

STATE OF KANSAS



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

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

**NOTICE OF PENALTY ORDER**  
19-DPAX-155-PEN

October 30, 2018

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 in the Third Quarter of 2018 by Kansas Corporation Commission Staff. For a full description of the violation(s) and penalty please refer to the Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

You have been assessed an \$8,500 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*

Carly R. Masenthin, S. Ct. No. 27944  
Litigation Counsel  
(785)271-3361  
[c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov)

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

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

In the Matter of the Investigation of <b>Kansas</b>	)	
<b>Gas Service, A Division of ONE Gas, Inc. of</b>	)	
<b>Overland Park, Kansas,</b>	)	
Regarding	)	Docket No. 19-DPAX-155-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 various 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 October 12, 2018, a copy of which is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Staff reports the following:

- a. On May 14, 2018, Staff performed an onsite inspection at SE 53<sup>rd</sup> and California Avenue in Topeka, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS 8-inch steel distribution gas main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 9, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an

operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. On June 29, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated locate marks were provided, but the locate mark at the south edge of the roadway was off approximately 2 feet and was off approximately 20 feet at the north edge of the roadway. See documents attached hereto as Attachment "A". Staff recommends a fine of \$500.

- b. On June 14, 2018, Staff performed an onsite inspection at 862 W 29<sup>th</sup> Street North in Wichita, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified



by a Notice of Probable Noncompliance issued by Staff on July 3, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance 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 July 24, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the Locator failed to recognize that multiple mains were in the area and did not check the corner house service using the hookup method and instead assumed service ran to the east out to the main. The Locator has been counseled regarding this error. See documents attached hereto as Attachment "B". Staff recommends a fine of \$500.

c. On June 14, 2018, Staff performed an onsite inspection at 3730 SW Spring Creek Drive, Topeka, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS 1-1/4" stub plastic natural gas service main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 3, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (b) 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 August 15, 2018, Respondent responded to the Notice of Probable

Noncompliance. Respondent stated the USIC Technician who provided the marks at that location failed to read the printout correctly resulting in an improper hookup. The USIC Technician has been counseled regarding this error. See documents attached hereto as Attachment "C". Staff recommends a fine of \$500.

- d. On June 15, 2018, Staff performed an onsite inspection at 1435 SW MacVicar Avenue, Topeka, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 3, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (c) 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 August 15, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician did locate the main line, but failed to hookup the service line causing the hit. The technician has been counseled regarding this error. See documents attached hereto as Attachment "D". Staff recommends a fine of \$500.

- e. On June 15, 2018, Staff performed an onsite inspection at 2405 W 31<sup>st</sup> Street South, Wichita, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 3, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (d) 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 July 24, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician did not mark the entire ticket as requested. The technician is receiving additional training. See documents attached hereto as Attachment "E". Staff recommends a fine of \$500.

- f. On July 2, 2018, Staff performed an onsite inspection at 9350 Mission Road, Prairie Village, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 3, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (e) 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 July 27, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician had fallen behind schedule on this locate and did not make proper notifications. The technician has been counseled regarding this error. See documents attached hereto as Attachment "F". Staff recommends a fine of \$500.

- g. On July 17, 2018, Staff performed an onsite inspection at 4409 SW Colly Creek Drive, Topeka, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS 1-1/4" plastic natural gas service main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on July 17, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (f) 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 August 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the 1-14" PE main line had not been located due to when the main was installed, tracer wire was not extended to the end of the line to make it locatable. The main was made fully locatable after repairs. See documents attached hereto as Attachment "G". Staff recommends a fine of \$500.

- h. On July 19, 2018, Staff performed an onsite inspection at 6200 West 133<sup>rd</sup> Street, Overland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas



service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 1, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (g) 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 August 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician missed locating the service line due to the meter not being visible from his location. The technician has been counseled regarding this error. See documents attached hereto as Attachment "H". Staff recommends a fine of \$500.

- i. On July 19, 2018, Staff performed an onsite inspection at 127th Street East and Birchwood, Wichita, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 2, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (h) 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 August 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician had was on her

7<sup>th</sup> update of marking. On the day of the damage the technician and excavator discussed the gas main and the excavator said it didn't need marked because they already located it, but then the damage occurred. The USIC technician has coached on obtaining signed meet sheets in the future or locate the facility. See documents attached hereto as Attachment "I". Staff recommends a fine of \$500.

- j. On July 19, 2018, Staff performed an onsite inspection at 1512 E. Virginia Street, Derby, Kansas. Staff's investigation discovered locate marks were 28 feet off of the actual line location. Because Respondent did not provide accurate locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 13, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (i) 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 August 24, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the service line did not have a locate wire and a USIC Technician attempted to locate by measurements. KGS crews have remedied this concern by installing a locate wire to locate this service in the future. See documents attached hereto as Attachment "J". Staff recommends a fine of \$500.

- k. On July 23, 2018, Staff performed an onsite inspection at 8013 Woodstone Street, Lenexa, Kansas. Staff's investigation discovered accurate locates were not provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS 2" plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 21, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (j) 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 September 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician was taken back to the damaged site and coached using multiple different locate locations to ensure all facilities are located. See documents attached hereto as Attachment "K". Staff recommends a fine of \$500.

1. On July 24, 2018, Staff performed an onsite inspection at Hardy Street and Lowell Avenue in Overland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service main line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 21, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(k) 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 September 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician was working with the excavator to complete the locates needed in the area. The communication was all verbal and there is no documentation verifying the agreed upon locate schedule changes. The USIC technician has coached on obtaining documentation with a contractor when making changes to the locate request. See documents attached hereto as Attachment "L". Staff recommends a fine of \$500.

- m. On July 31, 2018, Staff performed an onsite inspection at 9125 Allman Road, Lenexa, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the

aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 21, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (l) 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 September 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC technician was brought back to the damaged site and coached using multiple different locate locations to ensure all facilities are located including yard lines. See documents attached hereto as Attachment "M". Staff recommends a fine of \$500.



n. On August 9, 2018, Staff performed an onsite inspection at 1403 NE Atchison Avenue, Topeka, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 13, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

(m) 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 September 14, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician attempted to

mark locates by measurements per the service card information. Following the damage, the service card and map have been updated. See documents attached hereto as Attachment "N". Staff recommends a fine of \$500.

- o. On August 15, 2018, Staff performed an onsite inspection at Johnson Drive and Martindale Road in Shawnee, Kansas. Staff's investigation discovered accurate locates were not provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 21, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (n) 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 September 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the tracer wire was found to be broken and they repaired it and installed marker balls for the facilities to be locatable in the future. See documents attached hereto as Attachment "O". Staff recommends a fine of \$500.

- p. On August 22, 2018, Staff performed an onsite inspection at 6610 S. Osage Court, Haysville, Kansas. Staff's investigation discovered accurate locates were not provided by Respondent after being requested. Because Respondent did not provide accurate locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 31, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (o) 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 8, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician located this ticket by measurements (no locate wire) and it was mis-located by 10 feet. KGS has installed a locate wire. See documents attached hereto as Attachment "P". Staff recommends a fine of \$500.

- q. On August 30, 2018, Staff performed an onsite inspection at 1620 SW 29<sup>th</sup> Terrace, in Topeka, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, damage to a KGS plastic natural gas service line at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on August 31, 2018, citing the violation of K.S.A. 66-1806(a) as follows:

- (p) 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 August 20, 2018, Respondent responded to the Notice of Probable Noncompliance. Respondent stated the USIC Technician was brought back to the location to complete the locates correctly. This technician received a verbal warning and is being audited on other locates. See documents attached hereto as Attachment "Q". Staff recommends a fine of \$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 \$8,500 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 \$8,500 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 \$8,500 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 \$8,500 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 \$8,500 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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/30/2018

A handwritten signature in cursive script, reading "Lynn M. Retz", positioned above a horizontal line.

Lynn M. Retz  
Secretary to the Commission

CRM/vj

# 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

## 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:** October 12, 2018

**SUBJECT:** **Docket Number:** 19-DPAx-155-P6N  
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 \$8,500 for seventeen violations of KUUDPA that have occurred over the past four months. The penalty is based on results of Staff investigations following seventeen damages to KGS natural gas service and main lines in Johnson, Sedgwick, and Wyandotte 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
DC-18-OC-1006	5/14/2018	Steel Natural Gas Main	S.E. 53rd and California Ave. Topeka	Not Marked	\$500
RJ-18-OC-1063	6/14/2018	Plastic Natural Gas Service	862 W. 29th St. N. Wichita	Not Marked	\$500
KF-18-OC-1004	6/14/2018	Plastic Natural Gas Service	3730 S.W. Spring Creek Drive Topeka	Not Marked	\$500
KF-18-OC-1005	6/15/2018	Plastic Natural Gas Service	1435 S.W. Macvicar Ave. Topeka	Not Marked	\$500
RJ-18-OC-1066	6/15/2018	Plastic Natural Gas Service	2405 W. 31st St. S. Wichita	Not Marked	\$500
CK-18-OC-1090	7/2/2018	Plastic Natural Gas Service	9350 Mission Rd. Prairie Village	Not Marked	\$500
DC-18-OC-1008	7/17/2018	Plastic Natural Gas Service	4409 S.W. Colly Creek Dr. Topeka	Not Marked	\$500
CK-18-OC-1097	7/19/2018	Plastic Natural Gas Service	6200 W. 133rd St. Overland Park	Not Marked	\$500
RJ-18-OC-1082	7/19/2018	Plastic Natural Gas Main	127th St. E. & Birchwood Wichita	Not Marked	\$500
RJ-18-OC-1083	7/19/2018	Plastic Natural Gas Service	1512 E. Virginia St. Derby	Inaccurate Maps	\$500
CK-18-OC-1100	7/23/2018	Plastic Natural Gas Main	8013 Woodstone St. Lenexa	Not Marked	\$500
CK-18-UN-1231	7/24/2018	Plastic Natural Gas Service & Mains	Hardy St. & Lowell Ave. Overland Park	Not Marked	\$500
CK-18-OC-1105	7/31/2018	Steel Natural Gas Service	9125 Allman Rd. Lenexa	Not Marked	\$500
KF-18-OC-1008	8/9/2018	Plastic Natural Gas Service line	1403 N.E. Atchison Ave. Topeka	Not Marked	\$500
CK-18-OC-1111	8/15/2018	Plastic Natural Gas Main	Johnson Dr. & Martindale Rd. Shawnee	Not Marked	\$500
RJ-18-OC-1112	8/22/2018	Plastic Natural Gas Service line	6610 S. Osage Ct. Haysville	Inaccurate Maps	\$500
KF-18-OC-1011	8/30/2018	Plastic Natural Gas Service line	1620 S.W. 29th Terr. Topeka	Not Marked	\$500
	<b>TOTAL</b>				<b>\$8,500</b>

Notices of Probable Noncompliance (PNC) were issued to KGS on July 9, 2018; July 3, 2018; July 17, 2018; July 20, 2018; August 1, 2018; August 2, 2018; August 13, 2018; August 21, 2018; and August 31, 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 215 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 215 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 \$8,500.

**RECOMMENDATION:**

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$8,500 for violation(s) of K.S.A. 66-1806.

## **Attachment I**

### **DC-18-OC-1006 NOPV Response**

#### **KCC Description:**

On 5/14/2018, KGS did not mark their facilities at S.E. 53rd and California Avenue in Topeka, Kansas. Rylie Contracting Co. hit a KGS 8" steel distribution main line with a boring rig while horizontally drilling. There was a valid One-Call ticket #18187818 with a due date of 5/5/2018. Locate marks were present at the time of the hit but those marks were not accurate - at the south edge of the roadway, the locate mark was approximately 2 feet off and at the north edge of the roadway, the locate mark was approximately 20 feet off.

#### **Operator Response on 6/29/2018:**

KGS and USIC investigated this hit at S.E. 53rd and California Avenue. The investigation found that the main had been inaccurately located as described above. The USIC tech failed to hook up properly causing the inaccurate locate. USIC technician was put on leave, re-qualified, and returned to work upon completion.

### **RJ-18-OC-1063 NOPV Response**

#### **KCC Description:**

On 6/14/18, KCC Staff responded to a KGS gas service line damaged at 862 W. 29th St. N. in Wichita, Kansas. Kemp Construction hit the gas line installing conduit. There was a valid One Call ticket #18240186. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged.

#### **Operator Response in 7/24/2018:**

KGS investigated this concern and determined the locator failed to recognize that multiple mains were in the area. The locator did not check the corner house service using the hookup method and instead assumed service ran to the east to the main. The service ran south to the main. The locator was counseled to always hook up to service to verify.

### **KF-18-OC-1004 NOPV Response**

#### **KCC Description:**

On 6/14/2018, KGS did not correctly mark their facilities at 3730 S.W. Spring Creek Drive in Topeka, Kansas. Bettis Asphalt & Construction, Inc. damaged a KGS 1-1/4" PE service line with a backhoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18253421 with a due date of 6/9/2018. There were locate marks and flags on the main and the active service line. A black PE stubbed service line parallel to the active

service line but approximately 6' to the north was not marked. This black PE line, although not in active use at the time of damage, had a tracer wire and was clearly indicated on a facility map of the area.

**Operator Response on 8/15/2018:**

KGS and USIC investigated an event that occurred at 3730 S.W. Spring Creek Dr. resulting in damage to KGS facility on 6/14/2018. A 1-1/4" PE stub main had been mis-located. The USIC tech failed to read the print out correctly resulting in an improper hookup. Following the damage, the Company has confirmed the main could be accurately located. The USIC technician was coached on the proper procedure following the event.

**KF-18-OC-1005 NOPV Response**

**KCC Description:**

On 6/15/2018, KGS did not correctly mark their facilities at 1435 S.W. Macvicar Ave. in Topeka, Kansas. O'Neill Excavating, Inc. damaged a KGS 3/4" PE service line with a track hoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18239542 with a due date of 6/2/2018. There were locate marks and flags on the main; however, the service line with tracer wire was not marked.

**Operator Response on 8/18/2018:**

KGS and USIC investigated an event that occurred at 1435 S.W. Macvicar Ave., Topeka, Kansas. The investigation found that the service line had not been located. The USIC tech did locate the main but failed to hook up the service line causing the hit by O'Neill Excavating. The service line was located accurately after the damage. USIC technician was coached on proper procedure after the event.

**RJ-18-OC-1066 NOPV Response**

**KCC Description:**

On 6/15/18, KCC Staff responded to a KGS service line damaged at 2405 W. 31st St. S. in Wichita, Kansas. Wilks Underground Inc. hit the gas service line installing a new conduit. There was a valid One Call ticket #18253803. The line damaged did not have any locate marks. KGS failed to mark the line damaged.

**Operator Response on 7/24/2018:**

KGS and USIC investigated this damage and determined that the locator failed to mark the entire ticket as requested. USIC has provided additional training for this individual.

### **CK-18-OC-1090 NOPV Response**

#### **KCC Description:**

On 7/2/2018, KGS did not mark their facilities at 9350 Mission Rd. in Prairie Village, Kansas. O'Donnell and Sons Construction, Inc. damaged a KGS 7/8" PE service line with a skid loader while grading for sidewalks. There was a valid One-Call ticket 18279301 with a due date of 6/23/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

#### **Operator Response on 7/27/2018:**

KGS and USIC investigated the damage. The locate technician had fallen behind schedule on this locate project and did not make proper notifications. The technician was coached on proper communication and project management.

### **DC-18-OC-1008 NOPV Response**

#### **KCC Description:**

On 7/17/2018, KGS did not mark their facilities at 4409 S.W. Colly Creek Dr. in Topeka, Kansas. Nowak Construction Company, Inc. damaged a KGS PE main stub line with a directional drill while installing water main. There was a valid One-Call ticket #18302720 with a due date of 7/07/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket.

#### **Operation Response on 8/20/2018:**

KGS and USIC investigated an event that occurred at 4409 SW Colly Creek Dr. Topeka, KS. The investigation found that the 1 ¼" PE main line had not been located. The USIC tech was unable to locate the end of the 1 ¼" PE main line due to when the main was installed, tracer wire was not extended to the end of the line to make it locatable. The main was made fully locatable after the repairs.

### **CK-18-OC-1097 NOPV Response**

#### **KCC Description:**

On 7/19/2018, KGS did not mark their facilities at 6200 W. 133rd St. in Overland Park, Kansas. SSC, LLC damaged a KGS 1-1/4" PE service line while directional drilling conduit to replace CATV main. There was a valid One-Call ticket #18321819 with a due date of 7/13/2018. There were locate marks present on the main; however, this service was not marked.



**Operator Response on 8/20/2018:**

KGS and USIC investigated the damage. The USIC technician missed locating the service line due to the meter not being visible from his location. The USIC technician was coached on ensuring all facilities are identified and considered during marking.

**RJ-18-OC-1082 NOPV Response****KCC Description:**

On 7/19/18, KCC staff investigated a KGS 2" PE gas main line damaged at 127th St. E. & Birchwood in Wichita, Kansas. Pearson Construction LLC hit the gas line while installing new storm water and culvert boxes. There was a valid One Call ticket #18308024. The line damaged did not have any locate marks.

**Operator Response on 8/20/2018:**

This was a project ticket with 7 updates. Pearson Excavating called USIC regarding a CATV pedestal and discussed the gas main. USIC asked Pearson if they needed the gas line marked and Pearson said they had already spotted it and knew its location. Based on the discussion, USIC did not mark the line. Pearson then hit the facility. KGS acknowledges the USIC Technician did not obtain a signed meet sheet supporting the discussion nor did the Tech mark the main. As a result, USIC is at fault. USIC has discussed project management with this technician to ensure she gets signed meet sheets in the future or locate the facility.

**RJ-18-OC-1083 NOPV Response****KCC Description:**

On 7/19/2018, KCC staff investigated a KGS service drop damaged at 1512 E. Virginia St. in Derby, Kansas. The line was marked 28 feet off of the actual line location. KGS failed to locate the gas service within the tolerance zone as required. There was a valid One-Call ticket #18308118.

**Operator Response on 8/24/2018:**

This service line did not have a locate wire. USIC attempted to locate by measurements. KGS crews have remedied this by installing a locate wire.

**CK-18-OC-1100 NOPV Response****KCC Description:**

On 7/23/2018, KGS did not mark their facilities at 8013 Woodstone St. in Lenexa, Kansas. Cats Contracting damaged a KGS 2" PE main line while directional drilling conduit to replace a

CATV main. There was a valid One-Call ticket #18337797 with a due date of 7/23/2018. There were locate marks present on the main running north to south; however, the main crossing the street east to west was not marked.

**Operator Response on 9/20/2018:**

KGS and USIC investigated the damage. The USIC technician was brought back to the damage site and coached at multiple locate sites to ensure all facilities are located. The technician was also coached on contacting a supervisor when needed.

**CK-18-UN-1231 NOPV Response**

**KCC Description:**

On 7/24/2018, Staff conducted an audit on ticket #18324831 and found that KGS had not marked any facilities at the time the ticket was due on 7/19/2018. All services and mains were within the scope of the ticket and were not marked.

**Operator Response on 9/20/2018:**

This locate was part of a larger project for Miles Excavating. The USIC technician was working with Miles to complete the locates needed. This communication was all verbal and, therefore, there is no documentation verifying the agreed upon locate schedule changes. The USIC technician was coached on always obtaining documentation with a contractor when making changes to the locate request.

**CK-18-OC-1105 NOPV Response**

**KCC Description:**

On 7/31/2018, KGS did not mark their facilities at 9125 Allman Rd. in Lenexa, Kansas. Olson Foundation Repair damaged a KGS 1" steel gas service line with a saws all while installing steel piers believing this line to be an old sprinkler line. There was a valid One-Call ticket #18337598 with a due date of 7/26/2018. There were locates marks present to the meter. The line from the meter continued towards the back of the house where it then entered making it a yard line. There were no marks on this yard line.

**Operator Response on 9/20/2018:**

KGS and USIC investigated the damage. The USIC technician was brought back to the damage site and coached using multiple different locate locations to ensure all facilities are located including yard lines. The technician was also coached on contacting supervisor when in doubt.

### **KF-18-OC-1008 NOPV Response**

#### **KCC Description:**

On 8/9/2018, the Rylie Equipment & Contracting Co. damaged a KGS 1" PE gas service line with a backhoe while potholing for an AT&T fiber optic main. There was a valid One-Call ticket on file. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Tracer wire was present on the damaged line. KGS failed to mark all lines in the excavation area.

#### **Operator Response on 9/14/2018:**

KGS and USIC investigated the damage and found that the locator attempted to locate the service line by measurements, per the service card information. Following the damage, KGS has made corrections to the service card and updates to the map have been submitted. KGS has confirmed the service is now locatable following the repair.

### **CK-18-OC-1111 NOPV Response**

#### **KCC Description:**

On 8/15/2018, KGS did not correctly mark their facilities at Johnson Dr. & Martindale Rd. in Shawnee, Kansas. Mark One Electric damaged a KGS 2" PE gas main line with a mini excavator while installing fiber main for AT&T. There was a valid One-Call ticket #18364784 with a due date of 8/9/2018. There were locate marks present; however, where the damage occurred was not marked but still within the scope of the ticket.

#### **Operator Response on 9/20/2018:**

KGS and USIC investigated the damage. After repairs, KGS found the tracer wire to be broken. Marker balls were installed to make the facilities locatable.

### **RJ-18-OC-1112 NOPV Response**

#### **KCC Description:**

On 8/22/18, KCC staff investigated a KGS service drop damaged at 6610 S. Osage Ct. in Haysville, Kansas. The line was marked 10 feet 10 inches from of the actual line location. KGS failed to locate the gas service drop within the tolerance zone as required. There was a valid One-Call ticket #18392029.

**Operator Response on 10/8/2018:**

KGS has confirmed with USIC that this ticket was located by measurements (no locate wire) and was mis-located by 10 feet. KGS will replace the service line and will install a locate wire.

**KF-18-OC-1011 NOPV Response****KCC Description:**

On 8/30/2018, KGS did not mark their facilities at 1620 S.W. 29th Terr. in Topeka, Kansas. Green's Home Improvement Co. damaged a KGS ¾" PE gas service line with a spade while digging fence post holes. There was a valid One-Call Ticket #18394534 with a due date of 8/29/2018. There were no locate marks present at the time of the damage. This service was within the scope of the ticket for the entire property. The front yard was marked but the back yard had not been marked.

**Operator Response on 9/202018:**

KGS and USIC investigated the damage. The technician did not follow the marking instructions on the locate ticket. This was the technician's first damage. A verbal warning was given and he will now be audited on other locates.

## **ATTACHMENT “A”**



**PROBABLE NONCOMPLIANCE**

Investigation: DC-18-OC-1006

Company: Kansas Gas Service

Division: One Call

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

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

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

**PROBABLE NONCOMPLIANCE DESCRIPTION:**

On 5/14/2018, KGS did not mark their facilities at SE 53rd and California Avenue in Topeka, Kansas. Rylie damaged a KGS 8 Inch steel distribution main gas line with a boring rig while horizontally drilling. There was a valid One-Call ticket #18187818 with a due date of 5/5/2018. Locate marks were present at the time of the damage but those marks were not accurate - at the south edge of the roadway, the locate mark was approximately 2 feet off and at the north edge of the roadway, the locate mark was approximately 20 feet off. The line was hit in the north side of 53rd street.

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

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

Date: 6/28/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 05/14/2018

Inspected By: DC



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

June 29, 2018

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

RE: KCC Notice of Probable Noncompliance - KCC No. DC-18-OC-1006

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. DC-18-OC-1006 referencing a location at or near: SE 53<sup>rd</sup> and California Ave., Topeka, Kansas.  
If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

Encl: Operator Response - KCC No. DC-18-OC-1006

KCC NOPV DC-18-OC-1006

KCC Description:

On 5/14/2018, KGS did not mark their facilities at SE 53rd and California Avenue in Topeka, Kansas. Rylie damaged a KGS 8 inch steel distribution main gas line with a boring rig while horizontally drilling. There was a valid One-Call ticket #18187818 with a due date of 5/5/2018. Locate marks were present at the time of the damage but those marks were not accurate - at the south edge of the roadway, the locate mark was approximately 2 feet off and at the north edge of the roadway, the locate mark was approximately 20 feet off. The line was hit in the north side of 53rd street.

Operator Response:

KGS and USIC investigated an event that occurred at SE 53<sup>rd</sup> and Adams. No damage to KGS facility on 5/14/2018 at SE 53<sup>rd</sup> and California.

The investigation found that the main had been miss-located as described above. The USIC tech failed to hook up properly causing the miss-locate. The main was located accurately after the damage.

USIC technician was put on leave, re-qualified, and returned to work upon completion. He is currently on a performance improvement plan.



## **ATTACHMENT “B”**

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



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

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

Jeff Colyer, M.D., Governor

**JUL 3 2018**

**July 03, 2018**

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

**KCC Investigation #: RJ-18-OC-1063**

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

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

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

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

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

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

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

Sincerely,

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

**PROBABLE NONCOMPLIANCE**

Investigation: RJ-18-OC-1063

Company: Kansas Gas Service

Division: One Call

**Regulation:****66-1806 (a) 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 6/14/18, KCC Staff responded to a KGS gas service line damaged at 862 W. 29th St. N. in Wichita, Kansas. Kemp Construction hit the gas line installing conduit for AT&T. There was a valid One Call ticket #18240186. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

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

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

*Randy Spector*

Date: 7/23/18

**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/14/2018

Inspected By: RJ



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

July 24, 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. RJ-18-OC-1063

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. RJ-18-OC-1063 referencing a location at or near: 862 W. 29<sup>th</sup> St. N., Wichita, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

A handwritten signature in cursive script that reads 'Randy Spector'.

Encl: Operator Response - KCC No. RJ-18-OC-1063

## KCC NOPV RJ-18-OC-1063

### KCC Description:

On 6/14/18, KCC Staff responded to a KGS gas service line damaged at 862 W. 29th St. N. in Wichita, Kansas. Kemp Construction hit the gas line installing conduit for AT&T. There was a valid One Call ticket #18240186. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

### Operator Response:

KGS investigated this concern and determined the Locator failed to recognize that multiple mains were in the area. The Locator did not check the corner house service using the hookup method and instead assumed service ran to the east out to the main. Instead, the service ran south to the main. The Locator was counseled to never assume – always hook up to service to verify.



## **ATTACHMENT “C”**

**PROBABLE NONCOMPLIANCE**

Investigation: KF-18-OC-1004

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 6/14/2018, KGS did not correctly mark their facilities at 3730 SW Spring Creek Drive in Topeka, KS. Bettis Asphalt & Construction, Inc. damaged a KGS 1-1/4" PE gas service line with a backhoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18253421 with a due date of 6/9/2018. There were locate marks and flags on the main and the active service line to 3730 SW Spring Creek Dr., however, a black PE stubbed service line parallel to the active service line but approximately 6' to the north was not marked. This black PE line, although not in active use at the time of damage, had a tracer wire and was clearly marked on a facility map of the area.

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

Operator's Authorized Signature:

*Randy Spector*

Date:

8/15/18

**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/14/2018

Inspected By: KF



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

August 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. KF-18-OC-1004

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. KF-18-OC-1004 referencing a location at or near: 3730 SW Spring Creek Drive, 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-1004



## KCC NOPV KF-18-OC-1004

### KCC Description:

On 6/14/2018, KGS did not correctly mark their facilities at 3730 SW Spring Creek Drive in Topeka, KS. Bettis Asphalt & Construction, Inc. damaged a KGS 1-1/4" PE gas service line with a backhoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18253421 with a due date of 6/9/2018. There were locate marks and flags on the main and the active service line to 3730 SW Spring Creek Dr., however, a black PE stubbed service line parallel to the active service line but approximately 6' to the north was not marked. This black PE line, although not in active use at the time of damage, had a tracer wire and was clearly marked on a facility map of the area.

### Operator Response:

KGS and USIC investigated an event that occurred at 3720 SW Spring Creek Dr. resulting in damage to KGS facility on 6/14/2018.

The investigation found that an 1-1/4" PE stub main had been mislocated as described above. The USIC tech failed to read the print out correctly resulting in an improper hookup. Following the damage, the Company has confirmed the main could be accurately located .

The USIC technician was coached on the proper procedure following the event.

## **ATTACHMENT “D”**

**PROBABLE NONCOMPLIANCE**

Investigation: KF-18-OC-1005

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 6/15/2018, KGS did not correctly mark their facilities at 1435 SW Macvicar Ave, Topeka, KS. O'Neill Excavating, Inc. damaged a KGS 3/4" PE gas service line with a track hoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18239542 with a due date of 6/2/2018. There were locate marks and flags on the main; however, the service line to 1435 SW Macvicar Ave. , with tracer wire present at the meter and damage site was not marked.

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

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

*Randy Spector*

Date: 8/15/18

**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/15/2018

Inspected By: KF



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

August 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. KF-18-OC-1005

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. KF-18-OC-1005 referencing a location at or near: 1435 SW Macvicar Ave, 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-1005

## KCC NOPV KF-18-OC-1005

### KCC Description:

On 6/15/2018, KGS did not correctly mark their facilities at 1435 SW Macvicar Ave., Topeka, KS. O'Neill Excavating, Inc. damaged a KGS 3/4" PE gas service line with a track hoe while excavating for the replacement of a city storm sewer line. There was a valid One-Call ticket #18239542 with a due date of 6/2/2018. There were locate marks and flags on the main; however, the service line to 1435 SW Macvicar Ave., with tracer wire present at the meter and damage site was not marked.

### Operator Response:

KGS and USIC investigated an event that occurred at 1435 SW Macvicar Ave. Topeka, KS.

The investigation found that the service line had not been located. The USIC tech did locate the main but failed to hook up the service line causing the hit by O'Neill Excavating. The service line was located accurately after the damage.

USIC technician was coached on proper procedure after the event.



## **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

**JUL 3 2018**

**July 03, 2018**

**KCC Investigation #: RJ-18-OC-1066**

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

**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 June 15, 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: RJ-18-OC-1066

Company: Kansas Gas Service

Division: One Call

**Regulation:****66-1806 (a) 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 6/15/18, KCC Staff responded to a KGS gas service line damaged at 2405 W. 31st St. S in Wichita, Kansas. Wilks Underground Inc. hit the gas service line installing a new conduit for AT&T. There was a valid One Call ticket #18253803. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

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

Operator's Authorized Signature:

*Randy Spector*

Date:

7/23/18

**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/15/2018

Inspected By: RJ





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

July 24, 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. RJ-18-OC-1066

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. RJ-18-OC-1066 referencing a location at or near: 2405 W. 31<sup>st</sup> St. S., Wichita, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

*Randy Spector*

Encl: Operator Response - KCC No. RJ-18-OC-1066

## KCC NOPV RJ-18-OC-1066

### KCC Description:

On 6/15/18, KCC Staff responded to a KGS gas service line damaged at 2405 W. 31st St. S in Wichita, Kansas. Wilks Underground Inc. hit the gas service line installing a new conduit for AT&T. There was a valid One Call ticket #18253803. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

### Operator Response:

KGS and USIC investigated this damage and determined that the Locator failed to mark the entire ticket as requested. USIC has provided additional training for this individual.

## **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**

**July 03, 2018**

**KCC Investigation #: CK-18-OC-1090**

**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 July 2, 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-1090

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 7/2/2018, KGS did not mark their facilities at 9350 Mission Rd in Prairie Village, Kansas. O'Donnell and Sons Construction, Inc damaged a KGS 7/8" PE gas service line with a skid loader while grading for sidewalks. There was a valid One-Call ticket #18279301 with a due date of 6/23/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy Spector Date: 7/26/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/02/2018

Inspected By: CK



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

July 27, 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-1090

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1090 referencing a location at or near: 9350 Mission 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-1090

## KCC NOPV CK-18-OC-1090

### KCC Description:

On 7/2/2018, KGS did not mark their facilities at 9350 Mission Rd. in Prairie Village, Kansas. O'Donnell and Sons Construction, Inc damaged a KGS 7/8" PE gas service line with a skid loader while grading for sidewalks. There was a valid One-Call ticket 18279301 with a due date of 6/23/2018. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. The ticket was past due and had not yet been marked.

### Operator Response:

KGS and USIC investigated the damage. The locate technician had fallen behind schedule on this locate project and did not make proper notifications. The technician was coached on proper communication and project management.



## **ATTACHMENT “G”**



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 7/17/2018, KGS did not mark their facilities at 4409 SW Colly Creek Dr. in Topeka, Kansas. Nowak Construction Company, Inc damaged a KGS PE gas main stub line with a direction drill while installing water main. There was a valid One-Call ticket #18302720 with a due date of 7/07/2018. There were no locate marks present at the time of the damage in the area 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: 8/21/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/17/2018

Inspected By: DC



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

August 20, 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. DC-18-OC-1008

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. DC-18-OC-1008 referencing a location at or near: 4409 Colly Creek Dr., Topeka, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

*Randy Spector*

Encl: Operator Response - KCC No. DC-18-OC-1008

## KCC NOPV KF-18-OC-1008

### KCC Description:

On 7/17/2018, KGS did not mark their facilities at 4409 SW Colly Creek Dr. in Topeka, Kansas. Nowak Construction Company, Inc damaged a KGS PE gas main stub line with a direction drill while installing water main. There was a valid One-Call ticket #18302720 with a due date of 7/07/2018. There were no locate marks present at the time of the damage in the area of the damage and this service was within the scope of the ticket.

### Operator Response:

KGS and USIC investigated an event that occurred at 4409 SW Colly Creek Dr. Topeka, KS.

The investigation found that the 1 ¼ PE main line had not been located. The USIC tech was unable to locate the end of the 1 ¼ PE main line due to when the main was installed, tracer wire was not extended to the end of the line to make it locatable. The main was made fully locatable after the repairs.

## **ATTACHMENT “H”**

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



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

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

Jeff Colyer, M.D., Governor

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

**August 01, 2018**

**KCC Investigation #: CK-18-OC-1097**

**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 July 19, 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 7/19/2018, KGS did not mark their facilities at 6200 W 133rd St in Overland Park, Kansas. SCC, LLC damaged a KGS 1-1/4" PE gas service line while directional drilling conduit to replace CATV main for Charter Communications. There was a valid One-Call ticket #18321819 with a due date of 7/13/2018. There were locate marks present on the main; however, this service was not marked.

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

Operator's Authorized Signature: Randy SpectorDate: 8/21/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/19/2018

Inspected By: CK



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

August 20, 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-1097

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1097 referencing a location at or near: 6200 W. 133<sup>rd</sup> St., Overland Park, Kansas. If you have any questions, please contact me at: (913) 599-8931.

Sincerely,

Randy Spector  
Director of Engineering

*Randy Spector*

Encl: Operator Response - KCC No. CK-18-OC-1097

KCC NOPV CK-18-OC-1097

KCC Description:

On 7/19/2018, KGS did not mark their facilities at 6200 W. 133rd St. in Overland Park, Kansas. SCC, LCC damaged a KGS 1-1/4" PE gas service line while directional drilling conduit to replace CATC main for Charter Communications. There was a valid One-Call ticket #18321819 with a due date of 7/13/2018. There were locate marks present on the main; however, this service was not marked.

Operator Response:

KGS and USIC investigated the damage. The USIC technician missed locating the service line due to the meter not being visible from his location. The USIC technician was brought back out to the damage site and coached on ensuring all facilities are identified and considered during marking.



## **ATTACHMENT “I”**

Company: Kansas Gas Service

Division: One Call

## Regulation:

**66-1806 (a) 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 7/19/18, KCC Staff responded to a KGS 2 inch PE gas main line damaged at 127th St. E. & Birchwood in Wichita Kansas. Pearson Construction LLC (Pearson) hit the gas line installing new storm water and culvert boxes. There was a valid One Call ticket #18308024. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

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

Operator's Authorized Signature:

*Randy Spector*

Date: 8/21/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/19/2018

Inspected By: RJ



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

August 20, 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. RJ-18-OC-1082

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. RJ-18-OC-1082 referencing a location at or near: 127<sup>th</sup> St. E. & Birchwood, Wichita, 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. RJ-18-OC-1082

## KCC NOPV RJ-18-OC-1082

### KCC Description:

On 7/19/18, KCC Staff responded to a KGS 2 inch PE gas main line damaged at 127th St. E. & Birchwood in Wichita Kansas. Pearson Construction LLC (Pearson) hit the gas line installing new storm water and culvert boxes. There was a valid One Call ticket #18308024. The line damaged did not have any locate marks. KGS failed to correctly mark the line damaged. This is a violation of 66-1806 above.

### Operator Response:

This was a project style ticket in which Pearson Excavating was on their 7<sup>th</sup> update. USIC tech had been going back to the site and working with them. USIC tech indicates that on the day before; or day of damage the excavator called about the CATV pedestal and they also discussed the gas main. She asked them if they needed it marked and they said they had already spotted it and knew its location. Based on the discussion, she did not mark the line. They then hit it the facility. KGS acknowledges the USIC Technician did not obtain a signed meet sheet supporting the discussion nor did the Tech mark the main. As a result, USIC is at fault.

USIC has discussed project management with this technician to ensure she gets signed meet sheets in the future or locate the facility.



## **ATTACHMENT “J”**

Company: Kansas Gas Service

Division: One Call

**Regulation:****66-1806 (a) 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 7/19/18 KCC staff investigated a KGS gas service drop damage at 1512 E. Virginia St in Derby KS. The line was marked 28 feet off of the actual line location. KGS failed to locate the gas service within the tolerance zone as required. There was a valid Onecall ticket #18308118. This is a violation of 66-1806 above.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy SpectorDate: 8/27/18**PIPELINE SAFETY USE ONLY:**

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/19/2018

Inspected By: RJ



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

August 24, 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. RJ-18-OC-1083

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. RJ-18-OC-1083 referencing a location at or near: 1512 E. Virginia St., Derby, 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. RJ-18-OC-1083

KCC NOPV RJ-18-OC-1083

**KCC Description:**

On 7/19/2018 KCC staff investigated a KGS gas service drop damage at 1512 E. Virginia St in Derby KS. The line was marked 28 feet off of the actual line location. KGS failed to locate the gas service within the tolerance zone as required. There was a valid Onecall ticket #18308118. This is a violation of 66-1806 above.

**Operator Response:**

This service line did not have a locate wire, USIC attempted to locate by measurements. KGS crews have remedied this concern by installing a locate wire to locate this service in the future.



## **ATTACHMENT “K”**

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



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

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

Jeff Colyer, M.D., Governor

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

**August 21, 2018**

**KCC Investigation #: CK-18-OC-1100**

**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 July 24, 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 7/23/2018, KGS did not mark their facilities at 8013 Woodstone St in Lenexa, Kansas. Cat5 Contracting damaged a KGS 2" PE gas main line while directional drilling conduit to replace CATV main for Charter Communications. There was a valid One-Call ticket #18337797 with a due date of 7/23/2018. There were locate marks present on the main running North to South; however, this main crossing the street East to West was not marked.

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

Operator's Authorized Signature: Randy Spector Date: 9/20/18

**PIPELINE SAFETY USE ONLY:**

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

Inspection Type: One Call Inquiry/Complaint  
Date Inspected: 07/24/2018  
Inspected By: CK



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

September 20, 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-1100

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1100 referencing a location at or near: 8013 Woodstone St., Lenexa, 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-1100

KCC NOPV CK-18-OC-1100

**KCC Description:**

On 7/23/2018, KGS did not mark their facilities at 8013 Woodstone St in Lenexa, Kansas. Cat5 Contracting damaged a KGS 2" PE gas main line while directional drilling conduit to replace CATV main for Charter Communications. There was a valid One-Call ticket #18337797 with a due date of 7/23/2018. There were locate marks present on the main running North to South; however, this main crossing the street East to West was not marked.

**Operator Response:**

KGS and USIC investigated the damage. The USIC technician was brought back to the damage site and coached using multiple different locate locations to ensure all facilities are located. The technician was also coached on contacting supervisor when in doubt.



## **ATTACHMENT “L”**

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**

**August 21, 2018**

**KCC Investigation #: CK-18-UN-1231**

**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 July 24, 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)**

**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 7/24/2018, Staff conducted an audit on ticket #18324831 and found that KGS had not marked any facilities at the time the ticket was due on 7/19/2018. All services and mains were within the scope of the ticket and were not marked.

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

Operator's Authorized Signature: Randy Spector Date: 9/20/18

**PIPELINE SAFETY USE ONLY:**

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

Inspection Type: One Call Compliance Inspection

Date Inspected: 07/24/2018

Inspected By: CK





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

September 20, 2018

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

RE: KCC Notice of Probable Noncompliance - KCC No. CK-18-UN-1231

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-UN-1231 referencing a location at or near: 9000 Hardy 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-UN-1231

## KCC NOPV CK-18-UN-1231

### KCC Description:

On 7/24/2018, Staff conducted an audit on ticket #18324831 and found that KGS had not marked any facilities at the time the ticket was due on 7/19/2018. All services and mains were within the scope of the ticket and were not marked.

### Operator Response:

This locate was part of a larger project for Miles Excavating. The USIC technician was working with Miles to complete the locates needed by area. This communication was all verbal and therefore, there is no documentation verifying the agreed upon locate schedule changes. The USIC technician was coached on always obtaining documentation with a contractor when making changes to the locate request. Ticket #18324831 was completed on 7/25/18.

## **ATTACHMENT “M”**

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**

**August 21, 2018**

**KCC Investigation #: CK-18-OC-1105**

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

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

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

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

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

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

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

Sincerely,

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

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 7/31/2018, KGS did not mark their facilities at 9125 Allman Rd in Lenexa, Kansas. Olson Foundation Repair damaged a KGS 1" steel gas service line with a saws all while installing steel piers believing this line to be an old sprinkler line. There was a valid One-Call ticket #18337598 with a due date of 7/26/2018. There were locate marks present to the meter which was at the house but did not enter the house where the meter sat. The line from the meter continued towards the back of the house where it then entered making it a yard line. There were no marks on this yard line.

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

Operator's Authorized Signature:

*Randy Spector*

Date: 9/20/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/31/2018

Inspected By: CK



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

September 20, 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-1105

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1105 referencing a location at or near: 9125 Allman Rd., Lenexa, 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-1105

## KCC NOPV CK-18-OC-1105

### KCC Description:

On 7/31/2018, KGS did not mark their facilities at 9125 Allman Rd in Lenexa, Kansas. Olson Foundation Repair damaged a KGS 1" steel gas service line with a saws all while installing steel piers believing this line to be an old sprinkler line. There was a valid One-Call ticket #18337598 with a due date of 7/26/2018. There were locates marks present to the meter which was at the house but did not enter the house where the meter sat. The line from the meter continued towards the back of the house where it then entered making it a yard line. There were no marks on this yard line.

### Operator Response:

KGS and USIC investigated the damage. The USIC technician was brought back to the damage site and coached using multiple different locate locations to ensure all facilities are located including yard lines. The technician was also coached on contacting supervisor when in doubt.



## **ATTACHMENT “N”**



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

**AUG 13 2018**

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

**August 13, 2018**

**KCC Inspection #: KF-18-OC-1008**

**Subject: Complaint Against Operator, Involving Damage - Kansas Gas Service**

**Dear Dennis Okenfuss:**

Pursuant to K.S.A. 66-1,150, the Kansas Corporation Commission's Pipeline Safety Staff reviewed your natural gas pipeline operation for compliance with Kansas pipeline safety regulations on August 9, 2018. As a result of this inspection, Staff has identified possible violations of Kansas pipeline safety regulations 66-1806 (a). The KCC is authorized by Kansas statute K.S.A. 66-1,151 to impose civil penalties up to a maximum of \$25,000 per violation per day, or a maximum of \$1,000,000 for any related series of violations. The probable violations are described on the attached evaluation form(s).

After you have reviewed the findings, please respond by either:

- 1) Accepting the finding(s) of noncompliance and describing steps taken by the company to prevent future violations of this regulation(s). Please note that corrected conditions must be verified with written documentation such as records, invoices and other similar evidence.
- 2) Disagreeing with the finding(s) of noncompliance and listing the reason(s) why the finding(s) are inaccurate.

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. All email responses must be electronically signed and dated.

**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: KF-18-OC-1008

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, the Rylie Equipment & Contracting Co. damaged a KGS 1" PE gas service line with a backhoe while potholing for an AT&T fiber optic main. There was a valid One-Call ticket on file. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Tracer wire was present on the damaged line. Additional 1" PE service lines, within 4' on each side, parallel to the damaged line and were located, marked and successfully exposed. KGS failed to mark all lines in the excavation area.

**OPERATOR'S RESPONSE: (Attach verification if needed)**Operator's Authorized Signature: Randy SpectorDate: 9/14/18**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

September 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. KF-18-OC-1008

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. KF-18-OC-1008 referencing a location at or near: NE Atchison Ave & NE Woodruff Ave, 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-1008

## KCC NOPV KF-18-OC-1008

### KCC Description:

On 8/9/2018, the Rylie Equipment & Contracting Co. damaged a KGS 1" PE gas service line with a backhoe while potholing for an AT&T fiber optic main. There was a valid One-Call ticket on file. There were no locate marks present at the time of the damage and this service was within the scope of the ticket. Tracer wire was present on the damaged line. Additional 1" PE service lines, within 4' on each side, parallel to the damaged line and were located, marked and successfully exposed. KGS failed to mark all lines in the excavation area.

### Operator Response:

KGS and USIC investigated an event that occurred at 1403 NE Atchison Ave. Topeka, KS. The investigation found that the Locator attempted to locate the service line by measurements, per the service card information. Following the damage, the Company has made corrections to the service card and updates to the map have been submitted. The Company has confirmed the service is locatable following the repair.

## **ATTACHMENT “O”**

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**

**August 21, 2018**

**KCC Investigation #: CK-18-OC-1111**

**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 August 15, 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 8/15/2018, KGS did not correctly mark their facilities at Johnson Dr & Martindale Rd in Shawnee, Kansas. Mark One Electric damaged a KGS 2" PE gas main line with a mini excavator while installing fiber main for AT&T. There was a valid One-Call ticket #18364784 with a due date of 8/9/2018. There were locate marks present; however, where the damage occurred was not marked but still within the scope of the ticket.

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

Operator's Authorized Signature: Randy Spector Date: 9/20/18

**PIPELINE SAFETY USE ONLY:**

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/15/2018

Inspected By: CK



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

September 20, 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-1111

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. CK-18-OC-1111 referencing a location at or near: Johnson Dr. & Martindale Rd., 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-1111



## KCC NOPV CK-18-OC-1111

### KCC Description:

On 8/15/2018, KGS did not correctly mark their facilities at Johnson Dr & Martindale Rd Shawnee, Kansas. Mark One Electric damaged a KGS 2" PE gas main line with a mini excavator while installing fiber main for AT&T. There was a valid One-Call ticket #18364784 with a due date of 8/9/2018. There were locate marks present; however, where the damage occurred was not marked but still within the scope of the ticket.

### Operator Response:

KGS and USIC investigated the damage. After repairs, KGS found the tracer wire to be broken. Marker balls were installed to make the facilities locatable.

## **ATTACHMENT “P”**

Company: Kansas Gas Service

Division: One Call

## Regulation:

**66-1806 (a) 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 8/22/18 KCC staff investigated a KGS gas service drop damage at 6610 S. Osage Ct. in Haysville KS. The line was marked 10 feet 10 inches off of the actual line location. KGS failed to locate the gas service drop within the tolerance zone as required. There was a valid Onecall ticket #18392029. This is a violation of 66-1806 above.

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

Operator's Authorized Signature: Randy SpectorDate: 10/8/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/22/2018

Inspected By: RJ



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

October 8, 2018

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

RE: KCC Notice of Probable Noncompliance - KCC No. RJ-18-OC-1112

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. RJ-18-OC-1112 referencing a location at or near: 6610 S. Osage Ct., Haysville, 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. RJ-18-OC-1112

KCC NOPV RJ-18-OC-1112

KCC Description:

On 8/22/18 KCC staff investigated a KGS gas service drop damage at 6610 S. Osage Ct. in Haysville KS. The line was marked 10 feet 10 inches off of the actual line location. KGS failed to locate the gas service drop within the tolerance zone as required. There was a valid Onecall ticket #18392029.

Operator Response:

Kansas Gas Service claims has confirmed with USIC, that this ticket was located by measurements (no locate wire) and was mis-located by 10 feet. Kansas Gas Service will address this concern by replacing this service line and will install a locate wire.



## **ATTACHMENT “Q”**

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 mark their facilities at 1620 SW 29 Terr., Topeka, Kansas. Green's Home Improvement Co. damaged a KGS 3/4" PE gas service line with a spade while digging fence post holes. There was a valid One-Call ticket #18394534 with a due date of 8/29/2018. There were no locate marks/flags present at the time of the damage and this service was within the scope of the ticket. The ticket was for the entire property. The front yard was marked as clear - the back yard had not yet been marked.

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

Operator's Authorized Signature: Randy SpectorDate: 9/20/18

## PIPELINE SAFETY USE ONLY:

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

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

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

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/30/2018

Inspected By: KF



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

September 20, 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-1011

Dear Mr. Haynos,

Please find attached the Operator's Response to KCC's Notice of Probable Noncompliance Notice No. KF-18-OC-1011 referencing a location at or near: 1620 SW 29<sup>th</sup> Terr., 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-1011



## KCC NOPV KF-18-OC-1011

### KCC Description:

On 8/30/2018, KGS did not mark their facilities at 1620 SW 29<sup>th</sup> Terr., Topeka Kansas. Green's Home Improvement Co. damaged a KGS ¾" PE gas service line with a spade while digging fence post holes. There was a valid One-call Ticket #18394534 with a due date of 8/29/2018. There were no locate marks/flags present at the time of the damage and this service was within the scope of the ticket. The ticket was for the entire property. The front yard was marked as clear-the back yard had not yet been marked.

### Operator Response:

KGS and USIC investigated an event that occurred at 1620 SW 29<sup>th</sup> Terr., Topeka, Kansas. The investigation showed the technician did not follow the marking instructions on the locate ticket. The technician was brought back to 1620 SW 29<sup>th</sup> Terr., Topeka, Kansas, during USIC's investigation to complete the locate correctly. This was the technicians first damage in which a verbal warning was given along with being audited on other locates after this event.

**CERTIFICATE OF SERVICE**

19-DPAX-155-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 10/31/2018.

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