



## Pipeline Safety Division Investigation Report

### Investigation regarding: **Berry-it, Inc.**

UPPAC Database Record ID: 1390

Investigator: Howard Friend

Report Date: 04/20/2012

Damage Date: 11/8/2010 1:17:59 PM

Damage Address: 10438 Starboard Way

City: Indianapolis

County: Marion

### The Parties

Excavator: **Berry-it, Inc.**

Contact: Jamie Berry

Address: 225 West 450 North, Kokomo, In 46901

Telephone:

Facility Owner: Citizens Gas

Contact: Tony Chan

Address: 2150 Dr. Martin Luther King Jr. Street, Indianapolis, IN 46202

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

**Investigation regarding: Berry-it, Inc.**

UPPAC Database Record ID: 1390

**Damage Impact**

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$800

**Excavator Activities/Cause of damage information:**

Excavator request locates: Yes Indiana 811 ticket Number: 1010181326

Type of Equipment: Directional Drilling

Type of work performed: Telecommunications

**Synopsis:** A natural gas main was damaged during directional boring for a telecommunications line.

**Findings:** Reported by Indiana 811; excavator responded to initial notice on 10/22/2011. Excavator called for locates on 10/18/10 and damaged the main 21 days later, therefore working on an expired locate.

**Conclusion:** There was a failure to provide notice of excavation.

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

**Berry-it, Inc.** currently has fifteen (15) other reports of damages in the record, between 8/24/2009 4:17:03 PM and 10/11/2011 9:09:11 AM.

NO

LOCATE

TICKET

PROVIDED

# Information Request

## Pipeline Safety Division Indiana Utility Regulatory Commission

Case No. 1390

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: Berry Underground Utility  
Responsible Party Personal Name: unavailable  
Title (if any): unavailable  
Address: 225 W 450 N  
City, State Zip: Kokomo IN, 46901  
Preferred Telephone: 800-368-8511  
Cell Phone Number: unavailable  
Email Address: unavailable

#### **Facility Information:**

Business Name: Citizens Gas  
Responsible Party Personal Name: Tony Chan  
Title (if any): Manager Gas Distribution  
Address: 2150 Dr/ Martin Luther King Jr. St.  
City, State, Zip: Indianapolis, IN 46202  
Preferred Telephone: (317) 927-4619  
Cell Phone Number: (317) 407-8278  
Email Address: achan@citizensenergygroup.com

#### **Locator Service Information:**

Business Name: USIC  
Responsible Party Personal Name: Blaine Walters  
Title (if any): District Manager  
Address: 518 Herriman Court  
City, State Zip: Noblesville, IN 46060  
Preferred Telephone: (317) 776-1479  
Cell Phone Number: unavailable  
Email Address: BlaineWalters@usicinc.com

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

Personal Contact: n/a  
Business/Organization Name: n/a  
Title (if any): n/a  
Address: n/a  
City, State, Zip: n/a  
Preferred Telephone: n/a  
Cell Phone Number: n/a  
Email Address: n/a

**Utility Line Impact:**

**Location of Damage:**

Address: 10438 Starboard Way  
City, State Zip: Indianapolis, 46256 IN  
Nearest Intersection: E 86<sup>th</sup> St & Fall Creek Rd

**Product Type (circle one):**

Natural Gas  
 Liquid Pipeline  
 Unknown/Other

**Facility Type (circle one):**

Distribution  
 Gathering  
 Service/Drop  
 Transmission  
 Unknown/Other

Size (Diameter/etc.): 2"

Pressure (PSIG/Inches): 30 psig

Interruption in Service  Yes /  No      Number of Customers Affected: 1

Evacuation: Yes  No       If yes, How Many Evacuated? 0

Repair Cost (if known): \$ unknown

**Cause of Damage Information:**

**Type of Equipment (circle one):**

- Auger
- 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: \_\_\_\_\_ #1010181302  
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: \_\_\_\_\_ 0 \_\_\_\_\_  
Number of Inpatient Treated: \_\_\_\_\_ 0 \_\_\_\_\_  
Number of Fatalities: \_\_\_\_\_ 0 \_\_\_\_\_  
Fire Department Response:  Yes /  No  
Police Department Response:  Yes /  No  
Ambulance Response:  Yes /  No

**Additional Information/Comments:**  
Contractor hit 2" gas main while boring to install cable. Digging on expired line locate ticket.

YOUR PIPELINE SAFETY DIVISION CASE NO. 1390

YOUR FULL NAME: Tony Chan

FULL NAME OF BUSINESS/ENTITY (if applicable): Citizens Energy Group

YOUR BUSINESS TITLE (if applicable): Manager Gas Distribution

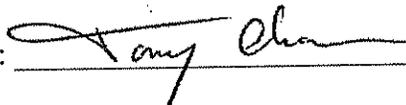
ADDRESS: 2150 Dr. Martin Luther King Jr St

CITY: Indianapolis STATE: IN ZIP CODE: 46202

YOUR TELEPHONE NUMBER: (317) 927-4619 SECOND NO. (317) 407-8278

YOUR EMAIL ADDRESS: achan@citizensenergygroup.com

TODAY'S DATE: 04/13/12

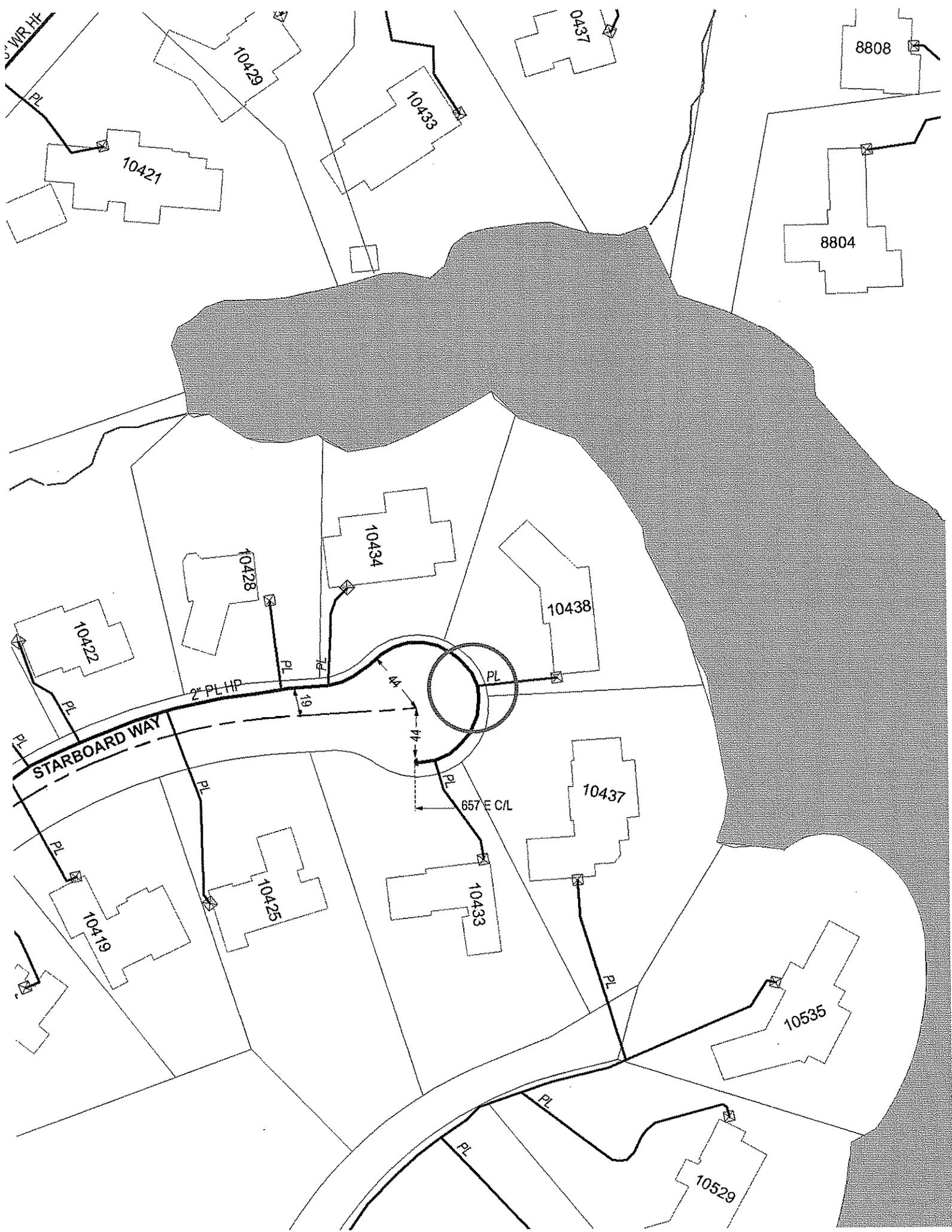
YOUR SIGNATURE:  TITLE (if any) Manager Gas Distribution

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

**Pipeline Safety Division – Case No. 1390  
Indiana Utility Regulatory Commission  
101 West Washington Street, # 1500E  
Indianapolis, IN 46204**

Or scan document(s) and Email to:

**PipelineDamageCase@urc.in.gov**



WR HF  
PL

10429

0437

8808

10421

10433

8804

10434

10438

10422

10428

2" PL HP

44

PL

STARBOARD WAY

19

44

657 E C/L

10437

10479

10423

10433

10535

10529

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
101 W. WASHINGTON STREET, SUITE 1500E  
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

September 23, 2011

Oct. 18<sup>th</sup> was when it was good

Jamie Berry  
Berry-It, Inc.  
225 West 450 North  
Kokomo, IN 46901

Subject: Notice of Preliminary Determination of Violation

Date of Event: 11/8/2010

Event Location: 10438 Starboard Way, Indianapolis, Marion County

Excavator: Berry-It, Inc.

Facility Owner: Citizens Gas

Pipeline Safety Division Case No. 1390

To Whom It May Concern:

On behalf of the Indiana Utility Regulatory Commission ("Commission"), I am writing to inform you that information has been filed with our Pipeline Safety Division ("Pipeline Division") regarding an alleged violation of Indiana Code 8-1-26 ("I.C. 8-1-26"), the *Indiana Damage to Underground Facilities Act*. You are receiving this letter because you have been identified as the Respondent or responsible party.

The purpose of this statute is to promote excavation and pipeline safety and to reduce imminent danger to life, health, property, or loss of service associated with unsafe digging practices. Based upon the information received, the Pipeline Division is commencing an investigation into the event concerning you or your business. Please note that the investigation does not entail determining criminal liability or a civil determination of fault or damages; however, it does determine whether any statutory violations were committed regarding public safety.

Although the law was enacted in 1991, enforcement measures went into effect in July 2009. The Commission was tasked with completing a formal rulemaking on how to determine whether a violation occurred, as well as how the subsequent penalties should be determined. Due to the

amount of time required for the rule to become effective and for the Underground Plant Protection Advisory Committee to be appointed and convened, you are now receiving this notification. This means that your case will be handled according to the recently approved administrative rule, which can be found here: [http://www.in.gov/iurc/files/rm0903\\_051111.pdf](http://www.in.gov/iurc/files/rm0903_051111.pdf).

The Pipeline Division has preliminarily identified that the following statutory violation(s) may have occurred:

***Property Damage Violations:***

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

***Should you disagree with the aforementioned violation(s), you have an opportunity to file documentation in support of your position. In order for this information to be considered, you must provide a written response to each allegation(s) and provide written evidence (e.g., maps, photographs, narrative statements, or other evidence) within thirty (30) days of the date of this letter.*** If you do not respond or fail to provide additional evidence for the Pipeline Division to consider, your investigation will be closed. Findings will then be forwarded to the Underground Plant Protection Advisory Committee for a recommendation to the Commission on the appropriate penalty.

If you are a business entity, please provide your full personal name and business title, as well as your legal authority to represent the business in this matter. If you lack such authority or are mistakenly named as the Respondent, you must provide the identical information requested above on behalf of your business.

Pursuant to the statute, civil penalties may include:

1. A warning letter for homeowners/tenants who are first-time offenders regarding a violation in which no one was personally injured;
2. A civil penalty up to a maximum of ten thousand dollars (\$10,000.00);
3. Required participation of employees in a mandatory education and training program sponsored by the Commission; and/or
4. Required development of a plan to avoid future violations, which must receive approval.

Depending upon the individual circumstances of each case, any combination of the civil penalties may be reduced to a Consent Agreement between the Commission and the offender.

**If you believe there are other parties or witnesses with relevant information for the Pipeline Safety Division to consider in its investigation, we request that you *immediately* provide their name, address, telephone number, and email address *in writing* to the Pipeline Safety Division.** Because the investigation should be completed within sixty (60) days, any delay in providing additional persons to be contacted may result in the investigation being concluded without this additional source of information.

Please forward any documentation to the following address or, in the alternative, you may scan the materials and send them electronically. Also, please be sure to include your assigned Pipeline Division Case Number on all communications.

Materials should be completed and sent via mail or email:

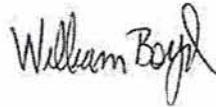
Mail: Pipeline Safety Division – Case No. 1390  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 E  
Indianapolis, IN 46204

Email: PipelineDamageCase@urc.in.gov

Included with this letter are the following documents: a *Summary of Procedures and Respondent's Rights* to assist in answering your questions; and an *Information Request* enclosure to assist in providing pertinent information regarding this investigation.

Should you have procedural or legal questions regarding the Underground Plant Protection Advisory Committee or the Indiana Utility Regulatory Commission, please contact David L. Welch, Assistant General Counsel, at (317) 234-4715. Should you have questions regarding the pipeline damage identified above, or our investigation, please contact me at (317) 232-2718. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "William Boyd". The signature is written in a cursive style with a large, stylized initial "W".

William Boyd  
Director, Pipeline Safety Division

Enclosures: Summary of Procedures and Respondent's Rights  
Information Request

# Information Request

## Pipeline Safety Division Indiana Utility Regulatory Commission

Case No. 1390

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: Berry It Inc.

Responsible Party Personal Name: James

Title (if any): Pres.

Address: 225 W. 450 N.

City, State Zip: KOKOMO, IN 46901

Preferred Telephone: 574-727-5424

Cell Phone Number: SAME.

Email Address: james@berryit.net

#### **Facility Information:**

Business Name: Citizens Gas

Responsible Party Personal Name:

Title (if any):

Address: SAME ?

City, State, Zip:

Preferred Telephone:

Cell Phone Number:

Email Address:

#### **Locator Service Information:**

Business Name: USIC

Responsible Party Personal Name:

Title (if any):

Address: ?

City, State Zip:

Preferred Telephone:

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:**

**Location of Damage:**

Address: 10438 Starboard way

City, State Zip: Indianapolis, IN

Nearest Intersection: Fall Creek Rd.

**Product Type (circle one):**

Natural Gas

Liquid Pipeline

Unknown/Other

**Facility Type (circle one):**

Distribution ~ 2 inch main line

Gathering

Service/Drop

Transmission

Unknown/Other

Size (Diameter/etc.): 2"

Pressure (PSIG/Inches): \_\_\_\_\_

Interruption in Service Yes / No

Number of Customers Affected: \_\_\_\_\_

Evacuation: Yes / No If yes, How Many Evacuated? \_\_\_\_\_

Repair Cost (if known): \$ 800.00

**Cause of Damage Information:**

**Type of Equipment (circle one):**

Auger  
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: Locate for this utility was 2'  
off, However we were 1 day off on our  
Locate dis ticket. It Had Expired by 1 day  
and we were unaware. So this would be our  
Fault Regardless of the Locate being off.