

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Laura Kelly, Governor

NOTICE OF PENALTY ORDER
24-DPAX-895-PEN

September 24, 2024

Sean Postlethwait
Kansas Gas Service
7421 W 129th St
Overland Park, Kansas 66213

YOU HAVE BEEN ASSESSED A PENALTY: This is a notice of penalty assessment for violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) and pipeline safety regulations adopted by the Kansas Corporation Commission. You have been assessed a \$47,000 penalty. For a full description of the penalty please refer to the order attached to this notice.

IF YOU ACCEPT THE PENALTY: The assessed penalty is \$47,000. You have twenty (20) days from the date of service of the Penalty Order to pay the fine amount. Checks shall be payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and shall include a reference to the docket number (47,000) of this proceeding.

IF YOU CONTEST THE PENALTY: You have the right to request a hearing. A request for hearings must be made in writing, setting forth the specific grounds upon which relief is sought. You or an authorized representative from your Company, may electronically file its request for hearing within fifteen (15) days from the date of service of this Penalty Order. A copy of the request for hearing must be provided to the Litigation Counsel, listed below.

IF YOU FAIL TO ACT: Pursuant to K.A.R. 82-14-6(i) and (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. **Failing to request a hearing or pay the civil assessment may result in further penalties.**

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

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

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

In the Matter of the Investigation of Kansas)
Gas Service Regarding Violations of the)
Kansas Underground Utility Damage) Docket No. 24-DPAX-895-PEN
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).)

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. REGULATORY FRAMEWORK

1. The Commission is authorized to enforce multiple frameworks regarding underground utility damage and natural gas pipeline safety.¹

2. 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.* 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.

3. Pursuant to K.A.R. 82-14-6, 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.

¹ See K.S.A. 66-1801, *et seq.* and K.S.A. 66-1,150.

4. The Commission is authorized to impose civil penalties and injunctive actions against any person or entity subject to and found in violation of KUUDPA, or any rule and regulation, or any order of the Commission. Each violation is subject to a civil 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.²

5. Pursuant to K.S.A. 66-1,150, *et seq.*, the Commission is authorized to adopt rules and regulations as may be necessary to conform with the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 60101, *et seq.*), as amended. The Commission has adopted such regulations.³ These rules and regulations are applicable to:

(1) All public utilities and all municipal corporations or quasi-municipal corporations transporting natural gas or rendering gas utility service; (2) all operators of master meter systems, as defined by 49 C.F.R. § 191.3; (3) all operators of privately or publicly owned pipelines providing natural gas service or transportation directly to the ultimate consumer for the purpose of manufacturing goods or generating power; and (4) providers of rural gas service under the provisions of K.S.A. 66-2101 through 66-2106, and amendments thereto.⁴

6. Pursuant to K.A.R. 82-1-237, the Commission has the authority to investigate a party under its jurisdiction and order a hearing on its own motion when the Commission believes the party is in violation of the law or any order of the Commission. K.A.R. 82-11-6(m) provides a show cause hearing may be held by the Commission when all other reasonable measures have failed to produce operator compliance, or when non-compliance presents an imminent danger to persons or property.

² See K.S.A. 66-1812; K.S.A. 66-1,151; K.A.R. 82-14-6.

³ For reference, the Commission's adoption of portions of the Natural Gas Pipeline Safety regulations may be found at K.A.R. 82-11-1 through K.A.R. 82-11-11. The Commission's Kansas Underground Utility Damage Prevention Act regulations may be found at K.A.R. 82-14-1 through K.A.R. 82-14-16.

⁴ K.S.A. 66-1,150(a).

II. JURISDICTION OVER KANSAS GAS SERVICE

7. Kansas Gas Service, A Division of ONE Gas (“KGS”) operates as a natural gas public utility pursuant to Commission-issued certificates of convenience and necessity.

8. KGS is a statutorily defined Operator who owns or leases underground Tier 1 or Tier 2 facilities, as defined in K.S.A. 66-1802(k), (q), and (r), respectively. Pursuant to K.S.A. 66-1813, which authorizes the Commission to administer and enforce the KUUDPA, KGS is subject to the Commission’s jurisdiction regarding compliance with KUUDPA’s obligations (e.g., K.S.A. 66-1806), and may be subject to penalties issued pursuant to K.S.A. 66-1812.

9. Pursuant to K.S.A. 66-1,150, *et seq.* and K.A.R. 82-11-1, *et seq.*, KGS’ operation as a natural gas public utility renders it subject to the Commission’s natural gas pipeline safety regulations.

III. NONCOMPLIANCE

10. Commission Staff (Staff) investigated the activities and operations of KGS from January 2023 to December 2023 regarding providing timely locate marks on its underground gas facilities within the time allowed by the state damage prevention laws of two business days.⁵

11. Notably, Staff has issued a total of ninety-seven (97) Probable Non-Compliance notices to KGS in calendar year 2023 for violations of no locate marks or inaccurate locating issues. Of the 97 instances of Probable Non-Compliance, Staff recommended a penalty in 47 instances for ineffective locating practices.

12. For the period of January 2023 to December 2023, Staff found during its investigations that KGS failed to provide excavators with the location of the tolerance zone of the buried facilities before excavation begins on forty (40) separate occasions and on seven (7)

⁵ See Report and Recommendation of Staff dated June 12, 2024, a copy of which is attached hereto as Attachment “A” and is hereby incorporated by reference.

occasion it provided an inaccurate mark. This failure resulted in damages to KGS' underground 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 table below outlines the date of damage, facility affected, city of occurrence, root cause and penalty amount.

Date of Damage	Type of Facility Affected	City Damage Occurred	Root Cause	Penalty Amount
January 23, 2023	Service line	Wichita	Not Marked	\$1,000
January 24, 2023	Service line	Bel Aire	Not Marked	\$1,000
January 27, 2023	Main line	Wichita	Not Marked	\$1,000
February 2, 2023	Service line	Shawnee	Inaccurately Marked	\$1,000
February 24, 2023	Service line	Wichita	Not Marked	\$1,000
March 15, 2023	Service line	Overland Park	Not Marked	\$1,000
March 29, 2023	Main line	Derby	Not Marked	\$1,000
April 17, 2023	Service line	Wichita	Not Marked	\$1,000
April 18, 2023	Main line	Lenexa	Not Marked	\$1,000
April 25, 2023	Main line	Leawood	Not Marked	\$1,000
April 26, 2023	Service line	Junction City	Not Marked	\$1,000
May 2, 2023	Main line	Leawood	Not Marked	\$1,000
May 3, 2023	Service line	Wichita	Not Marked	\$1,000
May 9, 2023	Service line	Wichita	Not Marked	\$1,000
May 17, 2023	Service line	Wichita	Not Marked	\$1,000
June 1, 2023	Service line	Leawood	Not Marked	\$1,000
June 5, 2023	Main line	Mission Hills	Not Marked	\$1,000
June 7, 2023	Service line	Wichita	Not Marked	\$1,000
June 8, 2023	Service line	Hutchinson	Not Marked	\$1,000
June 8, 2023	Service	Shawnee	Not Marked	
June 13, 2023	Service line	Shawnee	Inaccurately Marked	\$1,000
June 13, 2023	Service line	Hutchinson	Inaccurately Marked	\$1,000
June 27, 2023	Service line	Leawood	Inaccurately Marked	\$1,000
July 3, 2023	Service line	Rosehill	Not Marked	\$1,000
July 10, 2023	Service line	Wichita	Inaccurately Marked	\$1,000
July 17, 2023	Service line	Wichita	Not Marked	\$1,000
July 20, 2023	Service line	Shawnee	Not Marked	\$1,000
July 27, 2023	Service line	Leawood	Not Marked	\$1,000
July 28, 2023	Service line	Arkansas City	Not Marked	\$1,000
August 16, 2023	Service line	Leawood	Not Marked	\$1,000

August 16, 2023	Service line	Leawood	Not Marked	\$1,000
August 16, 2023	Service line	Mission	Not Marked	\$1,000
August 24, 2023	Service line	Wellsville	Not Marked	\$1,000
August 25, 2023	Main line	Leawood	Not Marked	\$1,000
August 29, 2023	Main line	Topeka	Not Marked	\$1,000
September 6, 2023	Service line	Leawood	Not Marked	\$1,000
September 7, 2023	Service line	Newton	Not Marked	\$1,000
September 12, 2023	Service line	Leawood	Not Marked	\$1,000
September 18, 2023	Service line	Mission	Not Marked	\$1,000
September 18, 2023	Service line	Lenexa	Inaccurately Marked	\$1,000
September 20, 2023	Main line	Rosehill	Not Marked	\$1,000
September 26, 2023	Service line	Leawood	Inaccurately Marked	\$1,000
September 28, 2023	Service line	Lake Quivira	Not Marked	\$1,000
November 2, 2023	Main line	Newton	Not Marked	\$1,000
November 2, 2023	Main line	Lenexa	Not Marked	\$1,000
November 2, 2023	Service line	Gardner	Not Marked	\$1,000
December 19, 2023	Service line	Shawnee	Not Marked	\$1,000
TOTAL				\$47,000

13. Staff issued Probable Non-Compliance notices to KGS on each violation outlined above, copies of which are attached to Staff’s Report and Recommendation, which is attached hereto and incorporated by reference. KGS does not dispute any of the violations, and its responses are included in Attachments 3 through 49 of Staff’s Report and Recommendation.

IV. KUUDPA NONCOMPLIANCE VIOLATIONS

14. KUUDPA requires operators (i.e., public utilities) to provide excavators a “tolerance zone” of the operator’s underground facilities in the planned excavation area by marking, flagging or other acceptable method.⁶ For natural gas public utilities, the “tolerance zone” is an area not less than 24 inches of the outside dimensions in all horizontal directions of an underground facility.⁷ Within two working days, beginning after the day on which the excavator

⁶ See K.S.A. 66-1806(a).

⁷ See K.S.A. 66-1802(t).

provided notice of its intent to excavate, an operator must inform an excavator of the tolerance zone.⁸ If an operator has no facilities in the area of proposed excavation, the operator must notify the excavator no facilities are present before the excavation start date.⁹

15. KGS was not in compliance with the KUUDPA requirements as set forth in paragraph 13 above.

16. Staff's Report and Recommendation set forth Staff's findings for recommending a penalty against KGS. While KUUDPA allows an excavator to dig without locates if the required marking time has expired, most excavators will wait rather than risk damaging underground utilities or endangering life and property. Postponing excavation because of a failure to complete locates can result in costly downtime and scheduling problems including cancellation of contracts. Failing to provide accurate or timely locate marks has the potential for significant consequences to public safety. The absence of locate marks may give an excavator a false sense of security. A lack of information and awareness that no underground utility facilities are present, the speed and force an excavator utilizes may result in greater harm and damage. Staff's Report and Recommendation further details KGS' culpability, history of noncompliance, and aggravating or mitigating circumstances. Ultimately, Staff recommended the Commission issue a civil penalty of \$47,000 (\$1,000 for each violation) against KGS for violating KUUDPA and the Commission's pipeline safety regulations.¹⁰

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

17. The Commission finds it has jurisdiction over Kansas Gas Service because it is an entity subject to the requirements of the Kansas Underground Utility Damage Prevention Act,

⁸ See K.S.A. 66-1806(a).

⁹ See K.S.A. 66-1806(d)(1).

¹⁰ See Staff's Report and Recommendation.

which the Commission is required to administer and enforce pursuant to K.S.A. 66-1813 and further subject to the Commission's natural gas pipeline safety regulations. Specifically, the Commission finds KGS to be acting as an operator who operates Tier 1 facilities as defined in K.S.A. 66-1802.

18. The Commission finds KGS violated Kansas law governing underground utilities, including provisions of the KUUDPA and the Commission's pipeline safety regulations, as set forth herein and evidence included in the record, and is therefore subject to sanctions or fines imposed by the Commission. Specifically, the Commission finds KGS failed to comply with K.S.A. 66-1806(a) for the above listed incident(s).

19. The Commission finds a civil penalty is warranted due to KGS' violation of KUUDPA and the Commission's pipeline safety regulations. Specifically, the Commission finds KGS shall be assessed a \$47,000 civil penalty for the violations set forth in the record.

20. The Commission finds and concludes KGS shall be afforded an opportunity to request a hearing on the assessment of this civil penalty. Because the Commission is authorized to impose civil penalties and injunctive actions against any person or entity subject to and found in violation of KUUDPA, or any rule and regulation, or any order of the Commission, the Commission finds the hearing procedure adopted in the Commission's KUUDPA and procedural regulations shall control any subsequent hearings in this matter. Specifically, pursuant to K.A.R. 82-14-6(j), the Commission finds and concludes KGS shall have 15 days from the date of service of this Penalty Order to request a hearing on the matter. A request for hearing must comply with the provisions of K.A.R. 82-1-232(b). Hearings shall be conducted in accordance with K.A.R. 82-1-230.

21. Pursuant to K.A.R. 82-14-6(i), and (j), KGS' failure to pay the assessed civil penalty within 20 days or, in the alternative, request a hearing within 15 days from the date of service of this Penalty Order shall be considered an admission of the noncompliance allegations contained herein.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Kansas Gas Service, A Division of ONE Gas, is hereby assessed a \$47,000 civil penalty for forty-seven (47) violations of the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801, *et. seq.* and the Commission's natural gas pipeline safety regulations adopted pursuant to K.S.A. 66-1,150, *et seq.*

B. Pursuant to K.A.R. 82-14-6(j), Kansas Gas Service 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-mailing or mailing a copy of the request for hearing to the Litigation Counsel listed on the Notice of Penalty Assessment. Hearings will be scheduled only upon written request. Failure to timely request a hearing shall be considered an admission of noncompliance allegations contained herein and result in a waiver of Kansas Gas Service's right to a hearing. A request for hearing must comply with the provisions of K.A.R. 82-1-232(b). Hearings shall be conducted in accordance with K.A.R. 82-1-230.

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 Kansas Gas Service does not request a hearing, the payment of the civil penalty is due in twenty (20) days from the date of service of this Order. Checks shall be made payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. The payment shall include a reference to the docket number (22-DPAX-360-PEN) of this proceeding.

E. Unless a hearing is requested, failure to pay the \$47,000 civil penalty within twenty (20) days from the date of service of this Penalty Order will result in further enforcement actions against Kansas Gas Service, including all sanctions, requirements, and penalties described above being enforceable without further action by the Commission.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 09/24/2024



Lynn M. Retz
Executive Director

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Suzanne Balandran, Public Service Administrator
Paul Owings, Deputy Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: June 12, 2024

SUBJECT: Docket Number: 24-DPAX-895-PEN
In the Matter of the Investigation of Kansas Gas Service, A Division of ONE Gas Regarding Violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5) and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151).

EXECUTIVE SUMMARY:

Staff is recommending a civil penalty be issued to Kansas Gas Service, A Division of ONE Gas (KGS), for \$47,000 for forty-seven (47) violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA) and federal pipeline safety regulations, as adopted by Kansas, that occurred between January and December of 2023. The penalties are based on the results of Staff investigations following forty-seven (47) damages to KGS natural gas service and main lines in the Kansas City, Wichita, Topeka, Junction City and Hutchinson metropolitan areas as well as the cities of Arkansas City, Newton and Wellsville 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 the KUUDPA statute, K.S.A. 66-1806(a). Failure to follow a written procedure as required by pipeline safety regulations is a violation of Federal Pipeline Safety regulations, specifically 49 CFR 192.614 as adopted by Kansas in K.A.R. 82-11-4. For natural gas utilities, failure to comply with K.S.A. 66-1806 is also a violation of Kansas Pipeline Safety Regulations. Staff recommends enforcement of violations of the Pipeline Safety Regulations and KUUDPA to encourage natural gas operators to improve the effectiveness of existing safety procedures and minimize future damages to Kansas pipelines.

Case #	Attachment	Date of Damage	Type of Facility Affected	City Damage Occurred	Root Cause	Code Violated	Penalty Amt.
JW-23-OC-1012	3	1/23/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1013	4	1/24/2023	Service	Bel Aire	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1014	5	1/27/2023	Main	Wichita	Not Marked - Inaccurate Maps	192.614	\$1,000
CK-23-OC-1007	6	2/2/2023	Service	Shawnee	Mis Marked - 30 ft Off - Locator Error	192.614	\$1,000
JW-23-OC-1024	7	2/24/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1027	8	3/15/2023	Service	Overland Park	Not Marked - Inaccurate Maps	192.614	\$1,000
JW-23-OC-1039	9	3/29/2023	Main	Derby	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1047	10	4/17/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1053	11	4/18/2023	Main	Lenexa	Not Marked - Locator Error	192.614	\$1,000
LH-23-OC-1004	12	4/25/2023	Main	Leawood	Not Marked - Locator Error	192.614	\$1,000
JB-23-OC-1001	13	4/26/2023	Service	Junction City	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1060	14	5/2/2023	Main	Leawood	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1051	15	5/3/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1056	16	5/9/2023	Service	Wichita	Not Marked - KGS Error	192.614	\$1,000
JW-23-OC-1062	17	5/17/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1087	18	6/1/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1093	19	6/5/2023	Main	Mission Hills	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1070	20	6/7/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1076	21	6/8/2023	Service	Hutchinson	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1102	22	6/8/2023	Service	Shawnee	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1110	23	6/13/2023	Service	Shawnee	Inaccurate Maps - 28 ft off	192.614	\$1,000
JW-23-OC-1078	24	6/13/2023	Service	Hutchinson	Inaccurate Maps - 15 ft off	192.614	\$1,000
CK-23-OC-1126	25	6/27/2023	Service	Leawood	Mis Marked - 18 ft Off - Locator Error	192.614	\$1,000
JW-23-OC-1085	26	7/3/2023	Service	Rosehill	Not Marked - Inaccurate Maps	192.614	\$1,000
JW-23-OC-1086	27	7/10/2023	Service	Wichita	Inaccurate Maps - 10 ft Off	192.614	\$1,000

JW-23-OC-1090	28	7/17/2023	Service	Wichita	Not Marked - Locator Error	192.614	\$1,000
LH-23-OC-1005	29	7/20/2023	Service	Shawnee	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1143	30	7/27/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1097	31	7/28/2023	Service	Arkansas City	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1156	32	8/16/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1158	33	8/16/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1159	34	8/16/2023	Service	Mission	Not Marked - Inaccurate Maps	192.614	\$1,000
LH-23-OC-1010	35	8/24/2023	Service	Wellsville	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1173	36	8/25/2023	Main	Leawood	Not Marked - Locator Error	192.614	\$1,000
CC-23-OC-1008	37	8/29/2023	Main	Topeka	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1184	38	9/6/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
JW-23-OC-1130	39	9/7/2023	Service	Newton	Not Marked - Locator Error	192.614	\$1,000
CK-23-UN-1147	40	9/12/2023	Service	Leawood	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1192	41	9/18/2023	Service	Mission	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1194	42	9/18/2023	Service	Lenexa	Mis Marked - 28 ft off - Locator Error	192.614	\$1,000
JW-23-OC-1134	43	9/20/2023	Main	Rosehill	Not Marked - Locator Error	192.614	\$1,000
CK-23-UN-1164	44	9/26/2023	Service	Leawood	Inaccurate Maps - 17 ft off	192.614	\$1,000
CK-23-OC-1206	45	9/28/2023	Service	Lake Quivira	Not Marked - Inaccurate Maps	192.614	\$1,000
JW-23-OC-1146	46	11/2/2023	Main	Newton	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1214	47	11/2/2023	Main	Lenexa	Not Marked - Locator Error	192.614	\$1,000
CK-23-UN-1177	48	11/2/2023	Service	Gardner	Not Marked - Locator Error	192.614	\$1,000
CK-23-OC-1226	49	12/19/2023	Service	Shawnee	Not Marked - Inaccurate Maps	192.614	\$1,000
		TOTAL					\$47,000

BACKGROUND:

KGS's failure to provide accurate and timely locates when requested resulted in damages to its natural gas facilities, lost work time for the excavators that damaged the lines, and lost work time for the excavators who had to wait for locates. No injuries or damage to adjacent property occurred as a result of failure to provide locates. The above table provides the date of the pipeline damage, the type of facility damaged, the city where the damage occurred, and the audits performed with Staff's assertion of the cause of the violation.

Upon completing investigations into the damages, Staff issued Notices of Probable Noncompliance (PNC) to KGS for each of the above listed violations. KGS has responded to all forty-seven (47) PNCs as required by K.A.R. 82-14-6(c). KGS does not dispute Staff's allegations as to the violation of KUUDPA, and the violations of 49 CFR 192.614 as adopted by K.A.R. 82-11-4. A summary description of Staff's findings, KGS's response for each PNC and the actions purportedly taken by KGS in response to prevent reoccurrence of the violation are included in table form at Attachment 1.

ANALYSIS:

Rationale for Penalties:

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 response to the above listed PNCs, KGS admitted the buried gas service and main lines were either not located or mis-located. Attachment 1 summarizes the nature of each violation and cross references the attachment with KGS's specific response. KGS Line Locating Procedure provides direction for KGS to receive and handle line locate tickets, locating practices to be followed, and direction for locate performance monitoring. KGS Operating & Maintenance procedures also allow for using locate contractors to complete line locate requests. The relevant KGS procedures are attached hereto as Attachment 2.

Based on the evidence, Staff concludes the failure by KGS to provide timely and accurate locates demonstrates a failure of KGS to follow its Line Locating Procedure, Procedure No. OGSops2.1404R,¹ which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate.

Culpability:

KGS is directly responsible for its actions in failing to provide timely and accurate locates as required in K.S.A 66-1806(a). Furthermore, KGS is responsible for ensuring its staff and contractors follow the required KGS operations and maintenance procedures required by pipeline safety regulations, specifically 49 CFR 192.605(a) as adopted by Kansas in K.A.R. 82-11-4.

¹ See Attachment 2.

History of noncompliance:

Staff has issued a total of 531 PNCs to KGS in the years 2018, 2019, 2020, 2021, and 2022. Of the 531 PNCs, the Commission has issued 256 penalties to KGS for a total of \$247,000. Previous penalties and alleged violations were due to issues regarding failure to provide timely and accurate locates, similar to the violations considered herein.

In 2023, KGS was issued 97 PNCs. Staff is recommending the Commission issue penalties for 47 of the PNCs herein due to the gravity of non-compliance in each instance. Based on the information presented above, KGS has a history of violating KUUDPA and Pipeline Safety regulations. Furthermore, Staff believes significant improvement has not been demonstrated when comparing the number of violations by KGS in years 2018 through 2023.

Response of the utility operator regarding noncompliance(s):

Regarding the 47 PNCs included in this Report and Recommendation for calendar year 2023, KGS agreed with Staff's findings described in each PNC. KGS acknowledged that for 36 of the 47 PNCs its personnel failed to provide accurate or timely locates for the tolerance zone as requested by the excavator before the scheduled excavation start date (See Attachment 1 which summarizes the nature of each violation and cross references the attachment with KGS's specific response). For calendar year 2022, KGS acknowledged that for 31 of 47 PNCs its personnel failed to provide accurate or timely locates.² This was in 11% increase from 2022 to 2023.

E. Aggravating/Mitigating Circumstances:

In most investigations of KUUDPA violations, Staff has considered actions taken by the violator to prevent reoccurrence of events leading to the violation as an adequate response to resolve the PNC. Staff has only recommended civil penalties for what it considers to be the more egregious violations of KUUDPA.

In this Docket, Staff is recommending penalties for 47 violations of pipeline safety and/or KUUDPA violations.

KGS has represented that it continues to have issues with their contract locators locating underground facilities accurately. The number of KUUDPA violations caused by locator error that have resulted in a penalty has remained at a constant number since 2018. KCC staff acknowledge that KGS has expanded their damage prevention program by taking locates in house in certain areas. At this time, however, KGS's actions have yet to result in a lower level of damages related to locator error since 2018.

Staff is recommending the penalty amount per violation of KUUDPA and pipeline safety requirements remain at \$1,000.

RECOMMENDATION:

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$47,000, for violation(s) of K.S.A. 66-1806(a) and 49 C.F.R. 192.614, as adopted by K.A.R. 82-11-4.

² Order Approving Alternative to Civil Penalty, Docket No. 21-KGSG-398-SHO (September 14, 2023)

Attachment 1

Attachment 1

Voilation No.	Case #	Issue	Action/Response	Attachments
1	JW-23-OC-1012	Failed to conduct visual of full scope	Retrained employee	See Attachment 3
2	JW-23-OC-1013	Marked but indicated svc line unlocateable	Coached employee	See Attachment 4
3	JW-23-OC-1014	Abandoned line and not live line on map	Map updated	See Attachment 5
4	CK-23-OC-1007	Off 25' due to not toning svc correctly	Coached on toning	See Attachment 6
5	JW-23-OC-1024	not adequate visual survey and not use maps	audits	See Attachment 7
6	CK-23-OC-1027	new svc not on maps/ tracer wire not above surface	updated maps/talk w/re: tracer wire on surface for future lines	See Attachment 8
7	JW-23-OC-1039	not marked main	coached on marking	See Attachment 9
8	JW-23-OC-1047	not marked svc	disqualified then dismissed by contract locator	See Attachment 10
9	CK-23-OC-1053	noted clear on ticket	KGS auditor indicated passed audits	See Attachment 11
10	LH-23-OC-1004	did not use as-built maps	locator quit	See Attachment 12
11	JB-23-OC-1001	did not consider full scope	coached by KGS	See Attachment 13
12	CK-23-OC-1060	did not consider full scope	coached by supervision	See Attachment 14
13	JW-23-OC-1051	did not locate entire scope	no longer employed	See Attachment 15
14	JW-23-OC-1056	locate supervisor didn't take enough action to assure completion on tine	suspended and re-trained	See Attachment 16
15	JW-23-OC-1062	assumed affected line was outside scope	coached	See Attachment 17
16	CK-23-OC-1087	failed to recognize active svc line stub, not marking svc line	retrained w/manager	See Attachment 18
17	CK-23-OC-1093	not marked main	coached	See Attachment 19
18	JW-23-OC-1070	not marked svc	3 day retraining	See Attachment 20
19	JW-23-OC-1076	failed to review maps for entire scope	coached by KGS	See Attachment 21
20	CK-23-OC-1102	not adequate visual survey and not use maps	5 day retraining	See Attachment 22
21	CK-23-OC-1110	used inaccurate map from KGS	maps updated	See Attachment 23
22	JW-23-OC-1078	unable to connect tracer wire and tone; inaccurate measurements	corrected maps	See Attachment 24
23	CK-23-OC-1126	used incorrect measurements	retrained	See Attachment 25
24	JW-23-OC-1085	svc line not on KGS maps given to One Call center so no tkt rec'd	updated maps to call center	See Attachment 26
25	JW-23-OC-1086	no tracer wire; incorrect maps	installed tracer wire	See Attachment 27
26	JW-23-OC-1090	failed to recognize yard line	retrained	See Attachment 28
27	lh-23-OC-1005	failed to properly tone svc	left employment	See Attachment 29
28	CK-23-OC-1143	failed to mark svc line	coached	See Attachment 30

Attachment 1

Voilation No.	Case #	Issue	Action/Response	Attachments
29	JW-23-OC-1097	failed to conduct visual of full scope	coached	See Attachment 31
30	CK-23-OC-1156	failed to conduct visual of full scope	terminated by contract locator	See Attachment 32
31	CK-23-OC-1158	failed to conduct visual of full scope	terminated by contract locator	See Attachment 33
32	CK-23-OC-1159	stub not on map	capped stub	See Attachment 34
33	lh-23-OC-1010	not adequate visual survey and not use maps	KGS supervisor coached	See Attachment 35
34	CK-23-OC-1173	failed to connect to tracer wire; did not consult maps	coached	See Attachment 36
35	CC-23-OC-1008	misunderstood scope	suspended and re-trained	See Attachment 37
36	CK-23-OC-1184	did not find tracer wire	coached	See Attachment 38
37	JW-23-OC-1130	failed to mark svc line	coached	See Attachment 39
38	CK-23-UN-1147	failed to accurately measure	no longer employed	See Attachment 40
39	CK-23-OC-1192	not adequate visual scan	3 days re-training	See Attachment 41
40	CK-23-OC-1194	failed to follow procedures when had issues	disqualified	See Attachment 42
41	JW-23-OC-1134	failed to mark full scope	3 days re-training	See Attachment 43
42	CK-23-UN-1164	incorrect measurements; not able to tone	placed surface markers	See Attachment 44
43	CK-23-OC-1206	incorrect maps	corrected maps; surface markers	See Attachment 45
44	JW-23-OC-1146	unclear ticket scope	coached locators on communication w/excavators on tkt scope	See Attachment 46
45	CK-23-OC-1214	delay in locating	installed test station	See Attachment 47
46	CK-23-UN-1177	failed to mark full scope	retrained	See Attachment 48
47	CK-23-OC-1226	incorrect maps	updated maps; installed marker balls	See Attachment 49

Attachment 2

*****CONFIDENTIAL*****

Attachment 3



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

February 23, 2023

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. JW-23-OC-1012

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 2118 N. 127th Court E. in Wichita, Kansas on January 23, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 01/23/2023, J & S Underground damaged a KGS 1 1/4" PE natural gas service line at 2118 N 127th Ct. E in Wichita, Kansas. One Call ticket #23025277 had a work to begin date of 01/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 2/23/23

PIPELINE SAFETY USE ONLY:

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/23/2023

Inspected By: JW

KCC NPV JW-23-OC-1012

KCC Description:

On 01/23/2023, J & S Underground damaged a KGS 1 1/4" PE natural gas service line at 2118 N 127th Ct. E in Wichita, Kansas. One Call ticket #23025277 had a work to begin date of 01/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to conduct a full visual examination of the locate scope. As a result, the locator failed to identify and mark the affected gas service line. The locator was retrained by supervision on the appropriate site examination procedures. KGS crews repaired the damaged service line and confirmed that the line could be successfully toned.

Attachment 4



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

March 13, 2023

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. JW-21-OC-1013

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4911 E. 46th Street N in Bel Aire, Kansas on January 24, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 01/24/2023, Kansas Paving damaged a KGS 1/2" PE natural gas service line at 4911 E 46th St. N in Bel Aire, Kansas. One Call ticket #23016097 had a work to begin date of 01/13/2023. The KGS facilities were not marked according to the requested area. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector Date: 3/13/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 01/24/2023
Inspected By: JW

KCC NPV JW-23-OC-1013

KCC Description:

On 01/24/2023, Kansas Paving damaged a KGS 1/2" PE natural gas service line at 4911 E 46th St. N in Bel Aire, Kansas. One Call ticket #23016097 had a work to begin date of 01/13/2023. The KGS facilities were not marked according to the requested area. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator marked natural gas facilities on this ticket and also reported the affected service line was unlocatable. Unfortunately, KGS personnel did not issue a work order to assist with locating the line. KGS supervision coached involved personnel on how to properly create and confirm these types of work orders.

KGS crews repaired the damaged service line on the day of damage and confirmed the line is now locatable.

Attachment 5



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

February 28, 2023

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. JW-23-OC-1014

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 620 W. 31st Street in Wichita on January 27, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 01/27/2023, NPL damaged a KGS 2" PE natural gas main line in the vicinity of W 31st St. S and S Silver Ave. Wichita, Kansas. One Call ticket #23026041 had a work to begin date of 01/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 2/28/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 01/27/2023

Inspected By: JW

KCC NPV JW-23-OC-1014

KCC Description:

On 01/27/2023, NPL damaged a KGS 2" PE natural gas main line in the vicinity of W 31st St. S and S Silver Ave. Wichita, Kansas. One Call ticket #23026041 had a work to begin date of 01/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance at 620 W. 31st Street in Wichita. Upon investigation, KGS determined that system maps were not properly updated when a four-inch bare steel main was replaced by the two-inch PE main damaged on January 27. At the time of locate, the abandoned steel main was still present on facility KGS maps which caused the locator to mistakenly mark it instead of the operational two-inch main.

KGS crews secured the resulting leak on the day of damage. Additionally, KGS confirmed that the main is locatable by tone and that system maps have been updated.

Attachment 6

From: [Clements, Justin W.](#)
To: [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Salter, Jeff S.](#); [Chavez, Luis A.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gardner, John J.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPVs - Wichita and Shawnee, KS
Date: Monday, February 27, 2023 7:55:30 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1007 Final Response.pdf](#)
[JW-23-OC-1007 Final Response.pdf](#)
[JW-23-OC-1012 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are signed responses to the following 2023 NPVs. Thank you.

NPV	Date	Address	City
CK-23-OC-1007	2/2/2023	13904 W 67th St	Shawnee
JW-23-OC-1007	1/11/2023	231 N Rutan St	Wichita
JW-23-OC-1012	1/23/2023	2118 N 127th E	Wichita

Justin W. Clements

Senior Compliance Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

February 23, 2023

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-23-OC-1007

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 13904 W. 67th Street in Shawnee, Kansas on February 2, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 2/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 13904 W 67th St in Shawnee, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 3/4" PE gas service line installing a water main. There was a valid One-Call ticket #23035101 with a due date of 1/26/2023. Locate marks were present; however, they were approximately off by 30 ft for service affected 13902 W 67th St, the damaged line. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 2/23/23

PIPELINE SAFETY USE ONLY:

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 02/02/2023
Inspected By: CK

KCC NPV CK-23-OC-1007

KCC Description:

On 2/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 13904 W 67th St in Shawnee, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 3/4" PE gas service line installing a water main. There was a valid One-Call ticket #23035101 with a due date of 1/26/2023. Locate marks were present; however, they were approximately off by 30 ft for service affected 13902 W 67th St, the damaged line. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. Upon investigation, KGS determined that the locator failed to properly tone the affected service line resulting in mismarking the service line by approximately 25 feet. The locator was coached on toning techniques and how to consult as-built maps and measurements of system facilities.

KGS crews repaired the service line on the day of damage and confirmed that it could be successfully located by tone.

Attachment 7



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

April 7, 2023

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. JW-23-OC-1024

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 8506 E. Central Avenue in Wichita, Kansas on February 24, 2023. If you have any questions, please contact me at: (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, System Integrity

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 02/24/2023, Utility Maintenance Contractors damaged a KGS 1" PE natural gas service line at 8506 E Central Ave. in Wichita, Kansas. The service line belonged to 540 N Tara Ln. One Call ticket #23090897 had a work to begin date of 02/24/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: *[Signature]*

Date: 4/7/2023

PIPELINE SAFETY USE ONLY:

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 02/24/2023
Inspected By: JW

KCC NPV JW-23-OC-1024

KCC Description:

On 02/24/2023, Utility Maintenance Contractors damaged a KGS 1" PE natural gas service line at 8506 E Central Ave. in Wichita, Kansas. The service line belonged to 540 N Tara Ln. One Call ticket #23090897 had a work to begin date of 02/24/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. Upon investigation, KGS determined that the locator failed to perform an adequate visual survey or verify with available maps which resulted in not marking the affected service line. As a result of the damage and other failed audits involving missed facilities, the locator was permanently disqualified from locating for KGS.

Crews repaired the damaged service line on the day of the damage and confirmed the line could be properly located by tone.

Attachment 8

From: [Clements, Justin W.](#)
To: [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gardner, John J.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: 3/15 Damages in Leawood and Derby
Date: Tuesday, April 18, 2023 9:42:04 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1027 Final Response.pdf](#)
[JW-23-OC-1034 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Suzanne, attached are KGS signed responses to NPVs involving the 3/15 damages at 1710 E Madison in Derby and Rainbow Blvd in Leawood. Please let me know if you have any questions. Thank you.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





April 18, 2023

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-23-OC-1027

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near Rainbow Boulelarvd & W. 178th Terrace on March 15, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 3/15/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of Rainbow Blvd & W 178th Ter in Overland Park, Kansas. KCC alleges Teague Electric was trenching conduit for street lights and damaged a KGS 3/4" PE gas service crossing stub. There was a valid One-Call ticket #23108386 with a due date of 3/9/2023. There were no locate marks present. KGS maps did not show this new service stub on maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector Date: 4/18/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 03/15/2023
Inspected By: CK

KCC NPV CK-23-OC-1027

KCC Description:

On 3/15/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of Rainbow Blvd & W 178th Ter in Overland Park, Kansas. KCC alleges Teague Electric was trenching conduit for street lights and damaged a KGS 3/4" PE gas service crossing stub. There was a valid One-Call ticket #23108386 with a due date of 3/9/2023. There were no locate marks present. KGS maps did not show this new service stub on maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the affected service line according to KGS procedures. Upon investigation, KGS determined that ticket request #23108386 was closed by the locator on March 6, 2023, after successfully marking gas mains in a new housing development. However, this new service was not yet indicated in KGS's mapping system referenced by the locator. In addition, the tracer wire placed on the service was not exposed above the surface, making it difficult for the locator to recognize the presence of the service line. As a result, the pipe was unlocatable and was not marked.

KGS repaired the damaged service line and confirmed that system maps of the new subdivision are being updated. Management communicated to construction crews about making tracer wire accessible on the surface when installing new service lines meant for future use.

Attachment 9



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

May 15, 2023

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. JW-23-OC-1039

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 1205 E. Summerchase Court in Derby, Kansas on March 29, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Company: Kansas Gas Service

Division: One Call

Regulation:

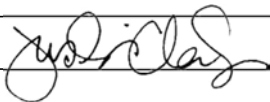
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 03/29/2023, El Paso Water Company (City of Derby) damaged a KGS 2" PE natural gas main line at 1205 E Summerchase Ct. in Derby, Kansas. One Call ticket #23140659 had a work to begin date of 03/25/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

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

Operator's Authorized Signature:  _____ Date: 5/15/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 03/29/2023

Inspected By: JW

KCC NPV JW-23-OC-1039

KCC Description:

On 03/29/2023, El Paso Water Company (City of Derby) damaged a KGS 2" PE natural gas main line at 1205 E Summerchase Ct. in Derby, Kansas. One Call ticket #23140659 had a work to begin date of 03/25/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator marked the services in the area but failed to mark the portion of main underneath the concrete sidewalk where the damage occurred. As a result, the excavator hit the gas main.

The locator was coached on marking all facilities within the scope of the ticket. Following the damage, the locator passed several audits conducted by KGS personnel on tickets 23222255, 23219808, 23220393, and 23220701.

KGS crews repaired the damaged main and confirmed that it could be properly located.

Attachment 10



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 15, 2023

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. JW-23-OC-1047

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 1721 N. Jeanette Avenue in Wichita, Kansas on April 17, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 05 16 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

April 28, 2023

KCC Investigation #: JW-23-OC-1047

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On April 17, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

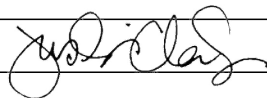
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 04/17/2023, Mies Construction damaged a KGS 1/2" PE natural gas service line at 1721 N Jeanette Ave. in Wichita, Kansas. One Call ticket #23178304 had a work to begin date of 04/12/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 6/15/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 04/17/2023

Inspected By: JW

KCC NPV JW-23-OC-1047

KCC Description:

On 04/17/2023, Mies Construction damaged a KGS 1/2" PE natural gas service line at 1721 N Jeanette Ave. in Wichita, Kansas. One Call ticket #23178304 had a work to begin date of 04/12/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. Upon investigation, KGS determined that the affected gas service line was not marked by the locator. As a result of the damage, the locator was disqualified by KGS pending requalification training and post-damage audits. However, the locator was subsequently dismissed by KGS's locate contractor and is no longer locating KGS facilities.

KGS crews repaired the damaged service line on the day of the damage and confirmed that it could be located after repairs.

Attachment 11

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gardner, John J.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed Response CK-23-OC-1053: 4/18 damage at 8872 Findley St, Lenexa
Date: Wednesday, May 17, 2023 2:32:23 PM
Attachments: [CK-23-OC-1053 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Suzanne, attached is KGS's signed response to CK-23-OC-1053 related to the 4/18 damage at 8872 Findley St, Lenexa

From: Suzanne Balandran <kccsafetyresponse@kcc.ks.gov>
Sent: Tuesday, April 18, 2023 2:27 PM
To: KCC NOPV <KCCNOPV@onegas.com>; kccsafetyresponse@kcc.ks.gov; c.knight@kcc.ks.gov
Subject: [External] CK-23-OC-1053 - NPV Investigation Letter - Kansas Gas Service - 2023W - KGS - Kinney's Plumbing - Lenexa - 4/18 - 9:52

WARNING: This email was sent from an EXTERNAL source. Use extreme caution when clicking links or opening attachments. Please forward suspicious email to phishingreport@onegas.com.

On 04/18/2023, the Kansas Corporation Commission's Pipeline Safety conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA). The findings of this investigation are described in the attached letter. 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. Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this email 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



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

May 17, 2023

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-23-OC-1053

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 8872 Findley Street in Lenexa, Kansas on April 18, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 04 18 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

April 18, 2023

KCC Investigation #: CK-23-OC-1053

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On April 18, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

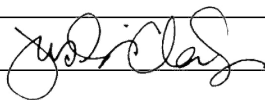
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 4/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 8872 Findley St in Lenexa, Kansas. KCC alleges Kinneys Plumbing was installing a new water service and damaged a KGS 2" PE gas main line with a backhoe. There was a valid One-Call ticket #23180940 with a due date of 4/13/2023. There were locate marks present; however, the marks indicated a dead end and a clear approximately 20 ft either side of where the damage occurred. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 5/17/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 04/18/2023

Inspected By: CK

KCC NPV CK-23-OC-1053

KCC Description:

On 4/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 8872 Findley St in Lenexa, Kansas. KCC alleges Kinneys Plumbing was installing a new water service and damaged a KGS 2" PE gas main line with a backhoe. There was a valid One-Call ticket #23180940 with a due date of 4/13/2023. There were locate marks present; however, the marks indicated a dead end and a clear approximately 20 ft either side of where the damage occurred. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the affected gas main. KGS's investigation determined that the locator completed the ticket request by noting that the requested scope was clear of gas facilities. As a result, the main was not marked and was subsequently damaged by the excavator. After the damage, KGS locate auditors advised that this locator was new but had recently passed several audits. The locator also passed several post-damage audits on tickets 23229062, 23222735, 23223275, 23222820, and 23223095.

KGS crews repaired the gas main on the day of damage and confirmed that it could be toned and accurately marked.

Attachment 12

From: [Kansas Gas Service](#)
To: [Manring, Jerik T.](#); [Salinas, Debbie K.](#); [Peter, Jordan F.](#); [Woodward, Rod](#); [Rock, Jeff W.](#); [Salter, Jeff S.](#); [Quintanar, Christopher D.](#); [Evans, Scott J.](#); [Postlethwait, Sean C.](#); [Sprague, Jennifer L.](#); [Colwell, Steven R.](#); [Barker, Jennifer M.](#); [Duffield, Christopher J.](#); [Brown, Lee C.](#); [Tomlinson, Andrea M.](#); [Sturgeon, Jeffrey S.](#); [Moore, Brian K.](#); [Russell, Lacey D.](#); [Shemwell, Nile A.](#); [Ramirez, Dechelle M.](#); [Dunsmore, Timothy A.](#); [Halley, Derek T.](#); [Brading, Stephanie L.](#); [Erickson, Shannon](#); [Bice, Bradley D.](#); [Holleron, Lisa A.](#); [Rise, Brant](#); [Callahan, Andrew M.](#); [Cole.Geisen@onegas.com](#); [Guido, Fabian E.](#); [Boucher, Mark W.](#); [Rodell, Kirk](#); [Freeman, Lindsay M.](#); [Spector, Randal \(Randy\) B.](#); [Bennett, Joshua N.](#); [Doherty, Katie S.](#); [Owen, Roger](#); [Townsend, Colby R.](#); [Janes, Joel R.](#); [Davis, Jason K.](#); [Tripp, Dawn](#); [Steele, Margaret](#); [Black, Don L.](#); [Boone, Dale J.](#); [Desch, Jayne L.](#); [Engler, Allen A.](#); [Goertzen, Andrew W.](#); [Griffin, Charles A.](#); [Kidwell, Jeff L.](#); [Klapper, Daniel](#); [Jim.Koch@onegas.com](#); [Loganbill, Sam](#); [Martin, Sean P.](#); [Doyle, Chris J.](#); [Kubie, Bruce D.](#); [Curtis, James M.](#); [Kloepper, Drew L.](#); [Lopez, Andrea N.](#); [Billiot, Heather L.](#); [Johnson, Aaron D.](#); [Burke, Chris L.](#); [Croft II, Jeff](#); [Charpentier, Jessica E.](#); [Peter, Jordan F.](#); [Stalder, Casey W.](#); [Kirby, Quentina M.](#)
Subject: Third Party Damage/ Hit Line - OVP; 9000 ensley, Leawood
Date: Tuesday, April 25, 2023 11:18:22 AM

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Date: 4/25/2023 11:16 AM

Dispatch Area: OVP

Address: 9000 ensley

City: Leawood

Blowing Gas:

Service/Main: MAIN

First Responder: 22328

Working Foreman: myers

Duty Supervisor: manring

Injuries?: Unknown

Fatalities?: Unknown

Evacuations?:

Metro Business District (if yes, where?):

Road Closure? Where:

Residential/Commercial: Select One

Distribution/Transmission: DIST

System Pressure:

Damaging Equipment:

Damaging Party/Contractor Name:

Damaging Party Phone #:

Locate Ticket Number:

Was Original Locate Correct:

911 Notification: Select One

FD onsite?:

PD onsite?:

Media on site?:

Outage Count:

DOT Notification?:

PHMSA Reportable?:

Time Dispatched: 1105

Time Cleared:



Created By: Halley, Derek T.

Ticket Search

****Please do not run a single search for more than 3 months at a time****
*** Will accept partial entry.**

[Return to Menu](#) [Save Search](#) [Load Search](#) [Search](#)

Ticket Information

Ticket Number: Start Date: 
End Date: 

Headers To Include: DSGN EMER MEET MEET NONC
 NONR 48HR 48HR

Ticket Type: Phone Web XML Fax IVR BAL Mobile

Ticket Functions: Cancel Correction Default New
 Relocate Update Homeowner Non Response

Update Counter:

Include Incomplete Tasks?:

Has Attachment:

Contact Information

Contact Name*: Contact Phone:
Caller ID: Caller Code:

Excavator Information

Company*:
Fax:
Email*:

Excavation Information

Type Of Work*:
Work Done For*: Duration*:
Trenchless Excavation: Explosives:

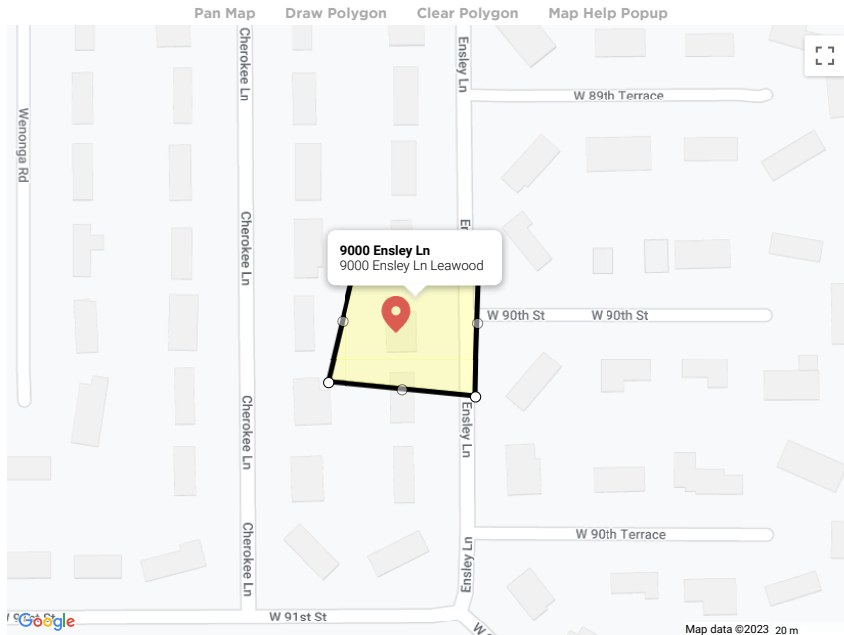
Location Information

County: City*:
 Township:
 Range:
 Section:
 TRSQ Provided:

House Number: Intersecting Street*:
Street*: Remarks*:
Location*:

Interactive Map

Search Map:



Districts Notified

District Codes:
(comma separated list of District Codes)

Enter an email address in order to receive a copy of the search results

Search

Ticket Search Results

[Download results as .xlsx](#)

1 - 5 of 5 Results

Go to Record #: Go

Ticket #	Type	Call Date	Excavator Company	Addr	Street	City
23196101	Phone	04/16/23 13:55:38	ALVARADO COMMUNICATIONS			ENSLEY LEAWOOD
23196107	Phone	04/16/23 13:56:45	ALVARADO COMMUNICATIONS	90TH		LEAWOOD
23216988	ITIC2.0	04/25/23 11:12:15	KANSAS GAS SERVICE			ENSLEY LEAWOOD
23216988	Phone	04/25/23 11:18:20	KANSAS GAS SERVICE			ENSLEY LEAWOOD
23217018	Phone	04/25/23 11:17:42	KANSAS GAS SERVICE	9000		ENSLEY LEAWOOD

1 - 5 of 5 Results

Go to Record #: Go

Kansas One Call

Ticket No: 23196107
 Original Call Date: 04/16/23 01:49 pm
 Work to Begin Date: 04/20/23 12:01 am
Caller Information
 Company Name: ALVARADO COMUNICATIONS
 Contact Name: YESSSENIA ALVARADO
 Alt. Contact: YESSSENIA
 Caller Address: 2201 VAN BRUNT
 KANSAS CITY, MO 64127
 alvaradocomunications@gmail.com
 Contact Email:

STANDARD
 Op: wialexus
 Op: wiahsle
 Fax Phone:
 Phone: (816)372-1822
 Alt. Phone: (816)372-1822

Dig Site Information
 Type of Work: INSTALL CONDUIT
 Duration: 15 DAYS
 Explosives: N
 Work Being Done For: MCI
 Trenchless Excav: Y

Dig Site Location
 County: JOHNSON
 Address: Place: LEAWOOD
 Street: W 90TH ST
 Intersecting Street: ENSLEY LN

FROM THE INTERSECTION OF W 90TH ST AND ENSLEY LN, MARK BOTH ROAD RIGHT OF WAYS FOR 500FT GOING EAST TO INCLUDE THE STREET

Remarks:
 Map Twp: 12S
 Map Coord NW Lat: 38.9664446
 Rng: 25E
 Lon: -94.6233881
 Sect-Qtr: 34-NW-NE
 SE Lat: 38.9654383
 Lon: -94.6210287

MEMBER INFORMATION:

KANSAS ONE-CALL WILL NOTIFY THE FOLLOWING UNDERGROUND FACILITY OPERATOR(S):

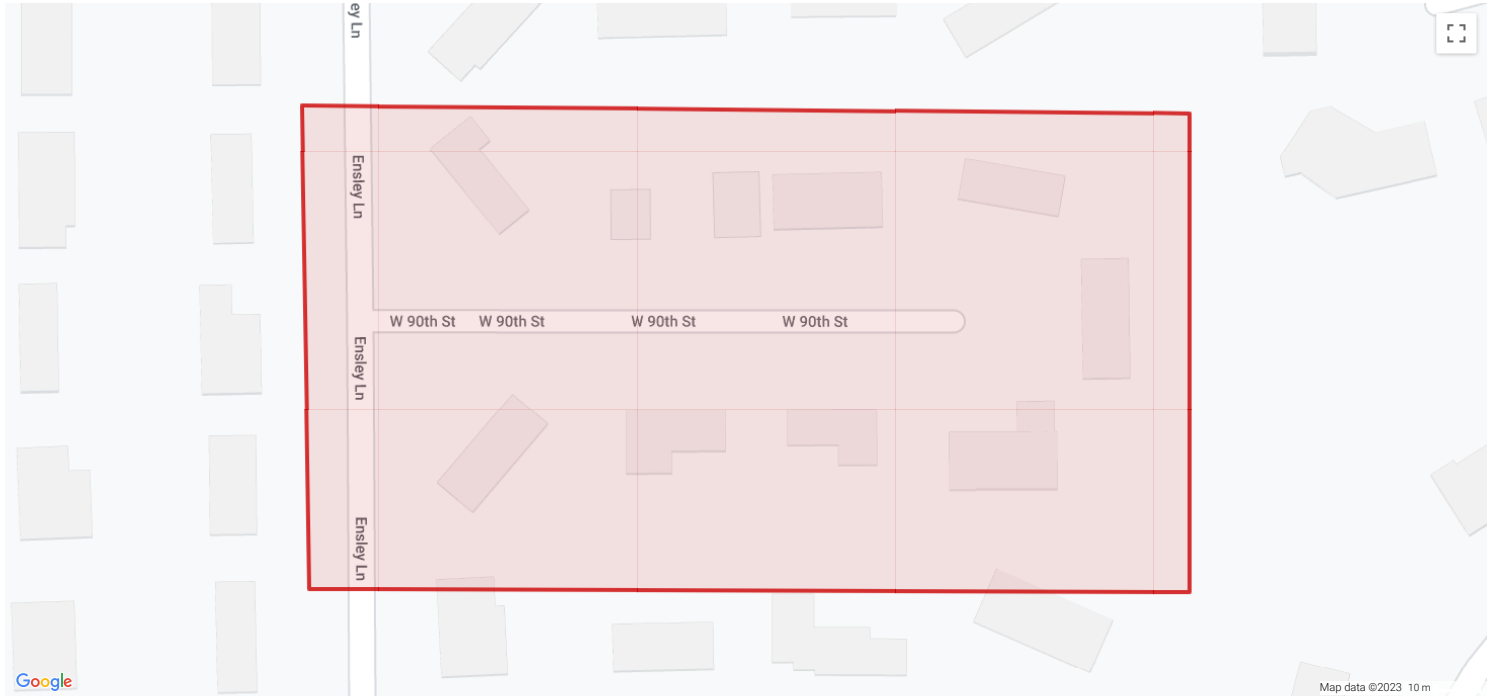
District	Company Name	Business Hours	Status
ATT301	ATT DISTRIBUTION	(800)778-9140	Marked
EVKSMT1	EVERGY	(785)249-1948	Marked
JOCOWW01	JOHNSON CO WASTE WTR	(800)778-9140	Marked
KANGAS80	KANSAS GAS SERVICE	(800)794-4780	Marked
TWCBL02	CHARTER COMM DBA SPECTRUM	(800)778-9140	Clear/No conflict

IMPORTANT INFORMATION- The caller/user was directed to contact the following underground facility operator(s) directly using the contact information provided:

District	Company Name	Business Hours	After Hours	Status
WTRONE01	WATERONE	(913)895-1806	(913)895-1806	Does not participate in Ticket Check

Legend: Locate Polygon

Lat/Lon



Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 22, 2023

KCC Investigation #: LH-23-OC-1004

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On April 25, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 4/25/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9000 Ensley Ln., in Leawood, Kansas. KCC alleges Alvarado LLC was directional drilling telecommunication line and damaged a KGS 2" PE gas main line. There was a valid One-Call ticket #23196107 with a due date of 4/20/2023. There were locate marks present; however, the marks only followed the main along Ensley and were not present at the main that teed off that main going across Ensley where the damage occurred. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: _____ Date: _____

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 04/25/2023
Inspected By: lh

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [Lucas Hertlein](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A](#); [Johnson, Johnnetta](#); [Kubie, Bruce D](#); [Lara, Vincent](#); [Postlethwait, Sean C](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPVs: Topeka, Shawnee, Leawood
Date: Monday, August 21, 2023 4:32:25 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CM-23-OC-1001 Final Response.pdf](#)
[LH-23-OC-1002 Final Response.pdf](#)
[LH-23-OC-1004 Final Response.pdf](#)
[LH-23-OC-1005 Final Response.pdf](#)
[LH-23-OC-1007 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are signed responses to the following NPVs. Please let me know if you have any questions. Thank you.

NOPV	Date	Address	City
LH-23-OC-1002	2/24/2023	605 SW 6th Ave	Topeka
LH-23-OC-1005	4/25/2023	6324 Theden St	Shawnee
LH-23-OC-1007	4/27/2023	22410 W 76th St	Shawnee
CM-23-OC-1001	7/10/2023	2955 SW Gainsboro Rd	Topeka
LH-23-OC-1004	4/25/2023	9000 Ensley Ln	Leawood

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

August 21, 2023

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. LH-23-OC-1004

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 9000 Ensley Lane in Leawood, Kansas on April 25, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 07 20 2023

May 22, 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

KCC Investigation #: LH-23-OC-1004

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On April 25, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

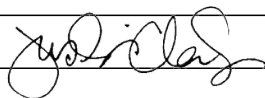
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 4/25/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9000 Ensley Ln., in Leawood, Kansas. KCC alleges Alvarado LLC was directional drilling telecommunication line and damaged a KGS 2" PE gas main line. There was a valid One-Call ticket #23196107 with a due date of 4/20/2023. There were locate marks present; however, the marks only followed the main along Ensley and were not present at the main that teed off that main going across Ensley where the damage occurred. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 8/21/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 04/25/2023

Inspected By: lh

KCC NPV LH-23-OC-1004

KCC Description:

On 4/25/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9000 Ensley Ln., in Leawood, Kansas. KCC alleges Alvarado LLC was directional drilling telecommunication line and damaged a KGS 2" PE gas main line. There was a valid One-Call ticket #23196107 with a due date of 4/20/2023. There were locate marks present; however, the marks only followed the main along Ensley and were not present at the main that teed off that main going across Ensley where the damage occurred. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the gas facility. KGS determined that the locator failed to consult as-built maps when encountering difficulty in toning the affected section of main. The locator quit his employment shortly after the damage. KGS crews repaired the main on the day of the damage and confirmed it could be accurately located.

Attachment 13



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 5, 2023

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. JB-23-OC-1001

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 218 S. Madison in Junction City, KS on April 26, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 03, 2023

KCC Investigation #: JB-23-OC-1001

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On April 26, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 4/26/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas service line at 218 S. Madison in Junction City, Kansas. KCC alleges Day Excavating was excavating for a residential sewer replacement and damaged a KGS 3/4" PE gas service. There was a valid One-Call ticket #23217924. There were no locate marks present for the service at 218 S. Madison.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector Date: 6/5/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 04/26/2023
Inspected By: JB

KCC NPV JB-23-OC-1001

KCC Description:

On 4/26/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas service line at 218 S. Madison in Junction City, Kansas. KCC alleges Day Excavating was excavating for a residential sewer replacement and damaged a KGS 3/4" PE gas service. There was a valid One-Call ticket #23217924. There were no locate marks present for the service at 218 S. Madison.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. Upon investigation, KGS determined that the locator did not locate the full scope of ticket 23217924. After successfully locating the associated main in the alley easement, the locator incorrectly believed that the service was not in the scope of the requested ticket. As a result, the gas service line was not marked and was ultimately damaged by the excavator. The locator was coached by local KGS supervision and locate audit personnel on appropriate procedures for confirming the location of facilities through conductive methods.

KGS crews repaired the gas service line on the day of damage.

Attachment 14

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [Jon Bolinder](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Subject: Signed KGS NPV Responses: Leawood, Fairway, Junction City
Date: Monday, June 5, 2023 3:47:34 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1060 Final Response.pdf](#)
[CK-23-OC-1062 Final Response.pdf](#)
[JB-23-OC-1001 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the following NPVs:

NPV	Date	Street Address	City
CK-23-OC-1060	5/2/2023	9216 Pawnee Ln	Leawood
CK-23-OC-1062	5/3/2023	W 53rd St & Mission Rd	Fairway
JB-23-OC-1001	4/26/2023	218 S Madison	Junction City

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 5, 2023

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-23-OC-1060

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 9216 Pawnee Lane in Leawood, Kansas on May 2, 2023. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd in mail 05 04 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 03, 2023

KCC Investigation #: CK-23-OC-1060

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On May 2, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 5/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9216 Pawnee Ln in Leawood, Kansas. KCC alleges Primos Construction LLC was directional drilling conduit for Google and damaged a KGS 2" PE gas main line. There was a valid One-Call ticket #23214433 with a due date of 4/27/2023. There were locate marks present; however, there were no marks where the damage occurred and was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector Date: 6/5/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 05/02/2023
Inspected By: CK

KCC NPV CK-23-OC-1060

KCC Description:

On 5/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9216 Pawnee Ln in Leawood, Kansas. KCC alleges Primos Construction LLC was directional drilling conduit for Google and damaged a KGS 2" PE gas main line. There was a valid One-Call ticket #23214433 with a due date of 4/27/2023. There were locate marks present; however, there were no marks where the damage occurred and was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to consider the full scope of the requested ticket and did not mark the main at the point of damage. The locator was coached by supervision on the importance of understanding ticket scope. The locator passed several post-damage audits conducted by KGS personnel on tickets 23261542, 23268948, 23283573, and 23284581.

KGS crews responding to the damage on May 2, 2023, repaired the main and confirmed that it could be successfully located.

Attachment 15



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 16, 2023

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. JW-23-OC-1051

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 1106 S. Pattie Street on May 3, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 05 17 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 17, 2023

KCC Investigation #: JW-23-OC-1051

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On May 3, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

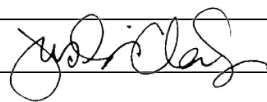
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 05/03/2023, the City of Wichita damaged a KGS 3/4" PE natural gas service line at 1106 S Pattie St. in Wichita, Kansas. One Call ticket #23206674 had a work to begin date of 04/25/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 6/16/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 05/03/2023
Inspected By: JW

KCC NPV JW-23-OC-1051

KCC Description:

On 05/03/2023, the City of Wichita damaged a KGS 3/4" PE natural gas service line at 1106 S Pattie St. in Wichita, Kansas. One Call ticket #23206674 had a work to begin date of 04/25/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to mark the entire scope of ticket 2326674 resulting in damage to the service line at 1102 S. Pattie Street in Wichita. The locator is no longer employed with KGS's locate contractor so no post-damage training or coaching was available. KGS crews retired the affected service line and updated system maps.

Attachment 16



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 19, 2023

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. JW-23-OC-1056

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 1010 W. 44th Street South Lot #10 in Wichita, Kansas on May 9, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 05 19 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 18, 2023

KCC Investigation #: JW-23-OC-1056

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On May 9, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

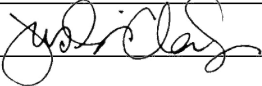
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 05/09/2023, FCL Construction, LLC damaged a KGS 3/4" PE natural gas service line at 1010 W 44th St. S Lot #10 in Wichita, Kansas. One Call ticket #23240551 had a work to begin date of 05/09/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 6/19/2023

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

Inspection Type: One Call Inquiry/Complaint
 Date Inspected: 05/09/2023
 Inspected By: JW

KCC NPV JW-23-OC-1056

KCC Description:

On 05/09/2023, FCL Construction, LLC damaged a KGS 3/4" PE natural gas service line at 1010 W 44th St. S Lot#10 in Wichita, Kansas. One Call ticket #23240551 had a work to begin date of 05/09/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined a locate supervisor was aware of the due date of ticket 23240551, but did not take sufficient action to ensure the requested locates would be timely completed. As a result, the affected gas service line was not marked prior to excavation and was subsequently damaged.

The locate supervisor was suspended pending completion of training with a locate manager on better ticket prioritization and time management. Following suspension and training, the locate supervisor passed audits performed by KGS personnel on tickets 23255853, 23309104, 23306791, and 23308987.

KGS crews repaired the damaged service line on the day of the damage and confirmed that it could be properly located after backfill.

Attachment 17



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

June 19, 2023

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. JW-23-OC-1062

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 1640 S. Hickory Creek Street in Wichita, Kansas on May 17, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 05 22 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

May 19, 2023

KCC Investigation #: JW-23-OC-1062

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On May 17, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

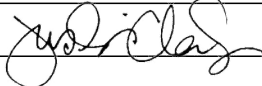
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 05/17/2023, Utility Maintenance Contractor damaged a KGS 3/4" PE natural gas service line at 1640 S Hickory Creek St. in Wichita, Kansas. One Call ticket #23255001 had a work to begin date of 05/16/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 6/19/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 05/17/2023

Inspected By: JW

KCC NPV JW-23-OC-1062

KCC Description:

On 05/17/2023, Utility Maintenance Contractor damaged a KGS 3/4" PE natural gas service line at 1640 S Hickory Creek St. in Wichita, Kansas. One Call ticket #23255001 had a work to begin date of 05/16/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance resulting in damage to the gas service line at 1640 S. Hickory Creek Street in Wichita. KGS's investigation determined that the locator assumed that the affected line was a branch service outside the ticket scope and did not mark it.

Due to successful past performance, the locator was referred for coaching. The locator passed several post-damage and follow up audits performed by KGS personnel on tickets 23256408, 23257418, 23256059, 23256676, 23271069, 23270327, 23281559, 23295883, and 23316079.

KGS crews confirmed that no leak occurred as a result of excavation activity but repaired the affected section of service line on the day of the damage.

Attachment 18

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: OVP
Date: Wednesday, July 5, 2023 2:30:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1087 Final Response.pdf](#)
[CK-23-OC-1088 Final Response.pdf](#)
[CK-23-OC-1092 Final Response.pdf](#)
[CK-23-OC-1093 Final Response.pdf](#)
[CK-23-OC-1094 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo, signed responses to the following NPVs are attached. Thank you.

NPV	Date	Address	City
CK-23-OC-1088	6/1/2023	7300 W 80th St	Overland Park
CK-23-OC-1087	6/1/2023	11220 Rosewood St	Leawood
CK-23-OC-1092	6/5/2023	7711 Yecker Ave	Kansas City
CK-23-OC-1093	6/5/2023	6400 Indian Ln	Mission Hills
CK-23-OC-1094	6/5/2023	5108 W 112th St	Leawood

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 5, 2023

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-23-OC-1087

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 11220 Rosewood Street in Leawood, Kansas on June 1, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 07 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 06, 2023

KCC Investigation #: CK-23-OC-1087

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 1, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

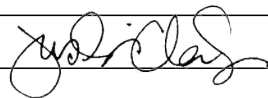
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 6/1/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 11220 Rosewood St in Leawood, Kansas. KCC alleges Espoliv Contractor Inc was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23259179 with a due date of 5/18/2023. There were locate marks present; however, locator did not mark the entire scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 7/5/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/01/2023

Inspected By: CK

KCC NPV CK-23-OC-1087

KCC Description:

On 6/1/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 11220 Rosewood St in Leawood, Kansas. KCC alleges Espoliv Contractor Inc was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23259179 with a due date of 5/18/2023. There were locate marks present; however, locator did not mark the entire scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to recognize the presence of an active service line stub to a residence without a gas meter. As a result, the service line was not marked according to the ticket request. The locator was required to retrain with a manager on reading and understanding system and as-built facility maps. The locator passed several audits conducted by KGS personnel on tickets 23287703, 23290694, 23290493, 23285873, 23281790, 23307777, and 23325044.

KGS crews repaired the leak on the day of the damage and capped the service line at the main.

Attachment 19

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: OVP
Date: Wednesday, July 5, 2023 2:30:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1087 Final Response.pdf](#)
[CK-23-OC-1088 Final Response.pdf](#)
[CK-23-OC-1092 Final Response.pdf](#)
[CK-23-OC-1093 Final Response.pdf](#)
[CK-23-OC-1094 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo, signed responses to the following NPVs are attached. Thank you.

NPV	Date	Address	City
CK-23-OC-1088	6/1/2023	7300 W 80th St	Overland Park
CK-23-OC-1087	6/1/2023	11220 Rosewood St	Leawood
CK-23-OC-1092	6/5/2023	7711 Yecker Ave	Kansas City
CK-23-OC-1093	6/5/2023	6400 Indian Ln	Mission Hills
CK-23-OC-1094	6/5/2023	5108 W 112th St	Leawood

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 5, 2023

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-23-OC-1093

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 6400 Indian Lane in Mission Hills, Kansas on June 5, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 07 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 07, 2023

KCC Investigation #: CK-23-OC-1093

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 5, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 6/5/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 6400 Indian Ln in Mission Hills, Kansas. KCC alleges Glas LLC was killing out a water service with an excavator and damaged a KGS 4" PE gas main line. There was a valid One-Call ticket #23293126 with a due date of 6/3/2023. There were locate marks present; however, locator did not mark the entire scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:

Date: 7/5/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/05/2023

Inspected By: CK

KCC NPV CK-23-OC-1093

KCC Description:

On 6/5/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 6400 Indian Ln in Mission Hills, Kansas. KCC alleges Glas LLC was killing out a water service with an excavator and damaged a KGS 4" PE gas main line. There was a valid One-Call ticket #23293126 with a due date of 6/3/2023. There were locate marks present; however, locator did not mark the entire scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator failed to mark the entire scope of ticket 23293126 which resulted in the excavator hitting an unmarked section of gas main. The locator was coached on the importance of understanding ticket scope before passing several post-damage audits on tickets 23313870, 23313343, 23313788, 23313987, 23312028, 23329747, and 23315984. KGS crews replaced the damaged section of main on the day of the damage and confirmed that it could be successfully located.

Attachment 20



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 19, 2023

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. JW-23-OC-1070

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 2418 N. Arkansas in Wichita, Kansas on June 17, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 18 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 16, 2023

KCC Investigation #: JW-23-OC-1070

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 7, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

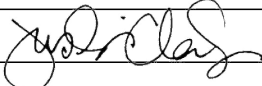
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 06/07/2023, PPJ Construction damaged a KGS 3/4" PE natural gas service line at 2418 N Arkansas in Wichita, Kansas. One Call ticket #23301630 had a work to begin date of 06/08/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 7/19/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 06/07/2023
Inspected By: JW

KCC NPV JW-23-OC-1070

KCC Description:

On 06/07/2023, PPJ Construction damaged a KGS 3/4" PE natural gas service line at 2418 N Arkansas in Wichita, Kansas. One Call ticket #23301630 had a work to begin date of 06/08/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS audit personnel determined that the locator failed to mark the entire scope of ticket 23301630 resulting in the excavator hitting the affected service line with a backhoe. Following a three-day retraining, the locator passed several post-damage audits on tickets 23316620, 23330776, 23348852, 23343975, 23347715, and 23343973. KGS crews rebuilt the service line on the day of the damage and confirmed it could be successfully located.

Attachment 21



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 19, 2023

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. JW-23-OC-1076

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 630 W. 19th Street in Hutchinson, Kansas on June 8, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 18 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 17, 2023

KCC Investigation #: JW-23-OC-1076

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 8, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

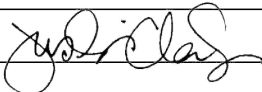
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 06/08/2023, Redline Drilling damaged a KGS 1/2" PE natural gas service line in the vicinity of 630 W 19th in Hutchinson, Kansas. One Call ticket #23288175 had a work to begin date of 06/02/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 7/19/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 06/08/2023
Inspected By: JW

KCC NPV JW-23-OC-1076

KCC Description:

On 06/08/2023, Redline Drilling damaged a KGS 1/2" PE natural gas service line in the vicinity of 630 W 19th in Hutchinson, Kansas. One Call ticket #23288175 had a work to begin date of 06/02/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. A KGS locate auditor confirmed that the locator failed to review system maps to understand the entire scope of the ticket request. As a result, the locator did not mark the affected service line, resulting in damage by the excavator. Local KGS supervision coached the locator on the importance of referring to ticket scope. The locator passed several post-damage audits conducted by KGS audit personnel on tickets 23311882, 23319848, 23329823, 23367393, 23369363, and 23365369. KGS crews repaired the damaged service line on the day of the damage and confirmed it could be successfully located.

Attachment 22

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: RE: [External] CK-23-OC-1102 - NPV Investigation Letter - Kansas Gas Service - 2023W - KGS - KB Complete - Shawnee - 6/8 - 10:43
Date: Tuesday, July 25, 2023 2:31:50 PM
Attachments: [CK-23-OC-1102 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Christie, attached is KGS's signed response to this NPV. Thank you for the day extension.

From: Christie Knight <c.knight@kcc.ks.gov>
Sent: Monday, July 24, 2023 4:18 PM
To: Clements, Justin W. <Justin.Clements@onegas.com>
Cc: SafetyResponse <kccsafetyresponse@kcc.ks.gov>
Subject: Re: [External] CK-23-OC-1102 - NPV Investigation Letter - Kansas Gas Service - 2023W - KGS - KB Complete - Shawnee - 6/8 - 10:43

Absolutely

Sent from my iPhone

On Jul 24, 2023, at 4:13 PM, Clements, Justin W. <Justin.Clements@onegas.com> wrote:

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Our response is ready to be submitted but I'm awaiting final approval. Would you give us until tomorrow on this one? Thanks.

From: Leo Haynos <kccsafetyresponse@kcc.ks.gov>
Sent: Thursday, June 22, 2023 10:57 AM
To: KCC NOPV <KCCNOPV@onegas.com>; kccsafetyresponse@kcc.ks.gov; c.knight@kcc.ks.gov
Subject: [External] CK-23-OC-1102 - NPV Investigation Letter - Kansas Gas Service - 2023W - KGS - KB Complete - Shawnee - 6/8 - 10:43

WARNING: This email was sent from an EXTERNAL source. Use extreme caution when

clicking links or opening attachments. Please forward suspicious email to phishingreport@onegas.com.

On 06/08/2023, the Kansas Corporation Commission's Pipeline Safety conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA). The findings of this investigation are described in the attached letter. 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. Please return the evaluation form(s) with any supporting documentation within thirty (30) days of receipt of this email 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



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 25, 2023

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-23-OC-1102

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 6934 Long Avenue in Shawnee, Kansas on June 8, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 22 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 20, 2023

KCC Investigation #: CK-23-OC-1102

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 8, 2023, 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
kccpipelinesafety@kcc.ks.gov**

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

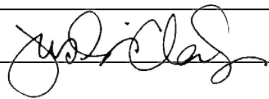
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 6/8/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 6934 Long Ave in Shawnee, Kansas. KCC alleges KB Complete was excavating to repair a sanitary sewer lateral and damaged a KGS 7/8" PE gas service line. There was a valid One-Call ticket #23308220 with a due date of 6/7/2023. There were locate marks present; however, due to inaccurate maps the service line was not marked. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 7/25/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/08/2023

Inspected By: CK

KCC NPV CK-23-OC-1102

KCC Description:

On 6/8/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 6934 Long Ave in Shawnee, Kansas. KCC alleges KB Complete was excavating to repair a sanitary sewer lateral and damaged a KGS 7/8" PE gas service line. There was a valid One-Call ticket #23308220 with a due date of 6/7/2023. There were locate marks present; however, due to inaccurate maps the service line was not marked. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to conduct an adequate visual survey of the ticket scope which resulted in not marking the affected service line. Upon completion of a five-day retrain, the locator passed post-damage audits conducted by KGS audit personnel on tickets 23342993, 23379735, and 23369587.

KGS crews repaired the damaged service line on the day of the damage and confirmed that it could be successfully located after backfill.

Attachment 23

From: [Clements, Justin W.](#)
To: [Christie Knight](#); [Josh Williams](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A](#); [Johnson, Johnnetta](#); [Kubie, Bruce D](#); [Lara, Vincent](#); [Postlethwait, Sean C](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses
Date: Friday, July 28, 2023 2:44:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1110 Final Response.pdf](#)
[CK-23-OC-1111 Final Response.pdf](#)
[JW-23-OC-1078 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the following NPVs:

NPV	Date	Address	City
JW-23-OC-1078	6/13/2023	908 N Walnut St	Hutchinson
CK-23-OC-1110	6/13/2023	12702 W 61st St	Shawnee
CK-23-OC-1111	6/13/2023	2817 W 66th St	Mission Hills

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 28, 2023

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-23-OC-1110

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 12702 W. 61st St in Shawnee, Kansas on June 13, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 28 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 22, 2023

KCC Investigation #: CK-23-OC-1110

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 13, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

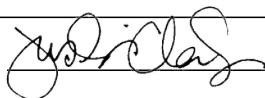
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 6/13/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 12702 W 61st St in Shawnee, Kansas. KCC alleges Water District No 1 of Johnson County was excavating to install a new water main and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23296994 with a due date of 6/7/2023. There were locate marks present; however, due to inaccurate maps the service line was marked approximately 28 ft from the damaged pipe. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 7/28/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/13/2023

Inspected By: CK

KCC NPV CK-23-OC-1110

KCC Description:

On 6/13/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 12702 W 61st St in Shawnee, Kansas. KCC alleges Water District No 1 of Johnson County was excavating to install a new water main and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23296994 with a due date of 6/7/2023. There were locate marks present; however, due to inaccurate maps the service line was marked approximately 28 ft from the damaged pipe. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of mismarking the affected service line. KGS determined that the locator used an inaccurate map provided by KGS to mark the facility by measurements. KGS crews repaired the service line on the day of the damage, installing new tracer wire and lipstick markers. System maps were updated with accurate measurements to assist future locates.

Attachment 24



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

July 28, 2023

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. JW-23-OC-1078

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 908 N. Walnut Street in Hutchinson, Kansas on June 13, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 06 28 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

June 23, 2023

KCC Investigation #: JW-23-OC-1078

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 13, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

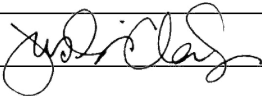
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 06/13/2023, J&S Underground damaged a KGS 1/2" PE natural gas service line at 908 N Walnut St. in Hutchinson, Kansas. One Call ticket #23311882 had a work to begin date of 06/13/2023. The KGS facilities were not marked accurately and the marks were off approximately 15 feet. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 7/28/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 06/13/2023
Inspected By: JW

KCC NPV JW-23-OC-1078

KCC Description:

On 06/13/2023, J&S Underground damaged a KGS 1/2" PE natural gas service line at 908 N Walnut St. in Hutchinson, Kansas. One Call ticket #23311882 had a work to begin date of 06/13/2023. The KGS facilities were not marked accurately and the marks were off approximately 15 feet. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R.82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for mismarking the service line. Due to dogs near the meter, the locator was unable to connect to the tracer wire and tone the affected service line. Measurements provided to the locator did not accurately reflect previous work on the service line, resulting in the mismatch.

KGS crews repaired the service line on the day of the damage and corrected map measurements.

Attachment 25

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A](#); [Johnson, Johnnetta](#); [Kubie, Bruce D](#); [Lara, Vincent](#); [Postlethwait, Sean C](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: Rose Hill and Leawood
Date: Wednesday, August 9, 2023 1:04:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1126 Final Response.pdf](#)
[JW-23-OC-1085 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Christie and Josh, attached are KGS signed responses to the 6/27 damage at 1012 W 110th St, Leawood and the 7/3 damage at 5059 S 159th St E, Rose Hill. I appreciate the extra time for the JW-1085 response.

Thank you,

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

August 9, 2023

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-23-OC-1126

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4012 W. 110th Street in Leawood, Kansas on June 27, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 07 10 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

July 10, 2023

KCC Investigation #: CK-23-OC-1126

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 27, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 6/27/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 4012 W 110th St in Leawood, Kansas. KCC alleges Fibertech Communications LLC was directional drilling conduit for the Google project and damaged a KGS 7/8" PE gas service line. There was a valid One-Call ticket #23312380 with a due date of 6/14/2023. There were locate marks present; however, the marks were off approximately 18 ft from the damaged pipe. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:

Date: 8/9/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 06/27/2023

Inspected By: CK

KCC NPV CK-23-OC-1126

KCC Description:

On 6/27/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 4012 W 110th St in Leawood, Kansas. KCC alleges Fibertech Communications LLC was directional drilling conduit for the Google project and damaged a KGS 7/8" PE gas service line. There was a valid One-Call ticket #23312380 with a due date of 6/14/2023. There were locate marks present; however, the marks were off approximately 18 ft from the damaged pipe. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to use correct measurements when marking the facility. As a result, the gas service line was mismarked by approximately 16 feet outside compliance.

KGS crews repaired the damaged service line on the day of damage and confirmed it could be successful located. The locator was retrained and passed several post-damage audits on tickets 23359213, 23387675, 23392438, 23392438, 23396642, 23395356, 23390551, and 23413319.

Attachment 26



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

August 9, 2023

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. JW-23-OC-1085

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 5059 S. 159th Steet E. in Rosehill, Kansas on July 3, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 07 07 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

July 07, 2023

KCC Investigation #: JW-23-OC-1085

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 3, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 07/03/2023, The Plumbing Doctor, LLC damaged a KGS 1 1/4" PE natural gas service line at 5059 S 159th St. E in Rosehill, Kansas. One Call ticket #23339093 had a work to begin date of 06/27/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:

Date: 8/9/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/03/2023

Inspected By: JW

KCC NPV JW-23-OC-1085

KCC Description:

On 07/03/2023, The Plumbing Doctor, LLC damaged a KGS 1 1/4" PE natural gas service line at 5059 S 159th St. E in Rosehill, Kansas. One Call ticket #23339093 had a work to begin date of 06/27/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS investigation determined that the damaged service line was not indicated on maps provided by KGS to the state One-Call Center. As a result, KGS did not receive ticket request 23339093 and the line was not marked.

KGS crews replaced the damaged section of service line on the day of the damage. In addition, updated KGS maps were reported to the Kansas notification center.

Attachment 27



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

August 30, 2023

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. JW-23-OC-1086

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 124 N. Richmond Avenue in Wichita, Kansas July 10, 2023. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 07 31 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

July 12, 2023

KCC Investigation #: JW-23-OC-1086

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 10, 2023, 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
kccpipelinesafety@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

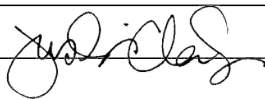
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 07/10/2023, OneSource Home Services damaged a KGS 1/2" PE natural gas service at 124 N Richmond Ave. in Wichita, Kansas. One Call ticket #23338372 had a work to begin date of 06/27/2023. The KGS facilities were not marked accurately and the marks were off approximately ten feet. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 8/30/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/10/2023

Inspected By: JW

KCC NPV JW-23-OC-1086

KCC Description:

On 07/10/2023, OneSource Home Services damaged a KGS 1/2" PE natural gas service at 124 N Richmond Ave. in Wichita, Kansas. One Call ticket #23338372 had a work to begin date of 06/27/2023. The KGS facilities were not marked accurately and the marks were off approximately ten feet. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R.82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the plastic gas service did not have a tracer wire. However, maps provided to the locator by KGS were incorrect, resulting in mismarking the pipe approximately 10 feet outside tolerance. KGS crews replaced the service line on the day of the damage and installed new tracer wire. Crews confirmed the pipe could be located after backfilling was complete.

Attachment 28



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

September 7, 2023

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. JW-23-OC-1090

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 7926 W 21st Street N in Wichita, Kansas on July 17, 2023. If you have any questions, please contact me at (913)-599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 08 08 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 03, 2023

KCC Investigation #: JW-23-OC-1090

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 17, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

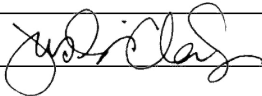
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 07/17/2023, Ground EFX damaged a KGS 1 1/4" PE natural gas service line at 7926 W 21st St. N in Wichita, Kansas. One Call ticket #23363815 had a work to begin date of 07/11/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 9/7/2023

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

Inspection Type: One Call Inquiry/Complaint
 Date Inspected: 07/17/2023
 Inspected By: JW

KCC NPV JW-23-OC-1090

KCC Description:

On 07/17/2023, Ground EFX damaged a KGS 1 1/4" PE natural gas service line at 7926 W. 21st St. N in Wichita, Kansas. One Call ticket #23363815 had a work to begin date of 07/11/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the affected gas service line. KGS's investigation determined that the locator failed to recognize the presence of a yard line. As a result, the excavator damaged the pipe. The locator was retrained and passed several recent audits on tickets numbers: 23434841, 23434942, 23430178, 23434820, 234722254, 23476506, and 23475715.

Attachment 29

From: [Clements, Justin W.](#)
To: [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gardner, John J.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV and NOA responses
Date: Monday, March 20, 2023 5:03:44 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-22-OC-1058 Final Response.pdf](#)
[JB-23-PI-1005 Final Response.pdf](#)
[LH-22-OC-1005 Final Response.pdf](#)
[LH-22-OC-1006 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo, attached are signed responses to the following NPVs and NOA JB-23-PI-1005:

NPV	Date	Street Address	City
LH-22-OC-1005	11/1/2022	4831 Delmar St	Mission
LH-22-OC-1006	11/2/2022	6750 W 47th Ter	Kansas City
CK-22-OC-1058	5/2/2022	7055 Silverheel	Shawnee

Justin W. Clements

Senior Compliance Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





February 23, 2023

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. LH-22-OC-1005

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4831 Delmar Street in Mission, Kansas on November 11, 2022. If you have any questions, please contact me at: (913)599-8931.

Sincerely,

Randy Spector

Randy Spector
Director of Engineering

Attachments: Operator Response

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 11/01/2022, KCC Staff was notified of excavation work resulting in a damage to a KGS gas line around the area of 4831 Delmar St., Mission, KS. KCC alleges Morgan Contractors was digging to install a traffic sign and damaged a KGS 1/2" PE service line. There was a valid One-Call ticket #22563926 with a due date of 10/28/2022. Locate marks were present for the service line; however, there marks were not within the zone of tolerance. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: Randy Spector

Date: 3/20/2023

PIPELINE SAFETY USE ONLY:

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

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 11/01/2022

Inspected By: lh

KCC NPV LH-22-OC-1005

KCC Description:

On 11/01/2022, KCC Staff was notified of excavation work resulting in a damage to a KGS gas line around the area of 4831 Delmar St., Mission, KS. KCC alleges Morgan Contractors was digging to install a traffic sign and damaged a KGS 1/2" PE service line. There was a valid One-Call ticket #22563926 with a due date of 10/28/2022. Locate marks were present for the service line; however, there marks were not within the zone of tolerance. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to properly tone the affected service line. The locator left employment for KGS's contract locator before attending a recommended three-day retrain.

KGS crews repaired the affected service line on the day of damage and confirmed that it could be successfully located.

Attachment 30

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#)
Subject: FW: KGS Signed NPV Responses: Wichita, KC Metro
Date: Wednesday, August 30, 2023 12:30:33 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1136 Final Response.pdf](#)
[CK-23-OC-1143 Final Response.pdf](#)
[JW-23-OC-1086 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

—
Forgot to copy, sorry.

From: Clements, Justin W. <Justin.Clements@onegas.com>
Sent: Wednesday, August 30, 2023 12:28 PM
To: KCC Safety Response <kccsafetyresponse@kcc.ks.gov>; Leo Haynos <l.haynos@kcc.ks.gov>; Suzanne Gonzales <s.gonzales@kcc.ks.gov>
Cc: Brading, Stephanie L. <Stephanie.Brading@onegas.com>; Clements, Justin W. <Justin.Clements@onegas.com>; Coffee, Scott <Scott.Coffee@onegas.com>; Cole, Rochelle D. <Rochelle.Cole@onegas.com>; Fleming, Stephanie E. <Stephanie.Fleming@onegas.com>; Gresham, Brett T. <Brett.Gresham@onegas.com>; Holleron, Lisa A <Lisa.Holleron@onegas.com>; Johnson, Johnnetta <Johnnetta.Johnson@onegas.com>; Kubie, Bruce D <Bruce.Kubie@onegas.com>; Lara, Vincent <Vincent.Lara@onegas.com>; Postlethwait, Sean C <Sean.Postlethwait@onegas.com>; Salter, Jeff S. <Jeff.Salter@onegas.com>; SIMONEAU, Troy <Troy.SIMONEAU@onegas.com>; Spector, Randal (Randy) B. <RandalRandy.Spector@onegas.com>; Tennant, Jill E. <Jill.Tennant@onegas.com>; Townsend, Colby R. <Colby.Townsend@onegas.com>; Vincent, Robert E. <ROBERT.VINCENT@onegas.com>; Wilson, Rex V. <Rex.Wilson@onegas.com>
Subject: KGS Signed NPV Responses: Wichita, KC Metro

Leo, attached are KGS signed responses to the following NPVs. Thank you.

NOPV	Date	Address	City
JW-23-OC-1086	7/10/2023	124 N Richmond Ave	Wichita
CK-23-OC-1136	7/10/2023	5601 W 95th St	Overland Park
CK-23-OC-1143	7/27/2023	14612 Chadwick	Leawood

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

August 30, 2023

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-23-OC-1143

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 14612 Chadwick Street in Leawood, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 07 31 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

July 28, 2023

KCC Investigation #: CK-23-OC-1143

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 27, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

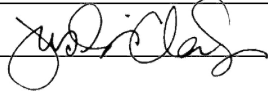
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 7/27/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 14612 Chadwick St in Leawood, Kansas. KCC alleges Alvarado Communications was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23385142 with a due date of 7/20/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 8/30/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 07/27/2023

Inspected By: CK

KCC NPV CK-23-OC-1143

KCC Description:

On 7/27/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 14612 Chadwick St in Leawood, Kansas. KCC alleges Alvarado Communications was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23385142 with a due date of 7/20/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the damaged gas service line. KGS's investigation determined that the locator failed to mark the entire scope of the ticket, resulting in the excavator damaging an unmarked service line. The locator was coached on understanding ticket scopes and has since passed audits conducted by KGS personnel on locate ticket numbers 23412282, 23408572, and 23403746.

KGS crews repaired the service line on the day of the damage and confirmed it could be successfully located.

Attachment 31



September 7, 2023

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. JW-23-OC-1097

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 404 N B Street in Arkansas City, Kansas. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 08 08 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 03, 2023

KCC Investigation #: JW-23-OC-1097

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 28, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

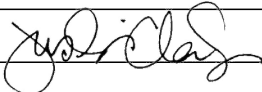
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 07/28/2023, the Occupant of 404 N B St. in Arkansas City, Kansas, damaged a KGS 3/4 inch PE gas service line at 404 N B St. in Arkansas City, Kansas. One Call ticket #23395158 had a work to begin date of 07/27/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 9/7/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 07/28/2023
Inspected By: JW

KCC NPV JW-23-OC-1097

KCC Description:

On 07/28/2023, the Occupant of 404 N B St. in Arkansas City, Kansas, damaged a KGS 3/4 inch PE gas service line at 404 N B St. in Arkansas City, Kansas. One Call ticket #23395158 had a work to begin date of 07/27/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. (“KGS”) does not dispute KCC Staff’s allegation of non-compliance for not locating the affected service line. KGS’s investigation determined that the locator failed to conduct a full visual scan of the ticket scope to notice there are two service lines at the property; one to a detached garage which was properly located and one to the house which was not. The locator was coached by KGS supervision and passed post-damage audits conducted by KGS locate personnel on ticket numbers 23397853 and 23404377. KGS crews repaired the service line to the house on the day of the damage.

Attachment 32

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A](#); [Johnson, Johnnetta](#); [Kubie, Bruce D](#); [Lara, Vincent](#); [Postlethwait, Sean C](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Leawood, Mission Hills, Valley Center, Wichita
Date: Wednesday, September 20, 2023 2:49:59 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1158 Final Response.pdf](#)
[JW-23-OC-1116 Final Response.pdf](#)
[JW-23-OC-1117 Final Response.pdf](#)
[CK-23-OC-1156 Final Response.pdf](#)
[CK-23-OC-1159 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are KGS signed responses to the following NPVs.

NPV	Date	Address	City
CK-23-OC-1156	8/16/2023	15033 Chadwick St	Leawood
CK-23-OC-1158	8/16/2023	15049 Chadwick St	Leawood
CK-23-OC-1159	8/16/2023	5399 Martway St	Mission Hills
JW-23-OC-1116	8/15/2023	255 E Allen St	Valley Center
JW-23-OC-1117	8/16/2023	1944 N Tallyrand St	Wichita

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

September 20, 2023

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-23-OC-1156

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 15033 Chadwick Street in Leawood, Kansas on August 16, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 08 21 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 21, 2023

KCC Investigation #: CK-23-OC-1156

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 16, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

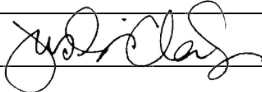
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 15033 Chadwick St in Leawood, Kansas. KCC alleges Teracom, Inc was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23409680 with a due date of 8/3/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 9/20/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/16/2023

Inspected By: CK

KCC NPV CK-23-OC-1156

KCC Description:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 15033 Chadwick St in Leawood, Kansas. KCC alleges Teracom, Inc was directional drilling conduit for the Google project and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket#23409680 with a due date of 8/3/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to perform a full visual scan of the entire scope of the ticket request which included over 40 natural gas services. As a result, the affected service line was not marked and was subsequently damaged by the excavator. KGS crews replaced the damaged section of pipe on the day of the damage. KGS's locate contractor has since terminated the locator's employment.

Attachment 33

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Leawood, Mission Hills, Valley Center, Wichita
Date: Wednesday, September 20, 2023 2:49:59 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1158 Final Response.pdf](#)
[JW-23-OC-1116 Final Response.pdf](#)
[JW-23-OC-1117 Final Response.pdf](#)
[CK-23-OC-1156 Final Response.pdf](#)
[CK-23-OC-1159 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are KGS signed responses to the following NPVs.

NPV	Date	Address	City
CK-23-OC-1156	8/16/2023	15033 Chadwick St	Leawood
CK-23-OC-1158	8/16/2023	15049 Chadwick St	Leawood
CK-23-OC-1159	8/16/2023	5399 Martway St	Mission Hills
JW-23-OC-1116	8/15/2023	255 E Allen St	Valley Center
JW-23-OC-1117	8/16/2023	1944 N Tallyrand St	Wichita

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
 Public Awareness and Damage Prevention Coordinator
 P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

September 20, 2023

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-23-OC-1158

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 15049 Chadwick Street in Leawood, Kansas on August 16, 2023. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Clements'.

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 08 21 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 21, 2023

KCC Investigation #: CK-23-OC-1158

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 16, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

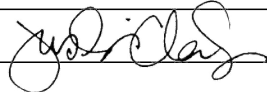
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a possible damage that occurred to a KGS gas line around the area of 15049 Chadwick St in Leawood, Kansas. KCC alleges Teracom, Inc was directional drilling conduit for the Google project. There was a valid One-Call ticket #23409680 with a due date of 8/3/2023. This was not a damage but a leak. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 9/20/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 08/16/2023
Inspected By: CK

KCC NPV CK-23-OC-1158

KCC Description:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a possible damage that occurred to a KGS gas line around the area of 15049 Chadwick St in Leawood, Kansas. KCC alleges Teracom, Inc was directional drilling conduit for the Google project. There was a valid One-Call ticket #23409680 with a due date of 8/3/2023. This was not a damage but a leak. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. (“KGS”) does not dispute KCC Staff’s allegation of non-compliance for not marking the service line. While responding to a nearby excavator damage at 15033 Chadwick Street, KGS discovered a non-damage tap leak on the service line to 15049 Chadwick Street. KGS crews repaired the service on August 16, 2023, the day the leak was discovered. KGS’s response to NPV CK-23-OC-1156 involving the 15033 Chadwick Street damage notes that the locator’s employment with KGS’s contract locate company has been terminated.

Attachment 34

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A](#); [Johnson, Johnnetta](#); [Kubie, Bruce D](#); [Lara, Vincent](#); [Postlethwait, Sean C](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Leawood, Mission Hills, Valley Center, Wichita
Date: Wednesday, September 20, 2023 2:49:59 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1158 Final Response.pdf](#)
[JW-23-OC-1116 Final Response.pdf](#)
[JW-23-OC-1117 Final Response.pdf](#)
[CK-23-OC-1156 Final Response.pdf](#)
[CK-23-OC-1159 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are KGS signed responses to the following NPVs.

NPV	Date	Address	City
CK-23-OC-1156	8/16/2023	15033 Chadwick St	Leawood
CK-23-OC-1158	8/16/2023	15049 Chadwick St	Leawood
CK-23-OC-1159	8/16/2023	5399 Martway St	Mission Hills
JW-23-OC-1116	8/15/2023	255 E Allen St	Valley Center
JW-23-OC-1117	8/16/2023	1944 N Tallyrand St	Wichita

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



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**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

September 20, 2023

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-23-OC-1159

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 5399 Martway Street in Mission, Kansas. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Clements'.

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 08 21 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 21, 2023

KCC Investigation #: CK-23-OC-1159

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 16, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

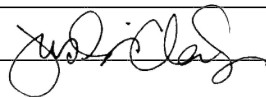
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 5399 Martway St in Mission, Kansas. KCC alleges Freedom Excavating and Trenching LLC was installing conduit for primary electric and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23420033 with a due date of 8/9/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. This service line had been abandoned with about a 8 ft stub and was not on KGS maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 9/20/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/16/2023

Inspected By: CK

KCC NPV CK-23-OC-1159

KCC Description:

On 8/16/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 5399 Martway St in Mission, Kansas. KCC alleges Freedom Excavating and Trenching LLC was installing conduit for primary electric and damaged a KGS 3/4" PE gas service line. There was a valid One-Call ticket #23420033 with a due date of 8/9/2023. There were locate marks present; however, there were no marks on this service line which was within the scope of the requested area. This service line had been abandoned with about a 8 ft stub and was not on KGS maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance for not marking the affected service line. KGS determined that the affected eight-foot stub was not present on maps used by the locator. KGS crews secured the leak on the day of the damage and capped the stub at the main.

Attachment 35

From: [Clements, Justin W.](#)
To: [Christie Knight \[KCC\]](#)
Subject: FW: KGS NPV Responses: Wellsville, Newton, Wellington
Date: Friday, January 5, 2024 11:28:34 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[LH-23-OC-1010 Final Response.pdf](#)
[JW-23-OC-1128 Final Response.pdf](#)
[JW-23-OC-1129 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

I listed it as LH not lh. Our NPV tracker doesn't differentiate upper/lower cases.

From: Clements, Justin W.
Sent: Thursday, October 12, 2023 9:07 PM
To: KCC NOPV <KCCNOPV@onegas.com>; Lyle Powers <l.powers@kcc.ks.gov>; Josh Williams <j.williams@kcc.ks.gov>; Christie Knight <c.knight@kcc.ks.gov>
Cc: Brading, Stephanie L. <Stephanie.Brading@onegas.com>; Clements, Justin W. <Justin.Clements@onegas.com>; Coffee, Scott <Scott.Coffee@onegas.com>; Cole, Rochelle D. <Rochelle.Cole@onegas.com>; Fleming, Stephanie E. <Stephanie.Fleming@onegas.com>; Gresham, Brett T. <Brett.Gresham@onegas.com>; Holleron, Lisa A <Lisa.Holleron@onegas.com>; Johnson, Johnnetta <Johnnetta.Johnson@onegas.com>; Kubie, Bruce D <Bruce.Kubie@onegas.com>; Lara, Vincent <Vincent.Lara@onegas.com>; Postlethwait, Sean C <Sean.Postlethwait@onegas.com>; Salter, Jeff S. <Jeff.Salter@onegas.com>; SIMONEAU, Troy <Troy.SIMONEAU@onegas.com>; Spector, Randal (Randy) B. <RandalRandy.Spector@onegas.com>; Tennant, Jill E. <Jill.Tennant@onegas.com>; Townsend, Colby R. <Colby.Townsend@onegas.com>; Vincent, Robert E. <ROBERT.VINCENT@onegas.com>; Wilson, Rex V. <Rex.Wilson@onegas.com>
Subject: KGS NPV Responses: Wellsville, Newton, Wellington

Attached are NPV responses for the NPVs listed below. Thank you.

NPV	Date	Address	City
LH-23-OC-1010	8/24/2023	640 Oak St	Wellsville
JW-23-OC-1129	9/6/2023	518 W Broadway St	Newton
JW-23-OC-1128	9/1/2023	621 Morningside Dr	Wellington

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 12, 2023

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. LH-23-OC-1010

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 640 Oak Street in Wellsville, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 09 12 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

September 11, 2023

KCC Investigation #: lh-23-OC-1010

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 24, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

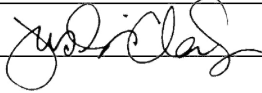
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/24/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line located around the area of 640 Oak St. in Wellsville, Kansas. KCC alleges City of Olam Communication LLC damaged a KGS 1" PE gas service line with a boring rig while installing telephone line. There was a valid One-Call ticket #23437861 with a due date of 8/21/2023. There were locate marks for the main running parallel along Oak St., however the PE service line that was damaged was not located with paint or flags.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 10/12/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/24/2023

Inspected By: lh

KCC NPV LH-23-OC-1010

KCC Description:

On 8/24/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line located around the area of 640 Oak St. in Wellsville, Kansas. KCC alleges City of Olam Communication LLC damaged a KGS 1" PE gas service line with a boring rig while installing telephone line. There was a valid One-Call ticket #23437861 with a due date of 8/21/2023. There were locate marks for the main running parallel along Oak St. However, the PE service line that was damaged was not located with paint or flags.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator failed to conduct an adequate visual scan of the requested ticket scope. KGS crews repaired the service line on the day of the damage. A KGS operations supervisor coached the locator on the importance of verifying KGS facilities within the scope of locate requests before completing tickets. The locator passed post-damage audits conducted by KGS personnel on One Call tickets 23550005, 23550066, 23550129, and 23550144.

Attachment 36

From: [Clements, Justin W.](#)
To: [Josh Williams](#); [Christie Knight](#); [SafetyResponse](#); [Leo Haynos](#); [Suzanne Balandran](#)
Cc: [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: Topeka, Leawood, Wichita
Date: Friday, October 6, 2023 4:28:25 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CC-23-OC-1008 Final Response.pdf](#)
[CK-23-OC-1173 Final Response.pdf](#)
[CK-23-OC-1175 Final Response.pdf](#)
[JW-23-OC-1125 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are KGS responses to the following NPVs. Thank you.

NPV	Date	Address	City
CC-23-OC-1008	8/29/2023	610 SE 35th St	Topeka
CK-23-OC-1173	8/25/2023	4544 W 138th Ter	Leawood
JW-23-OC-1125	8/25/2023	1237 N Coolidge St	Wichita
CK-23-OC-1175	8/29/2023	13201 Howe Dr	Leawood

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 6, 2023

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-23-OC-1173

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4544 W. 138th Terrace in Leawood, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 09 05 2023

September 01, 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

KCC Investigation #: CK-23-OC-1173

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 25, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:


192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/25/2023, KCC Staff was notified of excavation work resulting in a possible damage that occurred to a KGS gas line around the area of 4544 W 138th Ter in Leawood, Kansas. KCC alleges Cable Solutions, Inc was hand digging for a hand hole box during the Google project. There was a valid One-Call ticket #23449855 with a due date of 8/23/2023. There were locate marks present; however, there were no marks on this road crossing line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 10/6/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/25/2023

Inspected By: CK

KCC NPV CK-23-OC-1173

KCC Description:

On 8/25/2023, KCC Staff was notified of excavation work resulting in a possible damage that occurred to a KGS gas line around the area of 4544 W 138th Ter in Leawood, Kansas. KCC alleges Cable Solutions, Inc was hand digging for a hand hole box during the Google project. There was a valid One-Call ticket #23449855 with a due date of 8/23/2023. There were locate marks present; however, there were no marks on this road crossing line which was within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. (“KGS”) does not dispute KCC Staff’s allegation of non-compliance. KGS’s investigation determined that the locator failed to properly connect to the main’s tracer wire resulting in not obtaining a good tone for the entire length of a main stub within the requested ticket scope. The locator failed to consult system maps to know that the main stub extended past the toned and marked portion. As a result, marks stopped short approximately 14 feet from the point of damage on the stub.

KGS crews repaired the damaged main on the day of damage and confirmed the main could be successfully toned and located. The locator was coached on proper toning techniques and utilizing system maps. The locator passed a post-damage audit on One Call ticket number 23475384.

Attachment 37



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 6, 2023

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. CC-23-OC-1008

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 610 SE 35 Street in Topeka, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 09 05 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

August 30, 2023

KCC Inspection #: CC-23-OC-1008

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

Dear Sean Postlethwait:

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 29, 2023. As a result of this inspection, Staff has identified possible violations of Kansas pipeline safety regulations 192.614. 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 Notice of Probable Noncompliance.

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; or**
- 3) Acknowledging the finding(s) of noncompliance**

Please return the evaluation form(s) signed 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**

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

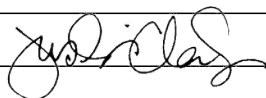
(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system is a qualified one-call system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a qualified one-call system where there is one in place. For the purpose of this section, a one-call system is considered a "qualified one-call system" if it meets the requirements of section (b)(1) or (b)(2) of this section.

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 8/29/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 610 SE 35 ST in Topeka, Kansas. KCC alleges Black and MC Donald was drilling to install a power pole and damaged a KGS 4" steel gas service line. There was a valid One-Call ticket #23451981 with a due date of 8/24/2023. There were no locate marks present. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.No visible marks present.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 10/6/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 08/29/2023

Inspected By: CC

KCC NPV CC-23-OC-1008

KCC Description:

On 8/29/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 610 SE 35 ST in Topeka, Kansas. KCC alleges Black and MC Donald was drilling to install a power pole and damaged a KGS 4" steel gas service line. There was a valid One-Call ticket #23451981 with a due date of 8/24/2023. There were no locate marks present. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4. No visible marks present.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator misunderstood the scope of the ticket. Although the locator had passed several prior audits conducted by KGS personnel, the locator was suspending four days and retrained. Since returning to the field, the locator passed post-damage follow-up audits on tickets 23500837 and 23518471. KGS crews repaired the damaged main on the day of the damage.

Attachment 38

From: [Clements, Justin W.](#)
To: [SafetyResponse: Leo Haynos; Suzanne Balandran](#)
Cc: [Salter, Jeff S.](#); [Peter, Jordan F.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Leawood
Date: Wednesday, October 18, 2023 4:29:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1184 Final Response.pdf](#)
[CK-23-UN-1147 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are signed responses involving the 9/12 audit at a damage near 3603 W 140th St and the 9/6 damage near 13117 Cedar St, both in Leawood. Thank you.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 18, 2023

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-23-OC-1184

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 13117 Cedar Street in Leawood, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

KGS OPDO recd 09 18 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

September 13, 2023

KCC Investigation #: CK-23-OC-1184

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 6, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

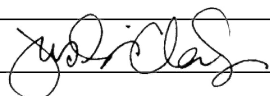
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/6/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 13117 Cedar St in Leawood, Kansas. KCC alleges Teracom Inc damaged a KGS 7/8" PE gas service line while directional drilling conduit for the Google project. There was a valid One-Call ticket #23464658 with a due date of 8/31/2023. There were locate marks present; however, there were no marks on this service line and was within the scope of the requested area. There was tracer wire found at the meter as well. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 10/18/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 09/06/2023
Inspected By: CK

KCC NPV CK-23-OC-1184

KCC Description:

On 9/6/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 13117 Cedar St in Leawood, Kansas. KCC alleges Teracom Inc damaged a KGS 7/8" PE gas service line while directional drilling conduit for the Google project. There was a valid One-Call ticket #23464658 with a due date of 8/31/2023. There were locate marks present; however, there were no marks on this service line and was within the scope of the requested area. There was tracer wire found at the meter as well. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator could not find the tracer wire at the meter and reported the service line as unlocatable. The facility was not located by the time the excavator began work. On the day of the damage, KGS locate audit personnel found the tracer wire at the meter and was able to locate the service line without issue. KGS crews repaired the line that day. The locator was coached on completing the full scope of tickets and passed several post-damage locate audits on One Call ticket numbers 23545515, 23543853, 23545291, 23545629, 23543285, 23540654, and 23541158.

Attachment 39

From: [Clements, Justin W.](#)
To: [Josh Williams \[KCC\]](#); [Christie Knight \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: Ark City, Newton
Date: Tuesday, January 9, 2024 9:55:26 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[JW-23-OC-1130 Final Response.pdf](#)
[JW-23-OC-1158 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses for NPVs involving the 9/7/2023 damage at 318 W 6th in Newton and the 12/5/2023 damage at 3225 N Summit St in Arkansas City. Thank you.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

January 9, 2023

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. JW-23-OC-1130

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 318 W. 6th Street in Newton, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 12 14 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

September 15, 2023

KCC Investigation #: JW-23-OC-1130

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 7, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

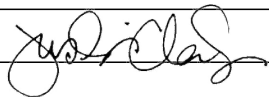
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 09/07/2023, FCL Construction damaged a KGS 3/4" PE natural gas service line at 318 W 6th St. in Newton, Kansas. One Call ticket #23472091 had a work to begin date of 09/02/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 1/9/2024

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/07/2023

Inspected By: JW

KCC NPV JW-23-OC-1130

KCC Description:

On 09/07/2023, FCL Construction damaged a KGS 3/4" PE natural gas service line at 318 W 6th St. in Newton, Kansas. One Call ticket #23472091 had a work to begin date of 09/02/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to mark the entire scope of One Call ticket number 23472091 resulting in excavation damage to the gas service line. The locator was coached on understanding ticket scope and passed several post-damage audits on One Call ticket numbers 23662043, 23661771, 23662019, and 23663241 among others.

KGS crews repaired the service line on the day of the damage and confirmed it could be successfully located after backfill.

Attachment 40

From: [Clements, Justin W.](#)
To: [SafetyResponse: Leo Haynos; Suzanne Balandran](#)
Cc: [Salter, Jeff S.](#); [Peter, Jordan F.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Postlethwait, Sean C.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Leawood
Date: Wednesday, October 18, 2023 4:29:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1184 Final Response.pdf](#)
[CK-23-UN-1147 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are signed responses involving the 9/12 audit at a damage near 3603 W 140th St and the 9/6 damage near 13117 Cedar St, both in Leawood. Thank you.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 18, 2023

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-23-UN-1147

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 3603 W. 140th Street in Leawood, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

September 13, 2023

KCC Investigation #: CK-23-UN-1147

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 12, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

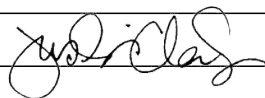
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/12/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 3603 W 140th St in Leawood, Kansas. KCC alleges KGS did not correctly mark a 3/4" PE gas service. The marks were off approximately 20 ft from the damaged pipe. There was a One-Call ticket #23455971 with a due date of 8/25/2023. This was a long-side service to 3604 W 140th St and was marked by measurement. The locator used the incorrect starting point. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 10/18/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Compliance Inspection

Date Inspected: 09/12/2023

Inspected By: CK

KCC NPV CK-23-UN-1147

KCC Description:

On 9/12/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 3603 W 140th St in Leawood, Kansas. KCC alleges KGS did not correctly mark a 3/4" PE gas service. The marks were off approximately 20 ft from the damaged pipe. There was a One-Call ticket #23455971 with a due date of 8/25/2023. This was a long-side service to 3604 W 140th St and was marked by measurement. The locator used the incorrect starting point. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. The locator marked One Call ticket 23455971 on August 24, 2023, one day before the indicated work begin date. However, on the day of KCC Staff's audit, marks still visible from the ticket were off approximately 18 feet from the service line. KGS acknowledges that the locator failed to accurately measure the service line. The locator no longer is employed by KGS's contract locate company.

KGS repaired the service line on the day of the damage and confirmed the line could be located after placing lipstick markers and curb etchings.

Attachment 41

From: [Clements, Justin W.](#)
To: [Lyle Powers \[KCC\]](#); [Christie Knight \[KCC\]](#); [Josh Williams \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Rosehill, Topeka, Mission, Lenexa
Date: Monday, October 30, 2023 9:12:36 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1192 Final Response.pdf](#)
[CK-23-OC-1194 Final Response.pdf](#)
[JW-23-OC-1134 Final Response.pdf](#)
[LH-23-OC-1011 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are KGS signed responses to the following NPVs. Thank you.

NPV	Date	Address	City
JW-23-OC-1134	9/20/2023	3318 Bluestem Cir	Rosehill
LH-23-OC-1011	9/13/2023	3311 SE Long St	Topeka
CK-23-OC-1192	9/18/2023	5401 Foxridge Dr	Mission
CK-23-OC-1194	9/18/2023	12012 W 78th Ter	Lenexa

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 30, 2023

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-23-OC-1192

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 5401 Foxridge Drive in Mission, Kansas. If you have any questions, please contact me at (913)599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

September 27, 2023

KCC Investigation #: CK-23-OC-1192

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 18, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

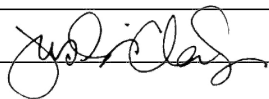
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 5401 Foxridge DR in Mission, Kansas. KCC alleges Blue Moon Hauling LLC damaged a KGS 7/8" PE gas service line with an excavator while installing a water main for WaterOne. There was a valid One-Call ticket #23485335 with a due date of 9/12/2023. There were locate marks present; however, there were no marks on this service line and was within the scope of the requested area. There was tracer wire found at the damage site. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 10/30/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/18/2023

Inspected By: CK

KCC NPV CK-23-OC-1192

KCC Description:

On 9/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 5401 Foxridge DR in Mission, Kansas. KCC alleges Blue Moon Hauling LLC damaged a KGS 7/8" PE gas service line with an excavator while installing a water main for WaterOne. There was a valid One-Call ticket #23485335 with a due date of 9/12/2023. There were locate marks present; however, there were no marks on this service line and was within the scope of the requested area. There was tracer wire found at the damage site. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that the locator failed to conduct an adequate visual scan of the ticket scope. As a result, the service line to the clubhouse was not located and was subsequently damaged. KGS crews repaired the service line on the day of the damage. The locator underwent three days of retraining and passed several post-damage audits conducted by KGS personnel on One Call ticket numbers 23496494, 23512806, 23532246, 23540610, 23538084, 23539101, and 23551956.

Attachment 42

From: [Clements, Justin W.](#)
To: [Lyle Powers \[KCC\]](#); [Christie Knight \[KCC\]](#); [Josh Williams \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Rosehill, Topeka, Mission, Lenexa
Date: Monday, October 30, 2023 9:12:36 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1192 Final Response.pdf](#)
[CK-23-OC-1194 Final Response.pdf](#)
[JW-23-OC-1134 Final Response.pdf](#)
[LH-23-OC-1011 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are KGS signed responses to the following NPVs. Thank you.

NPV	Date	Address	City
JW-23-OC-1134	9/20/2023	3318 Bluestem Cir	Rosehill
LH-23-OC-1011	9/13/2023	3311 SE Long St	Topeka
CK-23-OC-1192	9/18/2023	5401 Foxridge Dr	Mission
CK-23-OC-1194	9/18/2023	12012 W 78th Ter	Lenexa

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 30, 2023

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-23-OC-1194

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 2012 W. 78th Terrace in Lenexa, Kansas. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 10 02 2023

September 29, 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

KCC Investigation #: CK-23-OC-1194

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 18, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

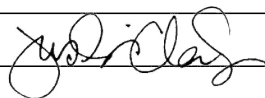
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 12012 W 78th Ter in Lenexa, Kansas. KCC alleges Northern Pipeline damaged a KGS 3/4" PE gas service line with a mini excavator while renewing a gas service line. There was a valid One-Call ticket #23477599 with a due date of 9/8/2023. There were locate marks present; however, the marks on this long-side service to 12001 W 78th Ter were off the damaged pipe by approximately 28 ft. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 10/30/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 09/18/2023

Inspected By: CK

KCC NPV CK-23-OC-1194

KCC Description:

On 9/18/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 12012 W 78th Ter in Lenexa, Kansas. KCC alleges Northern Pipeline damaged a KGS 3/4" PE gas service line with a mini excavator while renewing a gas service line. There was a valid One-Call ticket#23477599 with a due date of 9/8/2023. There were locate marks present; however, the marks on this long-side service to 12001 W 78th Ter were off the damaged pipe by approximately 28 ft. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator failed to follow procedures when encountering issues locating the service line. As a result of this damage, the locator was permanently disqualified and is no longer employed by KGS's contract locator company. KGS crews repaired the damaged service line on the day of damage and installed lipstick markers to assist future locates.

Attachment 43



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

October 30, 2023

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.JW-23-OC-1134

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 3318 Bluestem Circle in Rose Hill, Kansas. If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 09 23 2023

September 22, 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

KCC Investigation #: JW-23-OC-1134

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 20, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

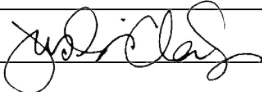
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 09/20/2023, Primos Construction, LLC damaged a KGS 2" PE natural gas main line in the vicinity of 3318 Bluestem Cir. in Rose Hill, Kansas. One Call ticket #23502079 had a work to begin date of 09/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 10/30/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 09/20/2023
Inspected By: JW

KCC NPV JW-23-OC-1134

KCC Description:

On 09/20/2023, Primos Construction, LLC damaged a KGS 2" PE natural gas main line in the vicinity of 3318 Bluestem Cir. in Rose Hill, Kansas. One Call ticket #23502079 had a work to begin date of 09/19/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS determined that the locator failed to mark the full scope of the ticket. As a result, the main was not marked and was subsequently damaged by the excavator. The locator was pulled from the field for three days for retraining on understanding ticket scope, how to reference system maps and completing visual scans of job sites. Upon return to the field, the locator passed several post-damage audits conducted by KGS personnel on One Call ticket numbers 23522188, 23537410, 23533660, 23532022, 23532604, and 23539010.

KGS crews repaired the main on the day of the damage and confirmed it could be successfully located.

Attachment 44

From: [Clements, Justin W.](#)
To: [Christie Knight \[KCC\]](#); [Josh Williams \[KCC\]](#); [Jon Bolinder \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Peter, Jordan E.](#); [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Johnson County, Junction City, El Dorado
Date: Friday, November 10, 2023 4:50:23 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1195 Final Response.pdf](#)
[CK-23-OC-1201 Final Response.pdf](#)
[CK-23-OC-1206 Final Response.pdf](#)
[CK-23-UN-1164 Final Response.pdf](#)
[JB-23-OC-1006 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the NPVs listed below. Thank you.

NPV	Date	Address	City
CK-23-OC-1206	9/28/2023	100 Crescent Blvd	Lake Quivira
JB-23-OC-1006	9/27/2023	140 W 14th St	Junction City
CK-23-UN-1164	9/27/2023	4407 W 126th St	Leawood
CK-23-OC-1201	9/21/2023	7401 W 67th St	Overland Park
CK-23-OC-1195	9/18/2023	5607 Westgate St	Shawnee
JW-23-OC-1141	10/11/2023	635 High St	El Dorado

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

November 10, 2023

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-23-UN-1164

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4407 W. 126th Street in Leawood, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 10 05 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

October 02, 2023

KCC Investigation #: CK-23-UN-1164

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On September 26, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

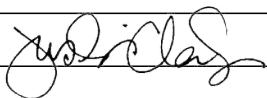
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/26/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 4407 W 126th St in Leawood, Kansas. KCC alleges KGS did not correctly mark a 7/8" PE gas service. The marks were off approximately 17 ft from the damaged pipe. There was a One-Call ticket #23480775 with a due date of 9/8/2023. This service was marked by measurement. There was tracer wire present at the damage site but unknown if there was wire at the meter since the dirt was not disturbed to show the attempt to find the wire. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 11/10/2023

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Compliance Inspection

Date Inspected: 09/26/2023

Inspected By: CK

KCC NPV CK-23-UN-1164

KCC Description:

On 9/26/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 4407 W 126th St in Leawood, Kansas. KCC alleges KGS did not correctly mark a 7/8" PE gas service. The marks were off approximately 17 ft from the damaged pipe. There was a One-Call ticket #23480775 with a due date of 9/8/2023. This service was marked by measurement. There was tracer wire present at the damage site but unknown if there was wire at the meter since the dirt was not disturbed to show the attempt to find the wire. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. Although the excavator was working on an expired ticket, KGS determined that the locator was unable to tone the service line and had to mark gas facilities by measurement. However, measurements provided to the locator by KGS were incorrect, resulting in mismarking the service line by approximately 15 feet. KGS crews repaired the service line on the day of the damage and placed near surface markers to make the pipe locatable by tone.

Attachment 45

From: [Clements, Justin W.](#)
To: [Christie Knight \[KCC\]](#); [Josh Williams \[KCC\]](#); [Jon Bolinder \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Peter, Jordan E.](#); [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS NPV Responses: Johnson County, Junction City, El Dorado
Date: Friday, November 10, 2023 4:50:23 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1195 Final Response.pdf](#)
[CK-23-OC-1201 Final Response.pdf](#)
[CK-23-OC-1206 Final Response.pdf](#)
[CK-23-UN-1164 Final Response.pdf](#)
[JB-23-OC-1006 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the NPVs listed below. Thank you.

NPV	Date	Address	City
CK-23-OC-1206	9/28/2023	100 Crescent Blvd	Lake Quivira
JB-23-OC-1006	9/27/2023	140 W 14th St	Junction City
CK-23-UN-1164	9/27/2023	4407 W 126th St	Leawood
CK-23-OC-1201	9/21/2023	7401 W 67th St	Overland Park
CK-23-OC-1195	9/18/2023	5607 Westgate St	Shawnee
JW-23-OC-1141	10/11/2023	635 High St	El Dorado

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

November 10, 2023

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-23-OC-1206

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 100 Crescent Blvd in Lake Quivira, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 10 05 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

October 02, 2023

KCC Investigation #: CK-23-OC-1206

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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 28, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

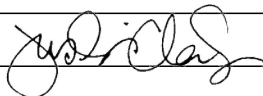
192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 9/28/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 100 Crescent Blvd in Lake Quivira, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 7/8" PE gas service line with an excavator while installing a water main. There was a valid One-Call ticket #23496011 with a due date of 9/15/2023. There were locate marks present; however, there were no marks on this service. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:  Date: 11/10/2023

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 08/28/2023
Inspected By: CK

KCC NPV CK-23-OC-1206

KCC Description:

On 9/28/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 100 Crescent Blvd in Lake Quivira, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 7/8" PE gas service line with an excavator while installing a water main. There was a valid One-Call ticket #23496011 with a due date of 9/15/2023. There were locate marks present; however, there were no marks on this service. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. The affected service line did not have a meter and was not correctly reflected on system maps. KGS capped the service line at the point of damage, effectively abandoning the service line to the structure. To assist future locates, KGS placed near surface markers on the remaining service line and corrected system maps.

Attachment 46

From: [Clements, Justin W.](#)
To: [Josh Williams \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: RE: JW-23-OC-1146 Extension
Date: Friday, December 15, 2023 2:47:34 PM
Attachments: [JW-23-OC-1146 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

—
Josh and Suzanne, attached is KGS's response to NPV JW-23-OC-1146 involving the 11/2 damage at 3000 Autumn Ridge in Newton. We appreciate the extra time to look into this one. Please let me know if you have any questions.

From: Josh Williams [KCC] <j.williams@kcc.ks.gov>
Sent: Friday, December 08, 2023 1:30 PM
To: Clements, Justin W. <Justin.Clements@onegas.com>
Subject: [External] Re: JW-23-OC-1146 Extension

WARNING: This email was sent from an EXTERNAL source. Use extreme caution when clicking links or opening attachments. Please forward suspicious email to phishingreport@onegas.com.

Yes that would be fine

Sent from my iPhone

On Dec 8, 2023, at 1:28 PM, Clements, Justin W. <Justin.Clements@onegas.com> wrote:

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Josh, can we get a few more days on this one to sort out some details? Would appreciate it.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

December 15, 2023

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. JW-23-OC-1146

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 3000 Autumn Ridge in Newton, Kansas on November 2, 2023.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 11 07 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

November 06, 2023

KCC Investigation #: JW-23-OC-1146

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On November 2, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 11/02/2023, TMD Telecom damaged a KGS 4" PE natural gas main line at 3000 Autumn Ridge in Newton, Kansas. One Call ticket #23590923 had a work to begin date of 10/31/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature: _____ Date: _____

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

Inspection Type: One Call Inquiry/Complaint
Date Inspected: 11/02/2023
Inspected By: JW

KCC NPV JW-23-OC-1146

KCC Description:

On 11/02/2023, TMD Telecom damaged a KGS 4" PE natural gas main line at 3000 Autumn Ridge in Newton, Kansas. One Call ticket #23590923 had a work to begin date of 10/31/2023. The KGS facilities were not marked according to the requested area and the ticket indicated the area had been marked. KGS did not follow the procedure OGSops1.1404R which directs KGS to locate its gas facilities within two full working days after being notified on an intent to excavate. Failure to follow the written procedure is a violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. At the same time, KGS believes the description in the location of work on One Call Ticket No. 23590923 inadvertently led to the area being mis-marked. KGS's investigation determined the Excavator's description of the excavation area was misinterpreted. One Call Ticket No. 23590923, attached as Attachment 1 and incorporated by reference herein, described the location of work as:

STARTING AT THE NE CORNER OF THE PROPERTY AT THE ABOVE ADDRESS, MARK A 50FT WIDE PATH GOING N APPROX 225FT ALONG THE EASEMENT TO THE NW CORNER OF PROPERTY ADDRESS 604 AUTUMN GLEN PKWY, THEN MARK THE ENTIRE REAR EASEMENT GOING E APPROX 700FT TO THE NW CORNER OF PROPERTY ADDRESS 632 AUTUMN GLEN PKWY."

On October 30, 2023, the locator marked Kansas Gas Service's facilities. Attachment 2 shows the requested area as understood by the locator. The locator proceeded to mark gas facilities within the 50-foot path north along the easement, starting at the northeast corner of the property. The excavator used a similar description in One Call Ticket No. 23553318 which was marked by KGS on October 9, 2023. The 50-foot path requested in both cases was interpreted to be 50 feet on the inside of the tickets' boundaries.

When marking the main along the south easement of Autumn Glen Parkway on One Call Ticket No. 23590923, the locator indicated in paint with a continuation arrow that the main continues west, past the northeast corner of the property under the raised shrubbery bed. Please refer to Attachment 3 showing gas marks looking west. Note that damage occurred on the opposite side of the raised bed, which was outside the scope of the ticket as understood by the locator.

While on scene after the damage, locate crews circled very faint gas paint marks west of the damage location which were originally placed October 9 while working then expired One Call Ticket No. 23553318. The locator could not provide the onsite KCC investigator pre-damage photos showing paint near the point of damage because marks were not painted in that area for the

active ticket. However, two KGS supervisors onsite for the damage investigation observed faint gas paint near the damage that are not visible on post-damage photographs taken by KGS and KCC Staff.

As follow-up to the damage, KGS and its contract locate company Linequest coached locators on the importance of open communication with excavators to understand ambiguous ticket scopes. Additionally, the locator passed several post-damage audits conducted by KGS personnel on One Call Ticket Nos. 23599125, 23599993, 23599144, 23599873, and 23599004.

Clements, Justin W.

From: ks@occinc.com
Sent: Tuesday, December 05, 2023 9:59 AM
To: Clements, Justin W.
Subject: [External] Ticket-23590923 Sent at the request of justin.clements@onegas.com

Kansas One Call

Ticket No: 23590923 **STANDARD**
Non-Response By: [23600128](#)
Original Call Date: 10/26/23 02:46 pm **Op:** kslance
Work to Begin Date: 10/31/23 12:01 am **Op:** kslance

Caller Information

Company Name: TMD TELECOM **Fax Phone:**
Contact Name: LEVI FOLLIN **Phone:** (316)462-0400
Alt. Contact: LEVI FOLLIN CELL **Alt. Phone:** (316)516-2689
Caller Address: 3534 W 29TH ST S
WICHITA, KS 67217
Contact Email: levi.follin2@tmdtelecom.com

Dig Site Information

Type of Work: INSTALL FIBER MAIN
Explosives: N **Duration: 15 DAYS** **Trenchless Excav: N**
Work Being Done For: IDEATEK

Dig Site Location

County: HARVEY **Place:** NEWTON
Address: 3000
Street: AUTUMN RIDGE
Intersecting Street: AUTUMN GLEN PKWY

Location of Work:

STARTING AT THE NE CORNER OF THE PROPERTY AT THE ABOVE ADDRESS, MARK A 50FT WIDE PATH GOING N APPROX 225FT ALONG THE EASEMENT TO THE NW CORNER OF PROPERTY ADDRESS 604 AUTUMN GLEN PKWY, THEN MARK THE ENTIRE REAR EASEMENT GOING E APPROX 700FT TO THE NW CORNER OF PROPERTY ADDRESS 632 AUTUMN GLEN PKWY.

Remarks:

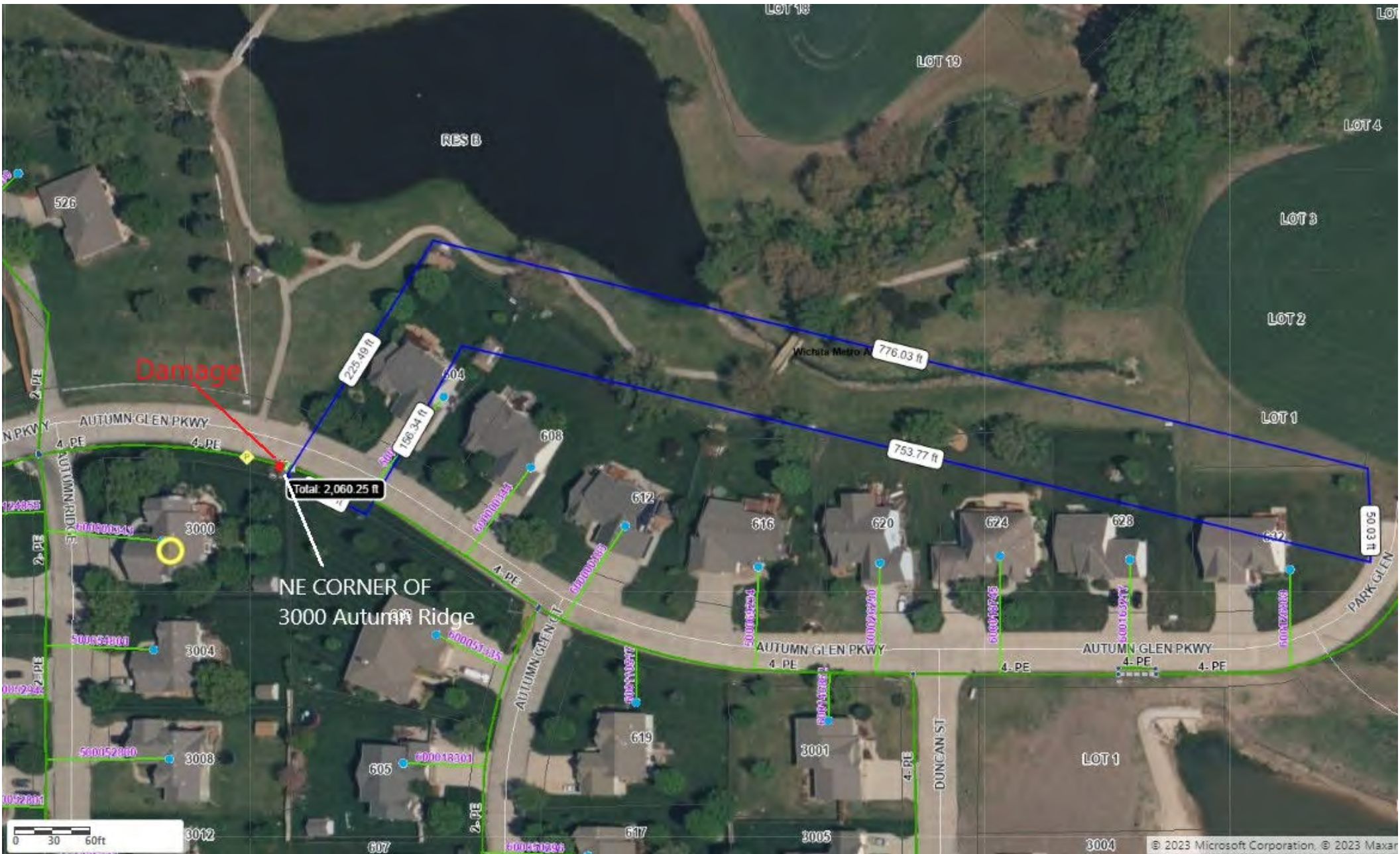
Map Twp: 23S **Rng:** 1E **Sect-Qtr:** 33-SW-NW

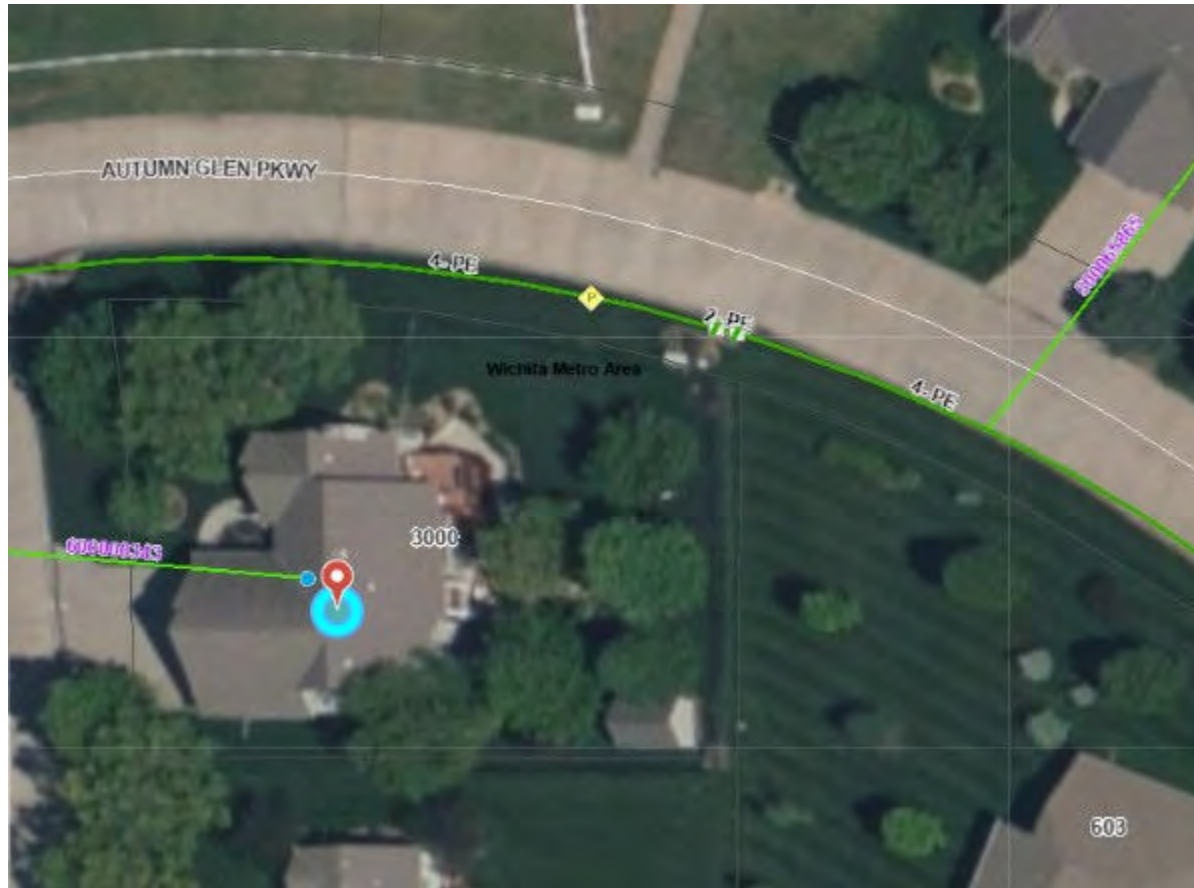
Map Coord NW 38.0075569 **Lon:** -97.3342367 **SE Lat:** 38.0062814 **Lon:** -97.3310905
Lat:

MEMBER INFORMATION:

KANSAS ONE-CALL WILL NOTIFY THE FOLLOWING UNDERGROUND FACILITY OPERATOR(S):

District	Company Name	Business Hours	Status
ATT301	ATT DISTRIBUTION	(800)778-9140	Marked
COXHV01	COX COMMUNICATIONS	(800)778-9140	Marked
EVSWS1	EVERGY	(785)249-1948	Marked
IDEA01	IDEATEK TELCOM LLC	(620)543-5555	Clear/No conflict
KANGAS72	KANSAS GAS SERVICE	(800)794-4780	Marked
NEWTON01	CITY OF NEWTON	(316)284-6070	Marked







2023-10-30 16:33:36
38.0067054, -97.3338337



2023-10-30 16:33:42
38.0066939, -97.3339356

Attachment 47

From: [Clements, Justin W.](#)
To: [Josh Williams \[KCC\]](#); [Christie Knight \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: Signed KGS NOPV Responses
Date: Thursday, December 7, 2023 4:51:18 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1214 Final Response.pdf](#)
[CK-23-UN-1177 Final Response.pdf](#)
[JW-23-OC-1144 Final Response.pdf](#)
[JW-23-OC-1145 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the NPVs listed below. If possible KGS will need an extension for its response to NPV JW-23-OC-1146. Thank you.

NPV	Date	Address	City
CK-23-OC-1214	11/2/2023	9313 Alden St	Lenexa
JW-23-OC-1145	10/30/2023	1801 N Litchfield St	Wichita
CK-23-UN-1177	10/23/2023	1116 E Bodine Ct	Derby
JW-23-OC-1144	11/2/2023	122 E Colleen Dr	Gardner

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

December 7, 2023

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-23-OC-1214

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 9313 Alden St in Lenexa, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

November 06, 2023

KCC Investigation #: CK-23-OC-1214

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On November 2, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 11/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9313 Alden St in Lenexa, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 4" PE gas main line with an excavator while repair/replacing a water valve. There was a valid One-Call ticket #23586873 with a due date of 10/28/2023. There were locate marks present; however, the marks on this main were no present and the main is within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

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

Operator's Authorized Signature: _____ Date: _____

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 11/02/2023

Inspected By: CK

KCC NPV CK-23-OC-1214

KCC Description:

On 11/2/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 9313 Alden St in Lenexa, Kansas. KCC alleges Water District No 1 of Johnson County damaged a KGS 4" PE gas main line with an excavator while repair/replacing a water valve. There was a valid One-Call ticket #23586873 with a due date of 10/28/2023. There were locate marks present; however, the marks on this main were no present and the main is within the scope of the requested area. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that while working One Call ticket No. 23586873, the locator encountered difficulty locating the main and called supervision for assistance to mark by measurement. The locator marked all other KGS facilities within the scope of the ticket and indicated on the positive response to One Call that ticket status was "Not complete/In progress" pending assistance by supervision to locate the affected main.

KGS locate audit personnel reviewed and discussed the damage with locate staff about the importance of timely assistance locating KGS facilities by measurement. In addition, locate auditors met with the excavator to explain how to check ticket status on positive responses.

KGS crews responding to the damage confirmed that the main did not leak as a result of the damage and made necessary repairs. Additionally, KGS installed a test station to assist future locates of the main by tone.

Attachment 48

From: [Clements, Justin W.](#)
To: [Josh Williams \[KCC\]](#); [Christie Knight \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: Signed KGS NOPV Responses
Date: Thursday, December 7, 2023 4:51:18 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1214 Final Response.pdf](#)
[CK-23-UN-1177 Final Response.pdf](#)
[JW-23-OC-1144 Final Response.pdf](#)
[JW-23-OC-1145 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Attached are signed responses to the NPVs listed below. If possible KGS will need an extension for its response to NPV JW-23-OC-1146. Thank you.

NPV	Date	Address	City
CK-23-OC-1214	11/2/2023	9313 Alden St	Lenexa
JW-23-OC-1145	10/30/2023	1801 N Litchfield St	Wichita
CK-23-UN-1177	10/23/2023	1116 E Bodine Ct	Derby
JW-23-OC-1144	11/2/2023	122 E Colleen Dr	Gardner

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

December 7, 2023

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-23-UN-1177

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 123 E. Colleen Drive in Gardner, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 11 07 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

November 06, 2023

KCC Investigation #: CK-23-UN-1177

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On November 2, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 11/2/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 123 E Colleen Dr in Gardner, Kansas. KCC alleges KGS did not mark a 3/4" PE gas service. There were marks on the main; however, there were no marks on this long-side service to 122 E Colleen Dr. There was a One-Call ticket #23560410 with a due date of 91081/2023. There was tracer wire present at the damage site but unknown if there was wire at the meter. This unmarked service was within the requested scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

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

Operator's Authorized Signature: _____ Date: _____

PIPELINE SAFETY USE ONLY:

Date reviewed: _____ Date reviewed: _____

Chief: _____ Inspector: _____

Inspection Type: One Call Compliance Inspection

Date Inspected: 11/02/2023

Inspected By: CK

KCC NPV CK-23-UN-1177

KCC Description:

On 11/2/2023, KCC Staff performed an audit while investigating a damage to a KGS gas line around the area of 123 E Colleen Dr in Gardner, Kansas. KCC alleges KGS did not mark a 3/4" PE gas service. There were marks on the main; however, there were no marks on this long-side service to 122 E Colleen Dr. There was a One-Call ticket#23560410 with a due date of 91081/2023. There was tracer wire present at the damage site but unknown if there was wire at the meter. This unmarked service was within the requested scope of the ticket. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that, although One Call ticket number 23560410 was expired at the time of the damage, the locator failed to recognize and mark the long side service to 122 E Colleen St as observed by KCC Staff. The locator was retrained on locating all facilities within the scope of tickets.

Upon return to the field, the locator passed several audits conducted by KGS compliance personnel on One Call ticket numbers 23604016, 23622821, 23622826, 23622827, and 23622829.

Attachment 49

From: [Clements, Justin W.](#)
To: [Christie Knight \[KCC\]](#); [SafetyResponse](#); [Leo Haynos \[KCC\]](#); [Suzanne Balandran \[KCC\]](#)
Cc: [Billiot, Heather L.](#); [Brading, Stephanie L.](#); [Clements, Justin W.](#); [Coffee, Scott](#); [Cole, Rochelle D.](#); [Doyle, Chris J.](#); [Engstrom, Shawn P.](#); [Fleming, Stephanie E.](#); [Gresham, Brett T.](#); [Holleron, Lisa A.](#); [Johnson, Johnnetta](#); [Kubie, Bruce D.](#); [Lara, Vincent](#); [Pool, Trey M.](#); [Postlethwait, Sean C.](#); [Salter, Jeff S.](#); [SIMONEAU, Troy](#); [Spector, Randal \(Randy\) B.](#); [Tennant, Jill E.](#); [Townsend, Colby R.](#); [Vincent, Robert E.](#); [Wilson, Rex V.](#)
Subject: KGS Signed NPV Responses: Shawnee
Date: Monday, January 22, 2024 2:42:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[CK-23-OC-1226 Final Response.pdf](#)
[CK-23-OC-1230 Final Response.pdf](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Leo and Suzanne, attached are signed responses to NPVs involving the 12/19/2023 damage at 4828 Noland Rd and 12/20/2023 damage at 12505 W 70th in Shawnee. Thank you.

Justin W. Clements

Senior Public Awareness Specialist, System Integrity
Public Awareness and Damage Prevention Coordinator
P: 913-599-8980 M: 913-265-2478
justin.clements@onegas.com



11401 W 89th Street, Overland Park, KS 66214 | kansasgasservice.com





**Kansas
Gas Service**

A Division of ONE Gas

11401 W. 89th Street
Overland Park, KS 66214

January 22, 2024

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-23-OC-1226

Dear Mr. Haynos,

Please find attached the Operator's Response to the above referenced Notice of Probable Noncompliance involving a location near 4828 Noland Rd in Shawnee, Kansas.

If you have any questions, please contact me at (913) 599-8980.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Clements".

Justin Clements
Sr. Public Awareness Specialist, Damage Prevention

Attachments: Operator Response

KGS OPDO recd 12 21 2023

Sean Postlethwait
Kansas Gas Service
7421 W. 129th St.
Overland Park, KS 66213

December 21, 2023

KCC Investigation #: CK-23-OC-1226

Subject: Pipeline Investigation

Dear Sean Postlethwait:

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

On December 19, 2023, the Kansas Corporation Commission's Pipeline Safety Staff conducted an investigation into excavation activities which are believed to involve your company. As a result of this investigation, Staff has identified possible violations committed by Kansas Gas Service. The findings of this investigation are described on the attached form(s).

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

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

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

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

Kansas Corporation Commission
Pipeline Safety Section
1500 SW Arrowhead Road
Topeka, KS 66604-4027
kccsafetyresponse@kcc.ks.gov

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

Sincerely,

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

Company: Kansas Gas Service

Division: One Call

Regulation:

192.614 Damage prevention program.

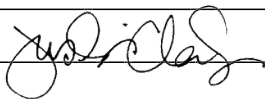
(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, the term "excavation activities" includes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

PROBABLE NONCOMPLIANCE DESCRIPTION:

On 12/19/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 4828 Noland Rd in Shawnee, Kansas. KCC alleges Leonard Construction damaged a KGS 3/4" PE gas service line with an excavator while installing a new secondary electric service. There was a valid One-Call ticket #23679078 with a due date of 12/19/2023. There were no locate marks present on this service as it was a twin service stub. It was indicated that the stub was not listed on KGS maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4.

OPERATOR'S RESPONSE: (Attach verification if needed)

Operator's Authorized Signature:



Date: 1/22/2024

PIPELINE SAFETY USE ONLY:

Date reviewed: _____

Date reviewed: _____

Chief: _____

Inspector: _____

Inspection Type: One Call Inquiry/Complaint

Date Inspected: 12/19/2023

Inspected By: CK

KCC NPV CK-23-OC-1226

KCC Description:

On 12/19/2023, KCC Staff was notified of excavation work resulting in a damage that occurred to a KGS gas line around the area of 4828 Noland Rd in Shawnee, Kansas. KCC alleges Leonard Construction damaged a KGS 3/4" PE gas service line with an excavator while installing a new secondary electric service. There was a valid One-Call ticket #23679078 with a due date of 12/19/2023. There were no locate marks present on this service as it was a twin service stub. It was indicated that the stub was not listed on KGS maps. KGS did not follow their written procedure OGSops1.1404R and is in violation of 49 CFR 192.614 as adopted by K.A.R. 82-11-4

KGS Response:

Kansas Gas Service, a division of ONE Gas, Inc. ("KGS") does not dispute KCC Staff's allegation of non-compliance. KGS's investigation determined that maps provided to the locator by KGS were incorrect, resulting in not marking the affected service line. KGS crews repaired the service line on the day of the damage and installed marker balls to assist future locates. Additionally, maps were updated to reflect the location of the service line.

CERTIFICATE OF SERVICE

24-DPAX-895-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 09/24/2024.

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

SEAN POSTLETHWAIT, VICE PRESIDENT - OPERATIONS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH STREET
OVERLAND PARK, KS 66213
sean.postlethwait@onegas.com

/S/ KCC Docket Room
KCC Docket Room