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Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Dully, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ORDER**  
20-DPAX-080-PEN

August 29, 2019

Judy Jenkins Hitchye  
Kansas Gas Service, A Division of One Gas  
7421 W 129th Street  
Overland Park, Kansas 66213

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

**IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$14,000 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 Executive Director at 1500 SW Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order, and provide a copy to the Litigation Counsel listed below.

**IF YOU FAIL TO ACT:**

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

Respectfully,

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

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

Before Commissioners:           Dwight D. Keen, Chair  
  Shari Feist Albrecht  
  Susan K. Duffy

In the Matter of the Investigation of **Kansas**    )  
**Gas Service, A Division of One Gas of**        )  
**Overland Park, Kansas,** Regarding         )  
Violation(s) of the Kansas Underground Utility   )  
Damage Prevention Act (KUUDPA) (K.S.A.       )  
66-1801, *et seq.*, and K.A.R. 82-14-1, *et seq.*,   )  
and the Commission's Authority to Impose       )  
Penalties and/or Sanctions (K.S.A. 66-1,151).   )

Docket No. 20-DPAX-080-PEN

**PENALTY ORDER**

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

**I. JURISDICTION AND BACKGROUND**

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

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

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

## **II. ALLEGATIONS OF NONCOMPLIANCE**

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

2. Pursuant to the above authority, from February 2019 through June 2019, Commission Staff (Staff) investigated several of the activities and operations of Kansas Gas Service, A Division of One Gas (Respondent). *See* Report and Recommendation of Staff dated August 12, 2019, a copy of which is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of these investigations, Staff reports the following:

a. During the period of February 2019 through June 2019, Conservation Staff investigated 14 locations wherein Respondent was in 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.

b. Respondent's failure to provide accurate locates when requested resulted in damages to its natural gas facilities and lost work time for the excavators that damaged the lines. No injuries or damage to adjacent property occurred as a result of these damages. The following table provides a summary of the violations and the recommended penalty amount for each violation:

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Case #	Date of Damage	Type of Facility Affected	Address Damage Occurred	Violation	Penalty Amount
JW-19-OC-1035	2-22-2019	Plastic Natural Gas Service	28 Linksland Dr., Hutchinson	Not marked	\$1,000
JW-19-OC-1041	3-6-2019	2" diameter plastic main	359 S Archer, Andover	Not marked	\$1,000
JW-19-OC-1042	3-7-2019	6" Diameter steel main	11130 W 39 <sup>th</sup> St. S, Wichita	Not marked	\$1,000
JW-19-OC-1043	3-8-2019	Plastic service	911 W 79 <sup>th</sup> St S, Haysville	Not marked	\$1,000
CK-19-OC-1035	3-14-2019	Plastic service	4901 Adams St., Westwood	Not marked	\$1,000
CK-19-OC-1047	4-5-2019	Plastic service	1148 Rowland Ave, Kansas City	Not marked	\$1,000
JW-19-OC-1079	4-9-2019	Plastic service	Santa Fe & Iron Ave., Salina	Not marked	\$1,000
CK-19-OC-1058	4-16-2019	2" Diameter plastic main	100 W Merriwood Lane, Edgerton	Not marked	\$1,000
CK-19-OC-1064	4-24-2019	Plastic service	1915 W 49 <sup>th</sup> St, Westwood Hills	Not marked	\$1,000
JW-19-OC-1097	5-11-2019	Plastic service	2804 N Porter Ave, Wichita	Not marked	\$1,000
JW-19-OC-1108	5-17-2019	Plastic service	E 58 <sup>th</sup> St S and S Broadway, Wichita	Not marked	\$1,000
JW-19-OC-1113	5-28-2019	Plastic service	311 N King St, Mount Hope	Mis-marked by 15 feet	\$1,000
CK-19-UN-1140	6-6-2019	Plastic service	4819 Quivira Rd, Shawnee	Not marked	\$1,000
JW-19-OC-1124	6-14-2019	2" Diameter plastic main	208 E Mina St, Udall	Mis-marked by 24 feet	\$1,000
					<b>\$14,000</b>

c. Staff's Notices of Probable Noncompliance were issued to Respondent on all occasions listed above to notify Respondent of the investigation results. The letters instructed Respondent to respond within thirty (30) days and to indicate whether it accepted or disagreed with the findings of Staff's investigations. The notices also requested Respondent to provide written explanations 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 Notices of Probable Noncompliance.

- d. Respondent responded to all of the Notices of Probable Noncompliance. *See*, documentation attached to Staff's Report and Recommendation (Attachment "A"). Respondent basically stated it agreed with the information contained in the Notices of Probable Noncompliance and as a result, also agreed with Staff's finding of fault.
- e. In the past, Staff has recommended a penalty of \$500 per occurrence for violations of KUUDPA. However, in this case, Staff is recommending the penalty amount per occurrence be increased to \$1,000. Since January 2017 to the present, Staff has recommended penalties for 41% of the 219 Notices of Probable Noncompliance issued to Respondent. Respondent continues to have repeat violations of K.S.A. 66-1806(a) and has not taken any steps to improve its KUUDPA compliance.

3. Staff recommends the Commission issue a total civil penalty of \$14,000 for the above-described violations of the Kansas Underground Utility Damage Prevention Act as alleged.

### **III. CONCLUSIONS OF LAW**

4. The Commission finds it has jurisdiction over Kansas Gas Service, A Division of One Gas 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.

5. 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).

6. 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 \$14,000 penalty for violation(s) of the Kansas Underground Utility Damage Prevention Act.

7. 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, is hereby assessed a \$14,000 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. 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 \$14,000 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. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. *See* K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

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

E. Unless a hearing is requested, failure to pay the \$14,000 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.



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

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/29/2019



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Lynn M. Retz  
Executive Director

CRM/vj

**ATTACHMENT "A"**



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Phone: 785-271-3100  
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Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chair Dwight D. Keen  
Commissioner Shari Feist Albrecht  
Commissioner Susan K. Duffy

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

**DATE:** August 12, 2019

**SUBJECT:** **Docket Number:** 20-DPAX-080-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 \$14,000 for fourteen violations of KUUDPA that have occurred during the months of February thru June of 2019. The penalties are based on the results of Staff investigations following fourteen damages to KGS natural gas service and main lines in the Kansas City and Wichita metropolitan areas of 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). In the past, Staff has recommended a penalty of \$500 per occurrence for violations of KUUDPA similar to those contained in this recommendation. However, in this case, Staff is recommending the penalty amount be increased to \$1,000 per violation. For the time period of January of 2017 to the present, Staff has recommended a penalty for 41% of the 219 PNCs issued to KGS. KGS continues to have repeat violations of K.S.A. 66-1806(a). Staff views penalties as an incentive to improve compliance of KUUDPA, but it appears to Staff that the \$500 penalty amount has had a minimal effect on reducing the overall number of compliance violations.

**BACKGROUND:**

KGS’s failure to provide accurate locates when requested resulted in damages to its natural gas facilities and lost work time for the excavators that damaged the lines. No injuries or damage to adjacent property occurred as a result of these damages. The following table provides the date of the pipeline damage, the type of facility damaged, the address where the damage occurred, and Staff’s assertion of the cause of the damage.

Case #	Date of Damage	Type of Facility Affected	Address Damage Occurred	Root Cause	Penalty Amt.
JW-19-OC-1035	2/22/2019	Plastic Natural Gas Service	28 Linksland Dr., Hutchison	Not Marked	\$1,000
JW-19-OC-1041	3/6/2019	2" Diameter Plastic Main	359 S. Archer, Andover	Not Marked	\$1,000
JW-19-OC-1042	3/7/2019	6" Diameter Steel Main	11130 W. 39th St. S., Wichita	Not Marked	\$1,000
JW-19-OC-1043	3/8/2019	Plastic Service	911 W. 79th St. S., Haysville	Not Marked	\$1,000
CK-19-OC-1035	3/14/2019	Plastic Service	4901 Adams St., Westwood	Not Marked	\$1,000
CK-19-OC-1047	4/5/2019	Plastic Service	1148 Rowland Ave., Kansas City	Not Marked	\$1,000
JW-19-OC-1079	4/9/2019	Plastic Service	Santa Fe & Iron Ave., Salina	Not Marked	\$1,000
CK-19-OC-1058	4/16/2019	2" Diameter Plastic Main	100 W. Merriwood Ln., Edgerton	Not Marked	\$1,000
CK-19-OC-1064	4/24/2019	Plastic Service	1915 W. 49th St., Westwood Hills	Not Marked	\$1,000
JW-19-OC-1097	5/11/2019	Plastic Service	2804 N. Porter Ave., Wichita	Not Marked	\$1,000
JW-19-OC-1108	5/17/2019	Plastic Service	E. 58th St. South & S. Broadway, Wichita	Not Marked	\$1,000
JW-19-OC-1113	5/28/2019	Plastic Service	311 N. King St., Mount Hope	Mis-marked by 15 ft	\$1,000
CK-19-UN-1140	6/6/2019	Plastic Service	4819 Quivira Rd., Shawnee	Not Marked	\$1,000
JW-19-OC-1124	6/14/2019	2" Diameter Plastic Main	208 E. Mina St., Udall	Mis-marked by 24 ft	\$1,000
<b>TOTAL</b>					<b>\$14,000</b>

The above listed Notices of Probable Noncompliance (PNC) were issued to KGS during the time period of March through June of 2019. KGS has responded to all of these PNCs as required by K.A.R. 82-14-6(c) and agrees with Staff’s allegations as to the violation of KUUDPA.

**ANALYSIS:**

Rationale for Penalties:

A. Gravity of noncompliance:

Once an excavator notifies underground utility operators of a planned excavation, each operator with facilities buried at that site must provide surface markings that indicate where the utilities are located within 24 inches of either side of the position of the buried facility. This area is called the tolerance zone. In these instances, KGS stated the buried gas service and main lines were either not located or mis-located due to operator error or inaccurate maps. Because KGS failed to comply with the requirement of the law, it warrants the assessment of a civil penalty.

B. Culpability:

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

C. History of noncompliance:

Staff has issued a total of 219 KUUDPA PNCs to KGS in the years 2017, 2018 and to the present. These alleged violations were for similar issues regarding failure to provide timely and accurate locates.

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

KGS agreed with Staff's findings described in each PNC. KGS personnel failed to provide accurate locates for the tolerance zone as requested by the excavator. A full description of Staff's findings and KGS's response for each PNC and the action it took to prevent reoccurrence of the violation are included in this memorandum as Attachment I.

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. For those violations considered to be more serious, Staff has recommended a \$500 penalty if the violation did not result in injuries or damage to adjacent property. This enforcement approach seems effective to Staff as we have seen only a few repeat offenders.

For the time period of CY2017 to the present, KGS has received 219 PNCs from Staff alleging failure to provide accurate and/or timely locates upon request. Staff has recommended 90 (41%) for penalties totaling \$45000. Attachment II is included to show the history of penalties issued since January 1, 2017. In the case of KGS, it appears to Staff that the \$500 penalty amount has had minimal impact on reducing the number of non-compliances written and penalties recommended for violation of K.S.A. 66-1806(a). Therefore, Staff considers the continued frequency of violations of KUUDPA by KGS to be an aggravating circumstance and recommends a \$1000 civil penalty per violation.

**RECOMMENDATION:**

Staff recommends a civil penalty be issued to Kansas Gas Service, a Division of One Gas, in the amount of \$14,000, for violation(s) of K.S.A. 66-1806(a).

Attachment

**Attachment I**

**JW-19-OC-1035**

**KCC NOPV Description:**

On 02/22/2019, R&D Underground (R&D) damaged a KGS PE gas service while installing telephone main at 28 Linksland Dr. in Hutchinson. There was a valid One-Call ticket #19056811. During the course of the investigation, R&D alleged KGS did not provide locate marks for the service line. R&D alleged the KGS locator stated the service line was not on the map used to perform the locates.

**Kansas Gas Service Response:**

KGS will require the contract locate provider to complete retraining of their employee related to adequate visual survey, investigation and conductive locating of all facilitates within the scope of the locate ticket. Both company and contractor will review this individual's work history and take appropriate steps. Moving forward KGS will coordinate with mapping and identify all KGS SCADA Chart boxes and assure the associated service lines are properly mapped.

**JW-19-OC-1041**

**KCC NOPV Description:**

On 03/06/2019, KGS did not properly mark their facilities at 359 S, Archer in Andover. Dondlinger and Sons Construction damaged a KGS 2-inch PE gas main while performing site grading. There was a valid One-Call ticket #19070709 with a due date of 03/06/2019. Locator informed Staff the line was not marked due to the locator believing the line was abandoned.

**Kansas Gas Service Response:**

After investigating this incident, it was determined that Kansas Gas Service was in the process of abandoning all of the service lines and gas mains to this trailer park at the time of the damage. The service lines were all abandoned; however, the gas main had not yet been abandoned. KGS believes there was a communication breakdown between the excavator and KGS. The gas main was abandoned on March 7, 2019, the day following the damage.

**JW-19-OC-1042**

**KCC NOPV Description:**

On 03/07/2019, KGS did not properly mark their facilities at 11130 W. 39th St. S. in Wichita. Mies Construction damaged a KGS 6-inch steel gas main while installing a water line with a directional drill. There was a valid One-Call ticket #19062850 with a due date of 02/28/2019. The line was not marked. Locator marked wrong line due to a bad tone on the damaged line and a good tone on the wrong line.

**Kansas Gas Service Response:**

After investigating this incident, it was determined by Kansas Gas Service and USIC that the gas main would not tone. This piece of main had a 45-degree fitting installed and was serving no customers. Following the damage, KGS abandoned the main and installed a test station to locate. The gas main is now locatable.

**JW-19-OC-1043**

**KCC NOPV Description:**

On 03/08/2019, KGS did not properly mark their facilities at 911 W. 79th St. S. in Haysville. Becker Construction damaged a KGS 3/4-inch PE gas service line while directional drilling in a new telephone main. There was a valid One-Call ticket #19071302 with a due date of 03/07/2019. The service line was not marked. It is unknown at this time why it was unmarked.

**Kansas Gas Service Response:**

KGS and USIC investigated this damage and determined the locate area for the ticket was 1/2 mile in length with several facilities in conflict and marked. At the point where this service was damaged, the USIC locator misinterpreted the dig area and that the excavator would be running a new fiber as the south ditch line of 79th St. The excavator ran the fiber line 15-20' south of the fence lines of 79<sup>th</sup> St.. Our locator had facilities marked in the ditch; however, because of his interpretation of the dig area, he did not mark facilities south of the fence line.

KGS has confirmed that the USIC supervisor reviewed the damage with our locator on site to show him how the right of way changed and instructed that in the future the locator should err on the side of caution and mark all services beyond the scope or reach out to the excavator to ensure running path. This is the first KGS related damage for this tech in 2019.

**CK-19-OC-1035**

**KCC NOPV Description:**

On 3/14/2019, KGS did not correctly mark their facilities at 4901 Adams St. in Westwood. Water District No. 1 of Johnson County damaged a KGS 3/4" PE gas service line while replacing a water main. There was a One-Call ticket #19068851 with a due date of 3/5/2019. There were no locate marks on this service, on the service to 4907 Adams St. or on the main across the street. All were within the scope of the requested area to be marked.

**Kansas Gas Service Response:**

KGS and UISC investigated the damage complaint and determined the USIC technician improperly located and marked facilities in the opposite direction than what the ticket requested. The technician was brought back out to the site and coached on closely reviewing the ticket to ensure capturing the correct information prior to performing the locate.

### CK-19-OC-1047

**KCC NOPV Description:**

On 4/5/2019, KGS did not correctly mark their facilities at 1148 Rowland Ave. in Kansas City. Lan-Tel Communications Inc. damaged a KGS ¾" PE gas service while removing and replacing curbs. There was a One-Call ticket #19098007 with a due date of 3/23/2019. There were no locate marks on this service. Tracer wire was present at the damage site and at the meter. This line did tone.

**Kansas Gas Service Response:**

KGS and USIC investigated the damage. This service line was a newly installed line and the technician failed to locate it. The technician was brought back to the site and coached on ensuring all facilities are accounted for or verified abandoned.

### JW-19-OC-1079

**KCC NOPV Description:**

On 04/9/2019, Smoky Hill LLC damaged a KGS gas service line while sawing through concrete at Santa Fe Ave. & Iron Ave. in Salina. There was a valid One-Call ticket #19116350 with a due date of 4/3/2019. During the investigation, Smokey Hills LLC alleged KGS did not provide marks for the service line.

**Kansas Gas Service Response:**

KGS and USIC investigated this damage and determined the damaged service line was clearly visible on both KGS's OneMap and USIC's map but was not located by the USIC Tech. USIC's corrective action included the termination of the USIC locator responsible for this locate error.

### CK-19-OC-1058

**KCC NOPV Description:**

On 4/16/2019, KGS did not correctly mark their facilities at 100 W. Meriwood Ln. in Edgerton. City of Edgerton damaged a KGS 2" PE gas main line while removing and replacing curbs. There was a One-Call ticket #19098007 with a due date of 3/23/2019. There were locate marks on the main in the ROW; however, there were no marks on the 2" PE main crossing the street. Tracer wire was present at the damage site.

**Kansas Gas Service Response:**

KGS and USIC investigated the damage and determined the USIC technician failed to notify KGS of assistance needed in locating this main. As a result, the technician did not locate the facility. Following the investigation, the technician was brought back to the site and coached on ensuring that all facilities are located and ensuring KGS is informed when their assistance is needed.



## CK-19-OC-1064

### **KCC NOPV Description:**

On 4/24/2019, KGS did not correctly mark their facilities at 1915 W. 49th St. in Westwood Hills. Bob Hamilton Plumbing damaged a KGS 3/4" PE gas service line with a mini excavator while making a repair to a clogged sanitary sewer service line. There was a One-Call ticket #19165886 with a due date of 4/24/2019. There were no locate marks this service line. Tracer wire was present at the damage site and at the meter.

### **Kansas Gas Service Response:**

KGS and USIC investigated the damage. The technician applied measurements due to a weak tone during conductive locating. The technician incorrectly applied the measurements which resulted in the locate being marked outside of the scope of the ticket. The technician was coached on properly performing a conductive locate as well as how to correctly apply measurements when applicable.

## JW-19-OC-1097

### **KCC NOPV Description:**

On 5/11/2019, KGS did not properly mark facilities at 2804 N. Porter Ave. Wichita. Diamond Engineering damaged a KGS 3/4 inch gas service line while installing fiber optic. There was a valid One Call ticket #19163412 with a due date of 4/25/2019. The service line was not marked.

### **Kansas Gas Service Response:**

KGS and USIC have investigated this damage and determined the USIC tech failed to properly locate the meter and to reference the map during this locate. USIC has provided coaching and the tech understands the short fall. USIC leadership has reassured KGS of his understanding and their confidence that the tech will take corrective actions going forward.

## JW-19-OC-1108

### **KCC NOPV Description:**

On 5/17/2019, KGS did not properly mark their facilities at the intersection of E. 58th St. South & S. Broadway in Wichita. Nowak Construction damaged a KGS PE gas service line while installing a new water main. There was a valid One Call ticket # 19194680 with a due date of 5/11/2019. During the investigation. Nowak Construction alleged KGS did not provided locate marks for the service line. Nowak states there was an abandoned line located but not the PE line. Nowak stated they were told only one gas line existed.

### **Kansas Gas Service Response:**

A damage investigation was completed by both USIC and KGS after the event occurred. The investigation found the active service line was mismarked by USIC. The locator located the abandoned service line riser, not realizing the service had been relocated. The locator failed to verify accuracy during the completion of the ticket. When our Supervisor responded to the

incident, he was able to locate the active service by utilizing the tracer wire attached. Company crew removed inactive riser.

### **JW-19-OC-1113**

#### **KCC NOPV Description:**

On 5/28/2019, KGS did not properly mark their facilities at 311 N. King St. Mount Hope. The City of Mount Hope damaged a KGS 3/4 in. gas service line while repairing a water main. There was a valid One-Call ticket #19212340 with a due date of 5/17/2019. The line was marked; however, the marks were off approximately 15 feet.

#### **Kansas Gas Service Response:**

A damage investigation was completed by both USIC and KGS after the event occurred. The investigation found the active service line was mismarked by USIC. The locator failed to locate the service as requested. Based on USIC locators discussion with the City Water crew and the faint signal, she felt the line was out of the dig area. USIC reviewed the importance of hooking to all service lines to mark them, also reviewed was the fact the entire ticket needs to be marked, regardless of onsite discussions unless a meet on site sheet is obtained.

### **CK-19-UN-1140**

#### **KCC NOPV Description:**

On 6/6/2019, KCC staff performed a field audit during a damage investigation for ticket #19238368 with a due date of 6/6/2019. Huston Contracting had damaged a KGS 3/4" service line at 4819 Quivira Rd. in Shawnee. This service was marked. Staff observed the service of 4825 Quivira Rd. as also being within the scope of the ticket #19238368 but not marked prior to the damage. Locator was performing the locate for emergency ticket #19238809 while staff was present. Tracer wire was present at the meter and did tone.

#### **Kansas Gas Service Response:**

KGS and USIC investigated the locate. This was the 28th time this locate had been updated to dig a basement and grade the property. The technician assumed the work had been completed without confirming with the contractor. The technician was coached about properly communicating with the contractor.

### **JW-19-OC-1124**

#### **KCC NOPV Description:**

On, 06/14/2019, KGS did not properly mark their facilities at 208 E. Mina St. Udall. J.F. Electric damaged a KGS 2-inch black plastic main gas main while installing a new power pole. There was a valid One-Call ticket #19258220 with a due date of 06/14/2019. The locate marks were approximately 24 feet off the main.

**Kansas Gas Service Response:**

KGS and USIC conducted a damage investigation following the damage event. The investigation found the active 2" PE main was mismarked. The USIC locator failed to verify accuracy during the completion of the ticket. After KGS conducted the repairs, it confirmed the gas facilities were accurately located. Additionally, USIC has confirmed the locator was coached after the event.

## Attachment II

	# violations	penalty amount
I 8-DPAX-087-PEN	9	\$4,500.00
I 8-DPAX-166-PEN	3	\$1,500.00
I 8-DPAX-250-PEN	5	\$2,500.00
I 8-DPAX-277-PEN	10	\$5,000.00
I 8-DPAX-295-PEN	1	\$500.00
I 8-DPAX-341-PEN	6	\$3,000.00
I 8-DPAX-459-PEN	7	\$3,500.00
I 9-DPAX-040-PEN	10	\$5,000.00
I 9-DPAX-155-PEN	17	\$8,500.00
I 9-DPAX-269-PEN	11	\$5,500.00
I 9-DPAX-433-PEN	11	\$5,500.00
<b>TOTAL</b>	<b>90</b>	<b>\$45,000.00</b>

**CERTIFICATE OF SERVICE**

20-DPAX-080-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 08/30/2019.

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/S/ DeeAnn Shupe  
DeeAnn Shupe