



Pipeline Safety Division Investigation Report

Investigation regarding: City Of Elkhart

UPPAC Database Record ID: 1143

Investigator: Chuck Weindorf

Report Date: 02/15/2012

Damage Date: 08/16/2010 11:53:31 AM

Damage Address: Bank St

City: Elkhart

County: Elkhart

The Parties

Excavator: **City Of Elkhart**

Contact: Margaret M Jones, Utility Staff Attorney

Address: 1201 S Nappanee St, Elkhart, In 46516

Telephone: (574) 293-2572

Facility Owner: NIPSCO

Contact: Kit Earle

Address: 101 West Ohio Street, Indianapolis, IN 46204

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Investigation regarding: City Of Elkhart

UPPAC Database Record ID: 1143

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

Excavator Activities/Cause of damage information:

Excavator request locates: Yes Indiana 811 ticket Number: 1006181846

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Curb/Sidewalk

Synopsis: Damage to natural gas service committed by city crew working on a locate ticket originally requested for sidewalk repair/replacement.

Findings: Reported by Indiana 811; excavator responded to initial notice on 01/13/2012. Damage ticket number 1008161529 was called in by Robert Honorable to report a damaged gas line that was blowing. Sidewalk work was being done on an expired ticket.

Conclusion: Working off of an expired ticket equates to failing to provide notice of excavation.

Violation: IC 8-1-26-16(g): Failure to provide notice of excavation.

City Of Elkhart currently has 3 reports of damages in the record, between 08/16/2010 11:53:31 AM and 02/15/2011 9:16:49 AM.

NO

LOCATE

TICKET

PROVIDED



101 West Ohio Street
Suite 1707
Indianapolis, IN 46204

December 15, 2011

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 1143
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 1143

To Whom It May Concern:

Attached please find Northern Indiana Public Service Company's ("NIPSCO") written information relating to the following event:

Date of Event: 8/16/2010

Event Location: Bank St., Elkhart

Facility Owner: Northern Indiana Public Service Company

Excavator: City of Elkhart Street Dept/traffic Div

Other Party: N/A

Pipeline Division Case No. 1143

NIPSCO has reviewed its recovery and damage prevention files for this matter and has provided answers, when known, to the list of questions set forth in the Information Request.

Upon completion of the investigation, NIPSCO requests that it be provided with a copy of the Pipeline Division's Investigation Report with findings that will be forwarded to the Underground Plant Protection Advisory Committee. If there are any additional questions, please contact the undersigned.

Very truly yours,

Christopher C. (Kit) Earle

NiSource Corporate Services - Legal

Phone: 317-684-4904

Fax: 317-684-4918

Email: cearle@nisource.com

IURC INFORMATION REQUEST**Pipeline Safety Division Case No. 1143**

Date of Event	8/16/2010
Event Location	Bank St., Elkhart
Facility Owner	Northern Indiana Public Service Company
Excavator	City of Elkhart Street Dept/Traffic Div
Date of IURC Information Request	11/15/2011

EVENT LOCATION:

ADDRESS	
STREET	Bank Street
CITY/TOWN/IN ZIP CODE	Elkhart, IN 46516
COUNTY	Elkhart
TOWNSHIP	Concord
PROPERTY OWNER	
USE - COMMERCIAL/RESIDENTIAL	
TENANT'S NAME	
IF COMMERCIAL USE, TENANT OR OWNER OCCUPIED	
IF TENANT OCCUPIED, TENANT'S FULL NAME	

EXCAVATOR:

NON BUSINESS FULL PERSONAL NAME	
BUSINESS NAME	City of Elkhart, Public Works Department
ADDRESS	229
STREET	S. Second Street, 3rd Floor
CITY/ STATE/ZIP	Elkhart, IN 46516
PREFERRED TELPHONE	(574)293-5518
SECONDARY TELEPHONE	
EMAIL ADDRESS	

FACILITY INFORMATION - OWNER/OPERATOR OF UTILITY LINE:

BUSINESS NAME	NORTHERN INDIANA PUBLIC SERVICE COMPANY
RESPONSIBLE BUSINESS PERSON NAME AND TITLE	LUKE SELKING

ADDRESS
CITY/STATE/ZIP
PREFERRED TELEPHONE
SECONDARY TELEPHONE
EMAIL ADDRESS

1501 HALE AVENUE
FORT WAYNE, IN 46802
260/439-1290

LSELKING@NISOURCE.COM

LOCATE MARKS:

DATE LOCATE REQUESTED	6/18/10
DATE LOCATE PERFORMED	6/29/10
DATE OF EVENT	08/16/10
LOCATE NUMBER	1006181846
811 DAMAGE NOTIFICATION NUMBER	1008161529
WERE LOCATE MARKS VISIBLE	Unknown
DID THE EXCAVATOR WHITE LINE	Unknown
WERE MAPS USED TO MARK FACILITY	Unknown
WAS THERE A POSITIVE RESPONSE FROM OPERATOR/HOW	Unknown
WAS OPERATOR EMPLOYEES ON SITE AT TIME OF INCIDENT	No

INJURIES:

NUMBER OF OUT-PATIENT	0
NUMBER OF IN-PATIENT INJURIES	0
WAS LOCAL FIRE DEPARTMENT CALLED	Unknown
FIRE DEPARTMENT NAME	Unknown
FIRE DEPARTMENT RESPONSE DESCRIPTION	Unknown
WAS LOCAL POLICE DEPARTMENT CALLED	Unknown
DEPARTMENT NAME	Unknown
POLICE DEPARTMENT RESPONSE DESCRIPTION	Unknown
ANY OTHER RESPONSE - IF SO, WHO AND DESCRIBE	Unknown

DESCRIBE WHAT HAPPENED AND WHY

NIPSCO gas service struck and damaged during excavation. Excavator failed to utilize hand excavation. Original locate request was made two months prior to damage.

#1143

NORMAL NOTICE

Ticket : 1006181846 Date: 06/18/2010 Time: 14:23 Oper: AOWENS Chan:041

State: IN Cnty: ELKHART Twp: CONCORD
Cityname: ELKHART Inside: Y Near: N
Subdivision:

Address :

Street : BANK ST
Cross 1 : WOOD ST Within 1/4 mile: Y
Location: STARTING AT WOOD ST LOCATE THE EAST SIDE OF BANK ST GOING NORTH AND
STOPPING AT E JACKSON ST--AREA MARKED WITH ORANGE PAINT

:
Grids : 4141C8556A 4141B8556A 4141C8557D 4141B8557D

Work type : REPLACE SIDEWALKS
Done for : CITY OF ELKHART STREET DEPT
Start date: 06/22/2010 Time: 14:45 Hours notice: 96/48 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 2 WEEKS Depth: 18 INCHES

Company : CITY OF ELKHART STREET DEPT/TRAFFIC DIV Type: OTHR
Co addr : 2421 SOUTH 17TH STREET
City : ELKHART State: IN Zip: 46517
Caller : ROBERT HONORABLE Phone: (574)293-5518
Contact : ROBERT HONORABLE CELL Phone:
BestTime:
Mobile : (574)320-7965

Submitted date: 06/18/2010 Time: 14:23
Members: AEPIN COMCN ID0598 ID8000 NIPSCO SM SM

Notice History:

Date/Time	Notice ID	Description

#1143

NIPSCO 00305 IUPPSa 08/16/2010 11:53:34 1008161529-00A EMER DAMG GRID

DAMAGE

Ticket : 1008161529 Date: 08/16/2010 Time: 11:52 Oper: JSMITH Chan:084

State: IN Cnty: ELKHART Twp: CONCORD
Cityname: ELKHART Inside: Y Near: N
Subdivision:

Address :

Street : BANK ST

Cross 1 : WOOD ST Within 1/4 mile: Y

Location: STARTING AT WOOD ST LOCATE THE EAST SIDE OF BANK ST GOING NORTH AND
STOPPING AT E JACKSON ST--AREA MARKED WITH ORANGE PAINT

:

Grids : 4141C8556A 4141B8556A 4141C8557D 4141B8557D

Boundary: n 41.693886 s 41.690407 w -85.951218 e -85.949532

Work type : REPLACE SIDEWALKS

Done for : CITY OF ELKHART STREET DEPT

Start date: 08/16/2010 Time: 11:53 Hours notice: 0/0 Priority: EMER

Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y

Duration : 2 WEEKS Depth: 18 INCHES

Company : CITY OF ELKHART STREET DEPT/TRAFFIC DIV Type: OTHR

Co addr : 2421 SOUTH 17TH STREET

City : ELKHART State: IN Zip: 46517

Caller : ROBERT HONORABLE Phone: (574)293-5518

Contact: ROBERT HONORABLE CELL Phone:

BestTime:

Mobile : (574)320-7965

Fax : (574)293-1021

Remarks : All tickets are taken and processed on Eastern Daylight Time
PER ROBERT HONORABLE--NIPSCO GAS LINE WAS HIT ON THE EAST SIDE OF BANK STREET
BETWEEN THE ADDRESSES OF 122 AND 126 BANK STREET--GAS LINE IS BLOWING--CALLER
HAS CALLED 911 AND NIPSCO--CREW IS ON SITE--PREVIOUS TICKET NUMBER IS
1006181846--THANK YOU!!

Will you be white-lining the dig site area? NO

:

Submitted date: 08/16/2010 Time: 11:52

Members: AEPIN COMCN ID0598 ID8000 NIPSCO SM

Information Request

Pipeline Safety Division
Indiana Utility Regulatory Commission

Case No. 1143

The Pipeline Safety Division of the Indiana Utility Regulatory Commission requests any and all information you can provide regarding the following criteria:

The Parties:

Excavator Information:

Business Name: **The City of Elkhart**

Responsible Party Personal Name: **Robert Honorable**

Title (if any): **Concrete Supervisor**

Address: **2421 S. 17th Street**

City, State Zip: **Elkhart, IN 46516**

Preferred Telephone:

Please contact Utility Staff Attorney, Margaret M. Jones, (547) 293-2572

Cell Phone Number:

Email Address: **Please contact Utility Staff Attorney: Maggie.Jones@coei.org**

Facility Information:

Business Name: **NIPSCO**

Responsible Party Personal Name: Title (if any):

Address:

City, State, Zip: Preferred Telephone: Cell Phone Number:

Email Address:

Locator Service Information:

Business Name: **Indiana Underground (See attached document)**

Responsible Party Personal Name: Title (if any):

Address:

City, State Zip:

Preferred Telephone: **(800) 382-5544**

Cell Phone Number:

Email Address

Other (Witness, Police, Fire, Other) Information:

Personal Contact:

Business/Organization Name: Title (if any)

Address:

City, State, Zip:

Preferred Telephone:

Cell Phone Number:

Email Address:

Utility Line Impact: This information is unknown to Excavator. To the best of Excavator's knowledge and belief, there was no damage to any line on or about August 2010. See comments on page 5.

Location of Damage:

Address:

City, State Zip: Nearest Intersection:

Product Type (circle one):

Natural Gas

Liquid Pipeline

Unknown/Other

Facility Type (circle one): Distribution

Gathering Service/Drop Transmission Unknown/Other

Size (Diameter/etc.): _____

Pressure (PSIG/Inches): _____

Interruption in Service: Yes /No

Number of Customers Affected: _____

Evacuation: Yes/No

If yes, How Many Evacuated? _____

Repair Cost (if Known): \$ _____

Cause of Damage Information:

Type of Equipment (circle one):

Backhoe/Trackhoe Boring/Drilling Directional Drilling Explosives

Farm Equipment

Grader/Scraper

Hand Tools

Milling Equipment

Probing Device

Trencher

Vacuum Equipment

Unknown/Other

Type of Work Performed (circle one): Agriculture

Cable TV Curb/Sidewalk Bldg. Construction

Bldg. Demolition Drainage Driveway

Electric Engineering/Surveying Fencing

Grading Irrigation Landscaping Liquid Pipeline Milling

Natural Gas

Pole

Public Transit Authority Railroad Maintenance Road Work

Sewer (Sanitary/Storm)

Site Development

Steam

Storm Drain/Culvert Street Light Telecommunications Traffic Signal

Traffic Sign

Water

Waterway Improvement

Unknown/Other

Release of Product: Yes / No Ignition and/or Fire: Yes / No Excavator Notify 811: Yes /No

Locate Information:

Excavator Request Locate: Yes / No

Indiana 811 Locate Ticket Number: _____ Locate Marks Visible:

Yes / No

Locate Marks Correct: Yes/No Excavator "White Lined": Yes / No Maps Used to Mark Facilities: Yes /No

Was Locate Provided within Two (2) Working Days: Yes /No

Operator Employees On-site during Excavation: Yes /No

Incident Impact Information:

Number of Outpatient Treated: _____ Number of Inpatient Treated: _____

Number of Fatalities: _____

Fire Department Response: Yes /No Police Department Response: Yes/ No Ambulance

Response: Yes / No

Additional Information/Comments:

We believe there may be some confusion as to the date of the reported incident. On or about June 30, 2010, there was an excavation done by the City of Elkhart in the area of 122 to 166 Banks Street, Elkhart, Indiana. Prior to the excavation, Indiana Underground was called and they came out and located underground lines. Based upon past experience, it is our understanding that NIPSCO does not provide Indiana Underground with locations of lines that are no longer in service ("dead lines"). On or about June 30, 2010, a NIPSCO line was hit by the excavator and NIPSCO was contacted immediately; repair to the line was then made by NIPSCO. In other cases where lines have been hit, NIPSCO may send a repair bill which the City of Elkhart will then pay. We believe the determination of whether we get charged those repair costs is based upon whether the line struck was a dead line or a line in use. In this case, no invoice for the June 30th hit was ever sent to the City, so payment for repair was not made.

On October 20, 2010, a letter was sent by NIPSCO requesting payment for repairs done on August 16, 2010. That invoice was not paid because the City had not done any excavation in that location at the time stated. We assumed that the billing was sent in error. We do not have any record of any other person performing any excavation on August 16th, so it was done without an excavation permit. If NIPSCO determines that the repairs were made in June, not August, and provides documentation to the effect, the City will pay the repair bill. If the damage and repair was done in August, then the City was not the responsible party.

With regard to a violation, the City followed the appropriate protocol before and after the line was struck, so we deny the allegations set forth in the notice. Supporting documents are attached.

YOUR PIPELINE SAFETY DIVISION CASE NO.: 1143

YOUR FULL NAME: Margaret M. Jones

FULL NAME OF BUSINESS/ENTITY (if applicable): The City of Elkhart, Indiana

YOUR BUSINESS TITLE (if applicable): Utility Staff Attorney

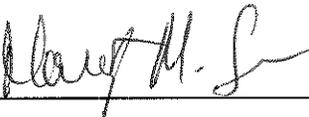
ADDRESS: 1201 S. Nappanee Street

CITY: Elkhart STATE: Indiana ZIP CODE: 46516

YOUR TELEPHONE NUMBER: (574) 293-2572 SECOND NO. () _____ - _____

YOUR EMAIL ADDRESS: Maggie.Jones@coei.org

TODAY'S DATE: January 13, 2012

YOUR SIGNATURE:  TITLE (if any): Utility Staff Attorney

Please return your Narrative Statement and Answers to the above questions to:

Pipeline Safety Division-Case No.:---:--- Indiana Utility Regulatory Commission
101 West Washington Street, # 1500E
Indianapolis, IN 46204

Or scan document(s) and Email to:

PipelineDamageCase@urc.in.gov

Exhibit 1

Call sheet for Indiana Underground

Locate Reference #1006181846

Start Date: 6-22-2010

Good thru: 7-8-2010

INDIANA UNDERGROUND 1-800-382-5544

Call in with the following information Monday-Friday 7:00 A.M. to 6:00 P.M.

County E/Khart Township OSOLO Section _____

Street address 122 To 166 BANK ST. WOOD ST East Side

Type of work Sidewalk 5X 380 wood

Depth of work 12"-18"

Name of caller Robert Honorable 1422

Date called _____ Time called _____

Locate start date 6-22^{2:45 PM}2010 Good thru 7-8-2010

Actual start date _____ Date of completion _____

Best time to call back 7Am to 3pm Telephone No. 574-320-7965

Street Dept. telephone # 574-293-5578

Street Dept. address 2124 S. 17th. ST.

Locate reference# 100 6181846

Locate person's name _____

Materials used on the job _____

Equipment used on the job _____

Personnel used on the job _____

Exhibit 2

**City of Elkhart Project Estimate Sheet
Dated May 17, 2010
Location: 100 Block of Bank Street**



The city with a heart

Project Name: BANK ST. Estimator: ROBERT
 Project Address: 100 BLOCK OF BANK ST. E. SIDE Job #: 2010-1422
CITY OF ELKHART SCHOOL PROG.
 Date: MAY 17-2010

Summary of Quantities

Item	Quantity		Depth/Yield		Prod. Rate		C/H	# Tr	Trk Hrs
Excavation		CY				Cy/Hr			
Alley Grading		SY				Sy/Hr			
Agg Base #53 Lime Stone		TN		inchs		Tn/Hr			
Sand	0	TN	2	Lb/Sy	1	Tn/Hr	0	0.5	0.50
HAC Base	0.00	TN		Lb/Sy	80	Tn/Hr	0	4	0.00
HAC Binder	0.00	TN	0	Lb/Sy	60	Tn/Hr	0	4	0.00
HAC Surface	0.00	TN	0	Lb/Sy	60	Tn/Hr	0	4	0.00
Tack Coat	0.00	GI		GI/Sy	100	GI/Hr	0	1	0.00
Concrete Curb		LF		GI/Sy		LF/Hr			
Concrete Curb & Gutter		LF		Lf/Sy		Lf/Sy			
Concrete Flat Work	380.00	LF	4.00	inchs	30	Lf/Sy	12.7	1	12.67
Concrete Tear Out	380.00	LF	23.46	CY	30	Lf/Sy	12.7	1	12.67
Forming of Concrete	380.00	LF		SY	60	Lf/Sy	6.33	1	6.33
Backfill	0	TN	3	Lb/Sy	1	Tn/Hr	0	1	1
Patching		TN		Lb/Sy		Tn/Hr			
Mowing		AC				Ac/Sy			
Sweeping / Cleaning	0.00	LF		Lf/Sy	2000	Lf/Sy	0		
Trash Pick-up		TN		Lb/Sy		Tn/Sy			
Milling / Roto Milling									
Yardage of Concrete	23.46	Act				Total Crew HR's	31.7		
Total Tons	0.00	Act				Actual Crew Hr's			

	Base	Binder	Surface
Length		0.00	0.00
Width		0.00	0.00
Thickness		0.00	0.00
	Concrete		
Length	380.00		
Depth	4.00		
width	5.00		

Date Work was done: _____ Time Work Was Done: _____

Who did the Work? _____

What was done: _____

Comments: TWO DRIVE APPROACHS AT 12x12x6" 8 YARDS

Signature of Forman or Person doing Work: _____

Exhibit 3

**Delivery Ticket
Aggregate Industries
For supplies used at Bank Street site**



AGGREGATE INDUSTRIES

DELIVERY TICKET

DELIVERY COPY

ACCOUNTS RECEIVABLE

TOLL FREE: 866-321-3800

DISPATCH

TOLL FREE: 888-537-2050

HAZARD WARNINGS: See back side of Pink Copy

THIS DELIVERY IS MADE SUBJECT TO THE FOLLOWING CONDITIONS:

All delivered prices are for street curb only. Aggregate Industries is not responsible for personal injury or property damage when asked to drive beyond curb line or off public roadway. When delivery is made beyond "curb line" at Customer's request, Customer agrees to provide suitable, SAFE access to the place of delivery. Damages in any manner to sidewalks, driveways, buildings, yard, trees, shrubs, septic system, leach bed, utility lines, etc. are at Customer's risk. Customer agrees to reimburse Aggregate Industries for loss of time, equipment damage, and any wrecker expenses incurred by reason of such delivery. UNLOADING TIME ALLOWED: 5 minutes per cubic yard. ALL returned BLOCKS and MERCHANDISE subject to rehandling charge.

WARNING: CALCIUM CHLORIDE WILL DISCOLOR YOUR CONCRETE.

WARNING: ADDITIONAL WATER ADDED TO THIS CONCRETE WILL REDUCE ITS STRENGTH. ANY WATER ADDED IS AT CUSTOMER RISK.

Aggregate Industries assumes no responsibility for strength or quality when concrete in excess of 4" slump is placed.

WATER ADDED ON JOB AT CUSTOMER REQUEST 29/3 GAL. WATER ADDED TO THIS LOAD BY AUTHORITY OF _____

SIGNATURE _____

Arrive	Start	Finish	Leave

BY SIGNING, THE SIGNER STATES THAT HE IS AN AUTHORIZED REPRESENTATIVE OF THE CUSTOMER AND AGREES ON BEHALF OF CUSTOMER TO ALL TERMS AND CONDITIONS.

Date	Customer No.	Sold To	P.O. No.
05/30/10	662591	ELKHART CITY STREET DEPT.	SCHOOL PROGRAM
Plant	Ticket No.	Order No.	Time
4	4107326	1	07:51

Truck	Driver	Use
172	BOISELY, TERRY	SIDEWALK
ELKHART 200 BLOCK BANK, BANK & WOOD		Slump
250' OF EXCON 4" FIBER		4.50
		Time Due
		08:12

QUANTITY	CUMULATIVE	ORDERED	PRODUCT	PRODUCT DESCRIPTION	UNIT	PRICE	AMOUNT
10.00	10.00	10.00	130	4000 6 BAG LINES	CY		
 Thank You							

TERMS: Payment due 30 days from invoice date. Finance charges added to Past Due Accounts at the rate of 18% per annum. CUSTOMER AGREES TO PAY FOR ALL AGENCY AND ATTORNEY FEES IF PLACED FOR COLLECTION. By signing below, I acknowledge that I am authorized to consent to the following on my employer's behalf: I relieve the seller of any liability for personal injury or property damage when delivery is made beyond the curb line. For FOB orders, I further acknowledge by signing below that I have received the quantity I ordered and that my vehicle complies with local, state, and federal weight limitations and operating requirements.

RECEIVER: _____	SUBTOTAL
	IN TAX
	TOTAL
	ORDER TOTAL

764590 PLEASE PAY FROM INVOICE

Exhibit 4

**Letter dated October 20, 2010
From NIPSCO to City of Elkhart**



A NiSource Company

**Northern Indiana Public Service Company
Facility Damage Recovery**

801 E. 86th Avenue
Merrillville, IN 46410

(219) 647-4033
(800) 884-2684

October 20, 2010

City Of Elkhart
ATTN: City Clerk
229 S. Second Street, 3rd Floor
Elkhart, IN 46516

RE: Our Claim 10 2008

Gentlemen:

On September 15, 2010, we forwarded our Damage Claim Bill in the amount of \$271.26, being the expense this Company incurred as the result of your contact with our facilities located in the vicinity of 126 Bank Street, Elkhart, Indiana, which occurred on August 16, 2010.

As of this writing, we have not been contacted by you nor your insurance carrier relative to the settlement of this claim and are once again directing this matter to your attention. We request that immediate arrangements be made to expedite this loss. For your convenience, we have enclosed a pre-addressed envelope for remittance of your payment. If you have insurance, please forward this correspondence and the enclosed envelope to your insurance carrier.

Sincerely,

Mary L. Lechowicz
Leader Facility Damages

MLL:kml

Enclosure

RECEIVED
NOV 08 2010
BOARD OF PUBLIC WORKS