eleven violations of KUUDPA that have occurred during the months of November and December of 2018 and January and February of 2019. The penalty is based on results of Staff investigations following eleven damages to KGS natural gas service and main lines in Johnson, Wyandotte and Sedgwick Counties in the Kansas City and Wichita 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
CK-18-OC-1167	11/21/2018	Plastic Natural Gas Service	8614 W. 109th Ter., Overland Park	Not Marked	\$500
CK-18-OC-1175	12/11/2018	Plastic Natural Gas Service	237 N. 13th St., Kansas City	Not Marked	\$500
CK-19-OC-1001	1/4/2019	2" Diameter Plastic Natural Gas Main	3500 W. 50th St., Roeland Park	Not Marked	\$500
CK-19-OC-1008	1/10/2019	Plastic Natural Gas Service	5925 Broadmoor St., Mission	Not Marked	\$500
CK-19-OC-1009	1/14/2019	Plastic Natural Gas Service	Broadmoor St & Johnson Dr., Mission	Mis-marked	\$500
JW-19-OC-1005	1/16/2019	Plastic Natural Gas Service	2334 N. Walden, Wichita	Mis-marked	\$500
JW-19-OC-1014	1/31/2019	2" Diameter Plastic Natural Gas Main	256 N. Millwood, Wichita	Mis-marked	\$500
CK-19-OC-1013	2/4/2019	4" Diameter Plastic Natural Gas Main	4611 W. 54th Ter., Roeland Park	Inaccurate Maps	\$500
CK-19-OC-1017	2/13/2019	2" Diameter Steel Natural Gas Main	8902 Hadley St., Overland Park	Not Marked	\$500
JW-19-UN-1063	2/14/2019	4" Diameter Plastic Natural Gas Main	317 E Commerce, Andover	Inaccurate Maps	\$500
JW-19-OC-1029	2/19/2019	1-1/4" Diameter Plastic Natural Gas Main	1236 N. Sunset Dr., Mulvane	Not Marked	\$500
TOTAL					\$5,500

Notices of Probable Noncompliance (PNC) were issued to KGS on December 10, 2018; December 17, 2018; January 11, 2019; January 17, 2019; February 1, 2019; February 19, 2019; and February 22, 2019. 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 or inaccurate maps. Because KGS failed to comply with the 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 172 KUUDPA PNCs to KGS in the years 2017, 2018 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 for 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 2017, 2018 and to the present, KGS has received 172 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

ATTACHMENT I

CK-18-OC-1167

KCC Description:

On 11/21/2018, KGS did not correctly mark their facilities at 8614 W. 109th Ter. in Overland Park, Kansas. Cats Construction damaged a KGS 7/8" PE gas service line while directional drilling conduit for Spectrum CATV main. There was a valid One-Call ticket #18534511 with a due date of 11/16/2018. 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 apply measurements. After repairs, KGS installed RFID markers to make the service line electronically locatable.

CK-18-OC-1175

KCC Description:

On 12/11/2018, KGS did not correctly mark their facilities at 237 N. 13th St. in Kansas City, Kansas. Capital Electric Line Builders, Inc. damaged a KGS 3/4" PE gas service line while augering to replace a power pole. There was a valid One-Call ticket #18561859 with a due date of 12/7/2018. There were no locate marks present on this long-side service to 236 & 238 N. 13th St. at the time of the damage and was within the scope of the ticket. The locate marks on the main line were out of tolerance by approximately 14 ft. There was tracer wire present at the meter which did locate the damaged service and the mis-marked main perfectly.

Operator Response:

KGS and USIC investigated the damage and determined the USIC technician failed to mark the service line and applied marks from measurements on the main instead of using alternative means of locating that were available. The technician was coached on confirming that all necessary facilities were located. The technician was also coached on using all available resources to locate the facilities conductively.

CK-19-OC-1001

KCC Description:

On 1/4/2019, KGS did not fully mark the scope of the ticket leaving this damaged gas main not being marked at 3500 W. 50th St. in Roeland Park, Kansas. Earthworkz damaged a KGS 2" PE gas main line with a mini excavator while installing conduit for a UPN main line. There was a valid One-Call ticket #18590863 with a due date of 1/1/2019. Locate marks were present on the 4" PE main line running North to South along Reinhardt Dr.; however, there were no marks on the 2" PE gas main line running west on W. 50th St.

Operator Response:

KGS and USIC investigated the damage. It was confirmed that the USIC technician failed to mark the entire scope of the ticket. The technician was coached on communicating with the contractor if unsure of the scope of the ticket.

CK-19-OC-1008

KCC Description:

On 12/28/2018, Water District No. 1 of Johnson County notified Kansas One Call of intent to excavate at Broadmoor St. & Martway St. in Mission, Kansas. One Call ticket #18591707 had a work to begin date of 1/3/2019. KGS failed to carry out its damage prevention program as required per 49 CFR 192.614, by not adhering to the ONE Gas O&M Plan's procedure, OGSops1.1404R, which directs KGS to locate its gas facilities within two full working days. The KGS facilities were not marked.

Operator Response:

KGS and USIC investigated this non-response locate request. The USIC technician failed to mark gas facilities in the area. He was coached and counseled on always ensuring all facilities are located before completing the ticket.

CK-19-OC-1009

KCC Description:

On 1/14/2019, KGS did not correctly mark their facilities at Broadmoor St. & Johnson Dr. in Mission, Kansas. Water District No. 1 of Johnson County damaged a KGS 7 /8" PE gas service while replacing a water main. There was a One-Call ticket #18591707 with a due date of 1/3/2019. There were locate marks on this service; however, the marks were off by approximately 32 ft. from the damaged pipe.

Operator Response:

KGS and USIC investigated the damage. The USIC technician failed to use facility records and straight lined the service line when there was an offset shown on the records. The technician was coached on always using facility records when available.

JW-19-OC-1005

KCC Description:

On 01/16/2019, KGS did not properly mark their facilities at 2334 N. Walden in Wichita, Kansas. Splice Co. Inc. damaged a KGS 3/4 inch PE service line while boring in new cable TV. There was a valid One-Cal ticket #19010008 with a due date of 1/11/2019. The service line was marked; however, the mark was approximately 10 feet 8 inches off the service line. Locator had to use a map to locate the service line and read the map incorrectly causing the error.

Operator Response:

This PE service line was located using measurements. The measurements were not accurate causing the locate to be marked inaccurately. The service line is scheduled to be replaced on 2/15/2019.

JW-19-OC-1014

KCC Description:

On 01/31/2019, KGS did not properly mark their facilities at 256 N. Millwood in Wichita, Kansas. Wilks Underground Inc. damaged a KGS 2 inch PE gas main while installing new fiber line. There was a valid One-Call ticket #19023915 with a due date of 01/24/2019. Wilks Underground Inc. struck the main line while attempting to pothole another line. The gas main line was marked; however, the marks were 12 feet 5 inches to the west of where the gas main actually was.

Operator Response:

Kansas Gas Service investigated this concern and determined that although the locator located and marked the PE service line using locate equipment, the locate equipment did not pick up the tone for a 45-degree fitting that was also in the ground. Following the damage, KGS installed a locate station at the spot of the damage, and confirmed this facility is now locatable.

CK-19-OC-1013

KCC Description:

On 2/4/2019, KGS did not mark their facilities correctly at 4611 W. 54th Ter. in Roeland Park, Kansas. Veltor Underground damaged a KGS 4" PE gas main line while directional drilling conduit for the Verizon Project. There was a valid One-Call ticket #19024271 with a due date of 1/31/2019. There were locate marks on this main; however, the main was marked by measurement and was off the damaged pipe approximately 10 ft.

Operator Response:

KGS and USIC investigated the damage and discovered the measurements that were available to the tech at the time of the locate request were inaccurate. As a result, KGS has installed a test station at the point of damage to make the line locatable and updated the measurements on record.

CK-19-OC-1017

KCC Description:

On 2/13/2019, Miles Excavating notified Kansas One Call of intent to excavate at 8902 Hadley St. in Overland Park, Kansas. One Call ticket #19044730 had a work to begin date of 2/12/2019. Miles Excavating damaged a KGS 3/4" steel tap off a 2" steel gas main while preparing the site for a storm drain project. The locator did not mark the entire scope of the ticket therefore missing this section of the main as well as the service line.

Operator Response:

KGS and USIC investigated the damage and determined the USIC technician failed to mark the entire scope of the ticket. The technician was brought back out to the site and coached on marking the entire scope of the ticket and communicating with the contractor.

JW-19-UN-1063

KCC Description:

On 02/14/2019, staff conducted an audit on ticket #19023983 and found the KGS main, at 317 E. Commerce in Andover, Kansas, had not been marked correctly at the time the ticket was due on 01/24/2019. This facility was within the scope of the ticket and was marked incorrectly. The marks were on the south side of Commerce and the damage occurred on the north side of Commerce.

Operator Response:

KGS and USIC have investigated this concern and discovered the measurements on record were incorrect. This error has been corrected and both KGS and USIC have taken steps to avoid this issue in the future.

JW-19-OC-1029

KCC Description:

On, 02/19/2019, KGS did not properly mark their facilities at 1236 N, Sunset Dr, in Mulvane, Kansas. Iverson & Westfall Plumbing damaged a KGS 1 1/4 inch PE gas main while repairing a water service. There was a valid One-Call ticket #19056926 with a due date of 02/19/2019. The line was not located and the area was marked all clear by locator.

Operator Response:

KGS and USIC have investigated this issue and determined the USIC locator failed to read the maps correctly resulting in a mis-locate. USIC has retrained this individual to eliminate this issue from happening again.

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

December 10, 2018

KCC Investigation #: CK-18-OC-1167

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 November 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

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

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 11/21/2018, KGS did not correctly mark their facilities at 8614 W 109th Ter in Overland Park, Kansas. Cat5 Construction damaged a KGS 7/8" PE gas service line while directional drilling conduit for Spectrum CATV main. There was a valid One-Call ticket #18534511 with a due date of 11/16/2018. 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: 1/4/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 11/21/2018

Inspected By: CK

KCC NOPV CK-18-OC-1167

KCC Description:

On 11/21/2018, KGS did not correctly mark their facilities at 8614 W 109th Ter in Overland Park, Kansas. Cat5 Construction damaged a KGS 7/8" PE gas service line while directional drilling conduit for Spectrum CATV main. There was a valid One-Call ticket #18534511 with a due date of 11/16/2018. 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 apply measurements. After repairs, KGS installed RFID markers to make the service line electronically locatable.

STATE OF KANSAS



CORPORATION COMMISSION
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<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

December 17, 2018

KCC Investigation #: CK-18-OC-1175

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 December 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

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

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 12/11/2018, KGS did not correctly mark their facilities at 237 N 13th St in Kansas City, Kansas. Capital Electric Line Builders, Inc damaged a KGS 3/4" PE gas service line while auguring to replace a power pole. There was a valid One-Call ticket #18561859 with a due date of 12/7/2018. There were no locate marks present on this long-side service to 236 & 238 N 13th St at the time of the damage and was within the scope of the ticket. Also the locate marks on the main were out of tolerance by approximately 14 ft. There was tracer wire present at the meter which did locate the damaged service and the mis-marked main perfectly.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: _____ Date: _____

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 12/11/2018

Inspected By: CK

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 12/11/2018, KGS did not correctly mark their facilities at 237 N 13th St in Kansas City, Kansas. Capital Electric Line Builders, Inc damaged a KGS 3/4" PE gas service line while auguring to replace a power pole. There was a valid One-Call ticket #18561859 with a due date of 12/7/2018. There were no locate marks present on this long-side service to 236 & 238 N 13th St at the time of the damage and was within the scope of the ticket. Also the locate marks on the main were out of tolerance by approximately 14 ft. There was tracer wire present at the meter which did locate the damaged service and the mis-marked main perfectly.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 1/4/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 12/11/2018
Inspected By: CK

KCC NOPV CK-18-OC-1175

KCC Description:

On 12/11/2018, KGS did not correctly mark their facilities at 237 N 13th St in Kansas City, Kansas. Capital Electric Line Builders, Inc damaged a KGS ¾" PE gas service line while auguring to replace a power pole. There was a valid One-Call ticket #18561859 with a due date of 12/7/2018. There were no locate marks present on this long-side service to 236 & 238 N 13th St at the time of the damage and was within the scope of the ticket. Also the locate marks on the main were out of tolerance by approximately 14ft. There was tracer wire present at the meter which did locate the damaged service and the mis-marked main perfectly.

Operator Response:

KGS and UISC investigated the damage and determined the USIC technician failed to mark the service line and applied marks from measurements on the main instead of using alternative means of locating that were available. The technician was coached on confirming that all necessary facilities were located. The technician was also coached on using all available resources to located the facilities conductively.

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

January 11, 2019

KCC Investigation #: CK-19-OC-1001

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 January 4, 2019, 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

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

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 1/4/2019, KGS did not fully mark the scope of the ticket leaving this damaged gas main not being marked at 3500 W 50th St in Roeland Park, Kansas. Earthworkz damaged a KGS 2" PE gas main line with a mini excavator while installing conduit for a UPN main line. There was a valid One-Call ticket #18590863 with a due date of 1/1/2019. Locate marks were present on the 4" PE main line running North to South along Reinhardt Dr; however, there were no marks on the 2" PE gas main line running West on W 50th St.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: *Randy Spector*

Date: 2/13/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 01/04/2019
Inspected By: CK

KCC NOPV CK-19-OC-1001

KCC Description:

On 1/4/2019, KGS did not fully mark the scope of the ticket leaving this damaged gas main not being marked at 3500 W 50th St in Roeland Park, Kansas. Earthworkz damaged a KGS 2" PE gas main line with a mini excavator while installing conduit for a UPN main line. There was a valid One-Call ticket #18590863 with a due date of 1/1/2019. Locate marks were present on the 4" PE main line running North to South along Reinhardt Dr; however, there were no marks on the 2" PE gas main line running West on W 50th St.

Operator Response:

KGS and UISC investigated the damage. It was confirmed that the USIC technician failed to mark the entire scope of the ticket. The technician was coached on communicating with the contractor if unsure of the scope of the ticket.

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

January 11, 2019

KCC Investigation #: CK-19-OC-1008

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 January 10, 2019, 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

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

"(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations.

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 12/28/2018, Water District No 1 of Johnson County notified Kansas One Call of intent to excavate at Broadmoor St & Martway St in Mission, Kansas. One Call ticket #18591707 had a work to begin date of 1/3/2019. KGS failed to carry out its damage prevention program as required per 49 CFR 192.614, by not adhering to the ONE Gas O&M plan's procedure, OGSops1.1404R, which directs KGS to locate its gas facilities within two full working days. The KGS facilities were not marked.

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

Operator's Authorized Signature: Randy Spector Date: 2/13/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/10/2019

Inspected By: CK

KCC NOPV CK-19-OC-1008

KCC Description:

On 12/28/2018, Water District No 1 of Johnson County notified Kansas One Call of intent to excavate at Broadmoor St & Martway St in Mission, Kansas. One Call ticket #18591707 had a work to begin date of 1/3/2019. KGS failed to carry out its damage prevention program as required per 49 CFR 192.614, by not adhering to the ONE Gas O&M plan's procedure, OGSops1.1404R, which directs KGS to locate its gas facilities within two full working days. The KGS facilities were not marked.

Operator Response:

KGS and USIC investigated this non-response locate request. The USIC technician failed to mark gas facilities in the area. He was coached and counseled on always ensuring all facilities are located before completing the ticket.



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

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

January 17, 2019

KCC Investigation #: CK-19-OC-1009

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 January 14, 2019, 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

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**

PROBABLE NONCOMPLIANCE

Investigation: CK-19-OC-1009

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 1/14/2019, KGS did not correctly mark their facilities at Broadmoor St & Johnson Dr in Mission, Kansas. Water District No 1 of Johnson County damaged a KGS 7/8" PE gas service while replacing a water main. There was a One-Call ticket #18591707 with a due date of 1/3/2019. There were locate marks on this service; however, the marks were off by approximately 32 ft from the damaged pipe.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 2/13/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/14/2019

Inspected By: CK

KCC NOPV CK-19-OC-1009

KCC Description:

On 1/14/2019, KGS did not correctly mark their facilities at Broadmoor St & Johnson Dr in Mission, Kansas. Water District No 1 of Johnson County damaged a KGS 7/8" PE gas service while replacing a water main. There was a One-Call ticket #18591707 with a due date of 1/3/2019. There were locate marks on this service; however, the marks were off by approximately 32 ft from the damaged pipe.

Operator Response:

KGS and USIC investigated the damage. The USIC technician failed to use facility records and straight lined the service line when there was an offset shown on the records. The technician was coached on always using facility records when available.

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 01/16/2019 KGS did not properly mark their facilities at 2334 N Walden Wichita, KS 67226. SpliceCo Inc damaged a KGS 3/4 inch PE service line while boring in new cable TV. There was a valid One-Cal ticket #19010008 with a due date of 01/11/2019. The service line was marked; however, the mark was approximately 10 feet 8 inches off the service line. Locator had to use a map to locate the service line and read the map incorrectly causing the error.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: *Randy Spector*

Date: 2/13/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/16/2019

Inspected By: JW

KGS – JW – 19 – OC – 1005 -NOPV

Details:

On 01/16/2019 KGS did not properly mark their facilities at 2334 N Walden Wichita, KS 67226. Splice Co Inc damaged a KGS 3/4 inch PE service line while boring in new cable TV. There was a valid One-Cal ticket #19010008 with a due date of 1/11/2019. The service line was marked; however, the mark was approximately 10 feet 8 inches off the service line. Locator had to use a map to locate the service line and read the map incorrectly causing the error.

Response:

This p/e service line was located using measurements, the measurements were not accurate causing the locate to be marked inaccurately. The service line is scheduled to be replaced on 2/15/2019.

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 01/31/2019 KGS did not properly mark their facilities at 256 N Millwood Wichita, KS 67203. Wilks Underground Inc damaged a KGS 2 inch PE gas main while installing new fiber line. There was a valid One-Call ticket #19023915 with a due date of 01/24/2019. Wilks Underground Inc struck the main line while attempting to pothole another line. The gas main line was marked; however the marks were 12 feet 5 inches to the west of where the gas main actually was.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 2/28/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/31/2019

Inspected By: JW

KGS – JW – 19 – OC – 1014 -NOPV

Details:

On 01/31/2019 KGS did not properly locate the facilities at 256 N. Millwood, Wichita Kansas. Wilks Underground Inc. damaged a 2" PE gas main while installing new fiber line. There was a valid One-Call ticket #19023915 with a due date of 01/24/2019. Wilks Underground struck the main line while attempting to pothole another line. The gas main was marked, however the marks were 12 feet 5 inches west of where the gas main was.

KGS Response:

Kansas Gas Service investigated this concern and determined that although the locater located and marked the P.E. service line using locate equipment, the locate equipment did not pick up the tone for a 45-degree fitting that was also in the ground. Following the damage, KGS installed a locate station at the spot of the damage, and confirmed this facility is now locatable.



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

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

February 19, 2019

KCC Investigation #: CK-19-OC-1013

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 February 4, 2019, 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

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

Company: Kansas Gas Service

Division: One Call

Regulation:

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

FEB 20 2019

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 2/4/2019, KGS did not mark their facilities correctly at 4611 W 54th Ter in Roeland Park, Kansas. Veltor Underground damaged a KGS 4" PE gas main line while directional drilling conduit for the Verizon Project. There was a valid One-Call ticket #19024271 with a due date of 1/31/2019. There were locate marks on this main; however, the main was marked by measurement and was off the damaged pipe approximately 10 ft.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:

Randy Spector

Date: 3/15/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 02/04/2019

Inspected By: CK

KCC NOPV CK-19-OC-1013

KCC Description:

On 2/4/2019, KGS did not mark their facilities correctly at 4611 W 54th Ter in Roeland Park, Kansas. Veltor Underground damaged a KGS 4" PE gas main line while directional drilling conduit for the Verizon Project. There was a valid One-Call ticket #19024271 with a due date of 1/31/2019. There were locate marks on this main; however, the main was marked by measurements and was off the damaged pipe approximately 10 ft.

Operator Response:

KGS and UISC investigated the damage and discovered the measurements that were available to the Tech at the time of the locate request were inaccurate. As a result, KGS has installed a test station at the point of damage to make the line locatable and updated the measurements on record.



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

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

February 19, 2019

KCC Investigation #: CK-19-OC-1017

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 February 13, 2019, 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

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

PROBABLE NONCOMPLIANCE

Investigation: CK-19-OC-1017

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 2/13/2019, Miles Excavating notified Kansas One Call of intent to excavate at 8902 Hadley St in Overland Park, Kansas. One Call ticket #19044730 had a work to begin date of 2/12/2019. Miles Excavating damaged a KGS 3/4" Steel tap off a 2" Steel gas main while preparing site for a storm drain project. The locator did not mark the entire scope of the ticket therefore missing this section of the main as well as the service line.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 3/15/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 02/13/2019

Inspected By: CK

KCC NOPV CK-19-OC-1017

KCC Description:

On 2/13/2019, Miles Excavating notified Kansas One Call of intent to excavate at 8902 Hadley St in Overland Park, Kansas. One Call ticket # 19044730 had a work to begin date of 2/12/2019. Miles Excavating damaged a KGS ¾" Steel tap off a 2" Steel gas main while preparing site for a storm drain project. The locator did not mark the entire scope of the ticket therefore missing this section of the main as well as the service line.

Operator Response:

KGS and UISC investigated the damage and determined the USIC technician failed to mark the entire scope of the ticket. The technician was brought back out to the site and coached on marking the entire scope of the ticket and communicating with the contractor.

PROBABLE NONCOMPLIANCE

Investigation: JW-19-UN-1063

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 02/14/2019, staff conducted an audit on ticket #19023983 and found the KGS main at 317 E Commerce Andover, KS 67002 had not been marked correctly at the time the ticket was due on 01/24/2019. This facility was within the scope of the ticket and was marked incorrectly. The marks were on the south side of Commerce and the damage occurred on the north side of Commerce.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 3/15/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Compliance Inspection

Date Inspected: 02/14/2019

Inspected By: JW

KGS – JW – 19 – UN – 1063 -NOPV

Details:

On 02/14/2019 staff conducted an audit on ticket# 19023983 and found the KGS gas main at 317 E Commerce Andover KS 67002 had not been marked correctly, at the time the ticket was due (01/24/2019). This facility was within the scope of the ticket and was marked incorrectly. The marks were on the south side of Commerce and the damage occurred on the North side of Commerce.

Response:

KGS and USCI have investigated this concern and discovered the measurements on record were incorrect. This error has been corrected and both KGS and USIC have taken steps to avoid this issue in the future.

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, 02/19/2019, KGS did not properly mark their facilities at 1236 N Sunset Dr Mulvane, KS 67110. Iverson & Westfall Plumbing damaged a KGS 1 1/4 inch PE gas main while repairing a water service. There was a valid One-Call ticket #19056926 with a due date of 02/19/2019. The line was not located and the area was marked all clear by locator.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: *Randy Spector*

Date: 3/15/19

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____
Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 02/19/2019

Inspected By: JW

KGS – JW – 19 – OC – 1029 -NOPV

Details:

On 02/19/2019, KGS did not properly mark their facilities at 1236 N Sunset Dr Mulvane, KS 67110. Iverson & Westfall Plumbing damaged a KGS 1 ¼ PE gas main while repairing a water service. There was a valid One-Call ticket #19056926 with a due date of 02/19/2019. The line was not located, and the area was marked all clear by locator.

Response:

KGS and USIC have investigated this issue and determined the USIC locator failed to read the maps correctly resulting in a mislocate. USIC has retrained this individual to eliminate this issue from happening again.

CERTIFICATE OF SERVICE

19-DPAX-433-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 05/03/2019.

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@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