



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

20250401112736
Kansas Corporation
Commission
Phone: 785-271-3100
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<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ORDER
25-DPAX-360-PEN

April 1, 2025

Fernando Trejos
Integrated Cabling
14 Atteborough Ln
Bella Vista, AR 72714

This is a notice of a penalty assessment against Integrated Cabling for a violation of the Kansas Underground Utility Damage Prevention Act (“KUUDPA”) and pipeline safety regulations adopted by the Kansas Corporation Commission. Integrated Cabling has been assessed a civil penalty in the amount of \$1,250.00. For a full description of the penalty, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY: You have twenty (20) days from the date of service of the Penalty Order to pay the penalty. Payments shall be made payable to the Kansas Corporation Commission and mailed to the Fiscal Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas, 66604 and shall include a reference to Docket Number 25-DPAX-360-PEN.

IF YOU CONTEST THE PENALTY: You have the right to request a hearing to challenge the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. You or an authorized representative of Integrated Cabling may electronically file its request for hearing within fifteen (15) days from the date of service of the Penalty Order. A copy of the request for hearing must be provided 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 from the date of service of the Penalty Order will be considered an admission of noncompliance. **Failing to request a hearing or to pay the civil assessment may result in further penalties.**

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif, S. Ct. No. 24709
Litigation Counsel
(785) 271-3118
Ahsan.Latif@ks.gov

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of Integrated)
Cabling Regarding Violations of the Kansas)
Underground Utility Damage Prevention Act)
("KUUDPA") (K.S.A. 66-1801, et seq., and) Docket No. 25-DPAX-360-PEN
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).)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and determination. Having examined its files and records, the Commission finds and concludes:

I. JURISDICTION

1. The Commission has jurisdiction to administer and enforce the Kansas Underground Utility Damage Prevention Act ("KUUDPA"), as provided in K.S.A. 66-1801, *et seq.*¹ The Commission has full power and authority to adopt all necessary rules and regulations for carrying out the provisions of the KUUDPA, including imposing civil penalties and injunctive relief against any person or entity subject to and found in violation of the KUUDPA, or any rule, regulation, or order of the Commission.²

2. K.S.A. 66-1802(d) defines 'excavation' as "any operation in which earth, rock, or other material below the surface is moved or otherwise displaced by any means." Integrated Cabling ("Integrated Cabling") operated where earth, rock, or other materials below the surface

¹ See K.S.A. 66-1813.

² See K.S.A. 66-1812 and K.S.A. 66-1815.

were moved or otherwise displaced by any means and therefore acted as an excavator within the state of Kansas as defined by K.S.A. 66-1802(e). Therefore, Integrated Cabling is subject to the Commission’s jurisdiction regarding compliance with KUUDPA’s obligations and may be subject to civil penalties and injunctive relief.

II. NONCOMPLIANCE

3. On November 1, 2024, Commission Pipeline Safety Staff (“Staff”) conducted an onsite investigation of the excavation operations of Integrated Cabling at the excavation site of 1341 S Meridian Ave #17 in Valley Center, Kansas.

4. On November 14, 2024, Staff subsequently issued a Notice of Probable Noncompliance (“PNC”) to Integrated Cabling notifying Integrated Cabling of the result of Staff’s investigation, a copy of which is attached hereto as **Exhibit 1**. Staff notified Integrated Cabling that it violated K.S.A. 66-1804(a) when it failed to serve notice of intent of excavation at least two full working days but not more than 20 calendar days before the scheduled excavation start date, on each operator having underground tier 1 facilities located in the proposed area of excavation. Staff subsequently re-sent this PNC to Integrated Cabling via registered mail on January 27, 2025.

5. Integrated Cabling failed to submit a response to Staff’s PNC as required by K.A.R. 82-14-6(c). The failure of a party to submit a timely response within thirty (30) days to a PNC constitutes an admission to all factual allegations contained within the PNC.³

6. On March 19, 2025, Staff submitted its Report and Recommendation (“R&R”) regarding the above-captioned docket, which is incorporated herein by reference and attached hereto as **Attachment A**. Staff ultimately recommended that the Commission find that Integrated Cabling violated K.S.A. 66-1804(a) on November 1, 2024, when it failed to timely serve notice of

³ See K.A.R. 82-14-6(e).

intent to excavate prior to excavating.⁴ Therefore, Staff recommended that the Commission assess a civil penalty of \$1,250 against Integrated Cabling.⁵

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

7. The Commission finds it has full power and authority under K.S.A. 66-1815(a) to adopt all necessary rules and regulations for carrying out the provisions of the KUUDPA.

8. The Commission finds that Integrated Cabling was operating as an excavator, as defined in K.S.A. 66-1802(e), during the incident at issue.

9. The Commission finds that, pursuant to K.A.R. 82-14-6(a), Staff was authorized to serve a PNC on Integrated Cabling after Staff conducted an investigation regarding damage to a gas service line.

10. The Commission finds that by failing to serve notice of intent of excavation at least two full working days but not more than 20 calendar days before the scheduled excavation start date, on each operator having underground tier 1 facilities located in the proposed area of excavation, Integrated Cabling violated K.S.A. 66-1804(a).

11. The Commission finds that the penalty amount recommended by Staff is necessary to correct Integrated Cabling's violation.

12. The Commission concludes that Integrated Cabling violated K.S.A. 66-1804(a) and that Staff's recommendation that Integrated Cabling be assessed a \$1,250 civil penalty is just and reasonable.

⁴ Report and Recommendation, Utilities Division, Docket No. 25-DPAX-360-PEN, p. 2 (March 19, 2025) ("Staff's R&R" or "R&R").

⁵ *Id.*

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. A civil penalty in the amount of \$1,250 is assessed against Integrated Cabling for violating the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 *et seq.*, and the Commission's pipeline safety regulations adopted pursuant to K.S.A. 66-1,150 *et seq.*

B. Pursuant to K.A.R. 82-14-6(j), Integrated Cabling may request a hearing to challenge the allegations set forth in this Penalty Order by electronically filing its request for a hearing with the Commission within fifteen (15) days from the date of service of this Penalty Order, and e-mailing or mailing a copy of the request for hearing to the Litigation Counsel listed on the Notice of Penalty Assessment. Hearings will be scheduled only upon written request. Failure to timely request a hearing shall be considered an admission of noncompliance and will result in a waiver of Integrated Cabling's right to a hearing. A request for hearing must comply with the provisions of K.A.R. 82-1-232(b).

C. Pursuant to K.A.R. 82-14-6(j), if Integrated Cabling does not request a hearing, payment of the civil penalty is due within twenty (20) days from the date of service of this Penalty Order. Payments shall be made payable to the Kansas Corporation Commission and mailed to the following address:

Fiscal Division
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604

The payment shall include a reference to Docket Number 25-DPAX-360-PEN.

A. Unless a hearing is requested, failure to pay the \$1,250 civil penalty within twenty (20) days from the date of service of this Penalty Order will result in enforcement action against

Integrated Cabling, including all sanctions, requirements, and penalties described above being enforceable without further action by the Commission.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 04/01/2025



Celeste Chaney-Tucker
Executive Director

AAL

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Suzanne M. Balandran, Public Service Administrator
Paul Owings, Chief of Pipeline Safety
Jeff McClanahan, Director of Utilities

DATE: March 19, 2025

SUBJECT: Docket Number: 25-DPAX-360-PEN
In the Matter of the Investigation of Integrated Cabling 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:

As a result of the investigation in Case Number JW-24-OC-1111, Staff recommends that a civil penalty in the amount of \$1,250 be assessed to Integrated Cabling for violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA). Integrated Cabling failed to request locates of underground facilities prior to excavation at 1341 S. Meridian Ave. #17 in Valley Center, Kansas. Failure to provide a notice of intent before excavating is a violation of K.S.A. 66-1804. Staff recommends a penalty of \$1,000 be assessed for failure to request locates. Staff issued a Notice of Probable Noncompliance (PNC) to Integrated Cabling on November 14, 2024. A follow-up letter was sent via registered mail to Integrated Cabling on January 27, 2025. Integrated Cabling did not respond to the PNC, as required by K.A.R. 82-14-6 (c). Staff recommends a penalty of \$250 be assessed for not responding to the PNC. The PNC is attached as Exhibit 1.

ANALYSIS:

Rationale for Penalties:

A. **Gravity of noncompliance:**

Excavating without a One-Call ticket is considered a high-risk activity with the potential for significant consequences to public safety. This excavator was excavating in the near

vicinity of a Kansas Gas Service polyethylene (PE) service line while installing new fiber. Because Integrated Cabling did not request locates prior to excavating, the utility operator was unable to provide the location at which Integrated Cabling would be required to carefully excavate to avoid damage to an underground facility at any depth. Integrated Cabling failed to comply with the law and warrants the assessment of a civil penalty.

B. Culpability:

Integrated Cabling is directly liable for its actions in failing to provide a notice of intent before excavating as required by Kansas law.

C. History of noncompliance:

Staff has not issued any Notices of Probable Noncompliance for violations of KUUDPA to Integrated Cabling.

D. Response of excavator regarding noncompliance(s):

A response to the PNC as required by K.A.R. 82-14-6(c) was not received by Staff. The “failure of a party to submit a timely response to a Notice of Probable Noncompliance shall constitute an admission to all factual allegations made by the commission staff” as per K.A.R. 82-14-6(e).

E. Aggravating/Mitigating Circumstances:

Staff has not determined there to be any circumstances that would cause modification of the \$1,250 recommended penalty amount.

RECOMMENDATION:

Staff recommends a civil penalty be assessed to Integrated Cabling in the amount of \$1,250 for violating K.S.A. 66-1804 and K.A.R. 82-14-6(e).

Attachment



**Fernando Trejos
Integrated Cabling
14 Atteborough Ln
Bella Vista, AR 72714**

KCC Investigation #: JW-24-OC-1111

Subject: Pipeline Investigation

Dear Fernando Trejos:

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 1, 2024, 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 Integrated Cabling. 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.

kccsafetyresponse@ks.gov

**Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027**

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

Sincerely,

**Paul Owings /s/
Chief Engineer
(785) 271-3141
paul.owings@ks.gov**

Company: Integrated Cabling

Division:

Regulation:

66-1804 (a) Notice of intent of excavation; requirements.

(a) Except in the case of an emergency, an excavator shall serve notice of intent of excavation at least two full working days but not more than 20 calendar days before the scheduled excavation start date, on each operator having underground tier 1 facilities located in the proposed area of excavation.

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 11/01/2024, Integrated Cabling did not notify One-Call prior to excavating at 1341 S Meridian Ave #17 in Valley Center, Kansas. Integrated Cabling damaged a Kansas Gas Service 1/2" PE gas service line with a mini excavator while installing new fiber. After performing a search in the One-Call database no ticket was found for this area by this contractor during this time frame for the work that was being performed prior to the damage.

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: 11/01/2024

Inspected By: JW

CERTIFICATE OF SERVICE

25-DPAX-360-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 and electronic service on 04/01/2025.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

FERNANDO TREJOS
INTEGRATED CABLING
14 ATTLEBOROUGH LN.
BELLA VISTA, AR 72714
integratedcabling1@yahoo.com

/S/ KCC Docket Room
KCC Docket Room