

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner



20180227152413
Kansas Corporation Commission

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

Governor Jeff Colyer, M.D.

NOTICE OF PENALTY ORDER
18-DPAX-341-PEN

February 27, 2018

Judy Jenkins
Kansas Gas Service, A Division of ONE Gas, Inc.
7421 W 129th St
Overland Park, Kansas 66213

This is a notice of penalty assessment for violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) discovered during an investigation conducted on various, by Kansas Corporation Commission Staff. For a full description of the violation(s) and penalty please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$3,000 penalty. You have twenty (20) days from the date of service of the Penalty Order to pay the fine amount. Checks should be payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and shall include a reference to the docket number of this proceeding.

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. Requests for hearings must be made in writing, setting forth the specific grounds upon which relief is sought. The company may electronically file its request for hearing within fifteen (15) days from the date of service of this Penalty Order, and e-mail or mail a copy of the request for hearing to the Litigation Counsel listed below. If the company does not have access to the internet, it must submit an original and seven copies of the request for hearing to the Commission's Secretary at 1500 SW Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order, and provide a copy to the Litigation Counsel listed below.

IF YOU FAIL TO ACT:

Pursuant to K.A.R. 82-14-6(j), failure to submit a written request for a hearing within fifteen (15) days or, in the alternative, to pay the civil assessment in twenty (20) days from date of service of this Penalty Order will be considered an admission of noncompliance and result in this Penalty Order becoming a Final Order where after the Commission may order further sanctions.

Respectfully,

Ahsan Latif, S.Ct. No. 24709
Litigation Counsel
(785)271-3118
a.latif@kcc.ks.gov

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of Kansas)	
Gas Service, A Division of ONE Gas, Inc. of)	
Overland Park, Kansas,)	
Regarding)	Docket No. 18-DPAX-341-PEN
Violation(s) of the Kansas Underground)	
Utility Damage Prevention Act (KUUDPA))	
(K.S.A. 66-1801, <i>et seq.</i> , and K.A.R. 82-14-1,)	
<i>et seq.</i>), and the Commission's Authority to)	
Impose Penalties and/or Sanctions (K.S.A. 66-)	
1,151).)	

PENALTY ORDER

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

I. JURISDICTION AND BACKGROUND

1. The Commission has jurisdiction and authority to administer and enforce the Kansas Underground Utility Damage Prevention Act (KUUDPA), as provided in K.S.A. 66-1801 *et seq.* Likewise, K.S.A. 66-1815 grants the Commission full power and authority to adopt all necessary rules and regulations for carrying out the provisions of K.S.A. 66-1801 through 66-1816, *et seq.*

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

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

II. ALLEGATIONS OF NONCOMPLIANCE

4. Pursuant to the above authority, on various occasions, Commission Staff (Staff) investigated the activity and operations of Kansas Gas Service, A Division of ONE Gas, Inc.. (Respondent). *See* Report and Recommendation of Staff dated February 5, 2018, a copy of which is attached hereto as Attachment “A” and is hereby incorporated by reference. As a result of this investigation, Staff reports the following:

- a. On November 27, 2017, Staff performed an onsite inspection at 8304 Twilight Lane, Lenexa, Kansas. Staff’s investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, and damage to a 4” diameter plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 15, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

of the planned excavation by marking, flagging or other acceptable method.

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault. Staff recommends a fine of \$500 for this violation.

- b. On December 7, 2017, Staff performed an onsite inspection at 4120 W 94th Terrace, Prairie Village, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, and damage to a plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 15, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault. Staff recommends a fine of \$500 for this violation.

- c. On December 15, 2017, Staff performed an onsite inspection at 20926 W 68th Terrace, Shawnee, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not accurately provide locates, and damage to a 2" diameter plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 27, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault and the locate mark was approximately 13 feet from where the damage occurred. Staff recommends a fine of \$500 for this violation.

- d. On December 15, 2017, Staff performed an onsite inspection at 2003 W 48th Street, Westwood, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, and damage to a plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 27, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault. Staff recommends a fine of \$500 for this violation.

- e. On December 19, 2017, Staff performed an onsite inspection at 8905 W 99th Terrace, Overland Park, Kansas. Staff's investigation discovered locates were not provided by Respondent after being requested. Because Respondent did not provide locates, and damage to a plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 27, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault. Staff recommends a fine of \$500 for this violation.

- f. On December 22, 2017, Staff performed an onsite inspection at 15850 W 99th Street in Lenexa, Kansas. Staff's investigation discovered locates were not accurately provided by Respondent after being requested. Because Respondent did not accurately provide locates, and damage to a plastic natural gas main at the aforementioned address occurred. No injuries or additional property damage occurred. Respondent was notified by a Notice of Probable Noncompliance issued by Staff on December 27, 2017 various, citing the violation of K.S.A. 66-1806(a) as follows:

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

Staff's Notice of Probable Noncompliance notified Respondent of the investigation results. The letter instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigation. The notice also requested Respondent to provide written explanation of the actions taken by it to prevent future KUUDPA violations. In the alternative, the Respondent could provide documentation explaining why it disagreed with the findings, including identification of any errors in the Notice of Probable Noncompliance. Respondent provided a response stating to the Notice of Probable Noncompliance it agreed with Staff's finding of fault and that the mark for the main was approximately 12 feet from where the damage occurred. Staff recommends a fine of \$500 for this violation.

5. KUUDPA requires all operators to inform the excavator of the location of the operator's underground facilities at a given excavation site within a 48-inch tolerance zone. A locate is required to be completed within two working days after the day on which the excavator provided notice of its intent to excavate. Although KUUDPA allows an excavator to dig without locates being completed if the required marking time has expired, most excavators will wait for locates rather than take the risk of damaging underground facilities or endangering life and property. Postponing excavation because of the failure of utilities to complete locates for excavators can result in costly downtime and scheduling problems, including but not limited to, cancellation of contracts.

6. Staff recommends the Commission issue a total civil penalty of \$3,000 for the above-described violation(s) of the Kansas Underground Utility Damage Prevention Act as alleged.

III. CONCLUSIONS OF LAW

7. The Commission finds it has jurisdiction over Kansas Gas Service, A Division of ONE Gas, Inc. because it is an entity subject to the requirements of the Kansas Underground Utility Damage Prevention Act, which the Commission is required to administer and enforce pursuant to K.S.A. 66-1813. Specifically, the Commission finds Respondent to be acting as an operator who operates Tier 1 facilities as defined in K.S.A. 66-1802.

8. The Commission finds Respondent violated Kansas law governing underground utilities, including various provisions of the Kansas Underground Utility Damage Prevention Act, as described above, and is therefore subject to sanctions or fines imposed by the Commission. Specifically, the Commission finds Respondent failed to comply with K.S.A. 66-1806(a) for the above listed incident(s).

9. The Commission finds a civil penalty is warranted due to Respondent's violation(s) of the Kansas Underground Utility Damage Prevention Act. Accordingly, pursuant to K.S.A. 66-1812 and K.S.A. 66-1,151, the Commission concludes the Respondent shall be assessed a \$3,000 penalty for violation(s) of the Kansas Underground Utility Damage Prevention Act.

10. The Commission concludes Respondent shall be assessed a civil penalty, pursuant to K.S.A. 66-1812, in the amount of \$3,000 for violation(s) of the Kansas Underground Utility Damage Prevention Act. The Commission finds and concludes Respondent shall be afforded an opportunity to request a hearing on the assessment of this civil penalty. Pursuant to K.A.R. 82-14-6(j), the Commission finds and concludes Respondent shall have 15 days from the date of service of this Penalty Order to request a hearing on the matter. Pursuant to K.A.R. 82-14-6(i), and (j), the Commission finds and concludes Respondent's failure to pay the assessed civil penalty within 20 days or request a hearing within 15 days from the date of service of this Penalty Order

shall be considered an admission of noncompliance. To ensure uniformity and consistency among Commission proceedings, the Commission finds and concludes any hearing on this matter before the Commission shall be conducted in a manner consistent with the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

THE COMMISSION THEREFORE ORDERS THAT:

A. Kansas Gas Service, A Division of ONE Gas, Inc., is hereby assessed a \$3,000 civil penalty for the violation(s) of the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 *et. seq.*

B. Pursuant to K.A.R. 82-14-6(j) and amendments thereto, any party may request a hearing by electronically filing its request for hearing within fifteen (15) days from the date of service of this Penalty Order, and e-mail or mail a copy of the request for hearing to the Litigation Counsel listed on the Notice of Penalty Assessment. If the company does not have access to the internet, it must submit an original and seven copies of the request for hearing to the Secretary for Commission at 1500 SW Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order, and provide a copy to Litigation Counsel. Hearings will be scheduled only upon written request. Failure to timely request a hearing shall be considered an admission of noncompliance and result in a waiver of Respondent's right to a hearing. Furthermore, this Penalty Order will become a Final Order assessing a \$3,000 civil penalty against Respondent. Any hearing on this matter before the Commission shall be conducted in a manner consistent with the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*

C. On February 27, 2018, this Penalty Order was mailed via certified mail, return receipt number 70161970000105744233. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

D. 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).

E. Pursuant to K.A.R. 82-14-6, if you do not request a hearing, the payment of the civil penalty is due in twenty (20) days from the date of service of this Order. A check shall be made payable to the Kansas Corporation Commission. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. The payment shall include a reference to the docket number of this proceeding.

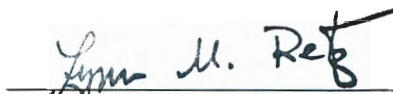
F. Unless a hearing is requested, failure to pay the \$3,000 civil penalty within twenty (20) days from the date of service of this Penalty Order will result in enforcement action against Respondent, including all sanctions, requirements, and penalties described above being enforceable without further action by the Commission.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: Feb. 27, 2018



Lynn M. Retz
Secretary to the Commission

AAL/vj

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

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

DATE: February 5, 2018

SUBJECT: **Docket Number:** 18-DPAX-341-P6N
In the Matter of the Investigation of Kansas Gas Service, A Division of
ONE Gas, Regarding Violations of the Kansas Underground Utility
Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R.
82-14-1 through 82-14-5) and the Commission's Authority to Impose
Penalties and/or Sanctions (K.S.A. 66-1,151).

EXECUTIVE SUMMARY:

Staff is recommending a civil penalty be issued to Kansas Gas Service, A Division of ONE Gas (KGS), in the amount of \$3,000 for six violations of KUUDPA that have occurred over the past three months. The penalty is based on results of Staff investigations following six damages to KGS natural gas service and main lines in Johnson County in Kansas. Failure to provide the excavator with the location of the tolerance zone of the buried facility before excavation begins is a violation of K.S.A. 66-1806(a).

BACKGROUND:

KGS's failure to provide accurate locates resulted in damages to its natural gas facilities and lost work time for the excavators that damaged the lines. No injuries or property damage occurred as a result of these damages. The following table provides the date of the pipeline damage; the type of facility damaged; address where the damage occurred; and Staff's assertion of the cause of the damage along with Staff's recommended penalty amount for each of the damages.

Date of Damage	Type of Facility Affected	Address Damage Occurred	Root Cause	Amount of Fine
11/27/2017	4" Diameter Plastic Natural Gas Main	8304 Twilight Ln, Lenexa	Not Marked	\$500
12/7/2017	Plastic Natural Gas Service	4120 W 94 th Ter., Prairie Village	Not Marked	\$500
12/15/2017	2" Diameter Plastic Natural Gas Main	20926 W 68 th Ter., Shawnee	Inaccurate Locate	\$500
12/15/2017	Plastic Natural Gas Service	2003 W 48 th St., Westwood	Not Marked	\$500
12/19/2017	Plastic Natural Gas Service	8905 W 99 th Ter., Overland Park	Not Marked	\$500
12/22/2017	2" Diameter Plastic Natural Gas Main	15850 W 99 th St., Lenexa	Inaccurate Locate	\$500
TOTAL				\$3,000

Notices of Probable Noncompliance (PNC) were issued to KGS on December 15, 2017; December 21, 2017; and December 27, 2017. KGS has responded to all of these PNCs as required by K.A.R. 82-14-6(c) and agrees with Staff's allegations as to the cause of the damages. KGS's response for each PNC is included in this memorandum as Attachment I.

ANALYSIS:

Rationale for Penalties:

A. Gravity of noncompliance:

Once an excavator notifies underground utility operators of a planned excavation, each operator with facilities buried at that site must provide surface markings that indicate where the utilities are located within 24 inches of either side of the position of the buried facility. This 48 inch corridor is defined as the "tolerance zone". Failure to provide accurate locate marks depicting the tolerance zone is a high-risk activity with the potential for significant consequences to public safety. Inaccurate locates further serve to give the excavator a false sense of security by indicating the buried facilities are not in the vicinity of the excavation. In each of the above listed instances, KGS has stated the buried gas service and main lines were either not located or mis-located due to operator error or inaccurate maps. The fact that KGS failed to comply with providing proper and accurate markings for the excavators warrants the assessment of a civil penalty.

B. Culpability:

KGS is directly responsible for its actions in failing to provide accurate locates as Kansas law requires.

C. History of noncompliance:

Staff has issued a total of 141 KUUDPA PNCs to KGS in the past two years. These alleged violations were for similar issues regarding failure to provide timely and accurate locates.

D. Response of the utility operator regarding noncompliance(s):

KGS agreed with Staff's findings described in the PNCs. For all six gas lines in question, KGS personnel failed to provide locates of the tolerance zone as requested by the excavator. KGS has counseled its locating personnel on how to read its maps and reminded the locator to use the tracer wire, or to survey its surroundings to be certain all facilities have been located prior to leaving the site.

E. Aggravating/Mitigating Circumstances:

In the last two years, KGS has received 141 PNCs from Staff alleging failure to provide accurate and/or timely locates upon request. Staff recognizes that some of the inaccurate locates may be due to the increased work load placed on KGS locators by the ongoing aggressive build-out of underground telecommunications infrastructure in the Johnson County area. Therefore, Staff is recommending civil penalties only be applied to the most egregious violations of KUUDPA. For the remainder, Staff is willing to accept KGS's documented remedial action as a satisfactory response to the PNCs. Given this accommodation for the abnormal work load, Staff has not determined any circumstances that would cause us to modify the recommended penalty amount of \$3,000.

RECOMMENDATION:

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$3,000 for violation(s) of K.S.A. 66-1806(a),

Attachments

Attachments I

CK-17-OC-1137 PNC Response

KCC Description:

On 11/27/2017, KGS did not mark its facilities at 8304 Twilight Ln in Lenexa, Kansas. Kissick Construction damaged a KGS 4" PE gas main line with a track hoe while replacing storm sewers. There was a valid One-Call ticket #17546149 with a due date of 11/23/2017. There were no locate marks present though it was indicated on the locate ticket as being marked.

Operator Response:

USIC and KGS investigated the damage. It was discovered that USIC had two technicians working on marking this area and no communications occurred to ensure the site was not left before marking all facilities. Both technicians were brought back out to the damage site and coached on ensuring that communication is clear and concise about the locate status and also that the original technician has the responsibility to ensure all facilities in the requested area have been located.

CK-17-OC-1146 PNC Response

KCC Description:

On 12/7/2017, KGS did not mark their facilities at 4120 W 94th Ter. in Prairie Village, Kansas. Harco Exteriors, LLC damaged a KGS 7/8" PE gas service line with a power auger while augering for fence posts. There was a valid One-Call ticket #17542984 with a due date of 11/30/2017. Harco also called in a Non-Response ticket #17563713 on 12/1/2017 and #17570261 on 12/6/2017. All three tickets were not located at the time of the damage.

Operator Response:

USIC and KGS investigated the damage. This locate was for an entire apartment complex placing fencing around each patio. USIC was late locating the first ticket. A USIC technician responded to the non-response ticket and marked only what was needed for that day. Multiple technicians were ultimately used in this area and communication was not clear on what was left to be located. USIC brought both technicians back out to the site, gave disciplinary action, including coaching on the importance of good communication and dealing with larger locate requests.

CK-17-OC-1147 PNC Response

KCC Description:

On 12/15/2017, KGS did not correctly mark their facilities at 20926 W 68th Ter. in Shawnee, Kansas. Reeds Excavating damaged a KGS 2" PE gas main line with an excavator while installing a new water service. There was a valid One-Call ticket #17575345 with a due date of 12/14/2017. Locates were present; however the mark for this main was approximately 13 ft from where the damage occurred. There was tracer wire present at the damage site and did tone correctly by the USIC locator onsite.

Operator Response:

USIC and KGS investigated the damage. KGS located the main using the tracer wire at the damage location and the main located correctly. Then, KGS attempted to locate the main, using the tracer wire installed with the service line closest to the damage, and were unable to accurately locate the main. A new test station was installed at the damage location to improve the locate ability of the main in the area. All facilities were able to be located correctly after the repair was made and the test station was installed.

CK-17-OC-1148 PNC Response

KCC Description:

On 12/15/2017, KGS did not mark their facilities at 2003 W 48th St in Westwood, Kansas. Essary Plumbing damaged a KGS 7/8" PE gas service line with an excavator while preparing for demolition. There was a valid One-Call ticket #17574280 with a due date of 12/13/2017. There were no locate marks on the main or the service. Ticket indicated as being clear/no conflict.

Operator Response:

USIC and KGS investigated the damage. It was discovered that the USIC technician located all surrounding facilities but simply missed the service line that was damaged. The technician was brought back out to the site and coached on performing a complete visual scan, ensuring that all services for all houses are accounted for prior to leaving the site.

CK-17-OC-1149 PNC Response

KCC Description:

On 12/19/2017, KGS did not mark their facilities at 8905 W 99th Ter. in Overland Park, Kansas. Water District No. 1 of Johnson County damaged a KGS 1/2" PE gas service line with an excavator, while installing a water main. There was a valid One-Call ticket #17579550 with a due date of 12/15/2017. There were no locate marks on the service, which was within the scope of the requested area. The ticket indicated that the gas had been marked.

Operator Response:

USIC and KGS investigated the damage. It was observed that there were no markings on site for the damaged service line. It was discovered that the USIC technician left the site without applying the measurements that were available. KGS verified the system measurements were accurate and installed RFID markers to improve locate ability of the service. USIC took the technician back to the damage site to train and coach the technician on marking and on finishing one utility at a time to ensure all facilities in the requested locate area are located and not forgotten.

CK-17-OC-1150 PNC Response

KCC Description:

On 12/22/2017, KGS did not correctly mark their facilities at 15850 W 99th St. in Lenexa, Kansas. K & W Underground Inc. damaged a KGS 4" PE gas main line while directional drilling conduit for Level 3 Communications. There was a valid One-Call ticket #17578825 with a due date of 12/15/2017. There were locate marks present, however the mark for the main was approximately 12 ft. from where the damage occurred. There was a tracer wire present at the damage site.

Operator Response

USIC and KGS investigated the damage. It was found that the USIC technician had marked the only tone available from all access points. There were no measurements available for this facility. After the repair, KGS gathered measurements for the facility and installed a test station. It was verified that the facility could be accurately located once these actions were completed.

CERTIFICATE OF SERVICE

18-DPAX-341-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on Feb. 27, 2018.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

JUDY JENKINS, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
judy.jenkins@onegas.com

/S/ DeeAnn Shupe

DeeAnn Shupe