



## Pipeline Safety Division Investigation Report

### Investigation regarding: **Robert Phelps Construction**

UPPAC Database Record ID: 3474

Investigator: Howard Friend

Report Date: 10/30/2012

Damage Date: 7/5/2012

Damage Address: 2902 Ohio St

City: Michigan City

County: Laporte

### The Parties

Excavator: **Robert Phelps Construction**

Contact:

Address: 10821 West Division Rd, Westville, In 46391

Telephone: 219 928 6139

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: Robert Phelps Construction**

UPPAC Database Record ID: 3474

### **Damage Impact**

Product release: Yes

Ignition: No

Service Interruption: False

Number of Customers Affected: 0

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

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

Excavator request locates: Yes Indiana 811 ticket Number: 1206273656

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Demolition

**Synopsis:** A natural gas service was damaged during demolition of a building.

**Findings:** Reported by NIPSCO; excavator responded to initial notice on 10/18/2012. The excavator had a valid locate request and the operator provided accurate locate marks.

**Conclusion:** Excavator failed to maintain the required clearance with mechanized equipment.

**Violation: IC 8-1-26-20(b): Failure to plan excavation to avoid damage or interference with underground facilities; Failure to maintain two (2) feet clearance with mechanized equipment.**



**INFORMATION REQUEST**

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

RECEIVED

OCT 13 2012

INDIANA UTILITY  
REGULATORY COMMISSION

Case Number: 3474

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

*Upon completion of answers select email button for submission.*

**The Parties**

**Excavator Information:**

Business Name: Phelps Construction

Responsible Party Personal Name: Robert G. Phelps

Title (if any): Owner

Address (number and street): 10821 W. Division Road

City, State and ZIP Code: Westville, IN 46391

Preferred Telephone Number (area code): (219) 871-1587

Cellular Telephone Number (area code): (219) 928-6139

Email Address: batterypark@yahoo.com

**Facility Information:**

Business Name: NIPSCo

Responsible Party Personal Name: \_\_\_\_\_

Title (if any): \_\_\_\_\_

Address (number and street): \_\_\_\_\_

City, State and ZIP Code: \_\_\_\_\_

Preferred Telephone Number (area code): \_\_\_\_\_

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

**Locator Service Information:**

Business Name: Indiana 811 (Locate #1206273656)

Responsible Party Personal Name: \_\_\_\_\_

Title (if any): \_\_\_\_\_

Address (number and street): \_\_\_\_\_

City, State and ZIP Code: \_\_\_\_\_

Preferred Telephone Number (area code): (800) 382-5544

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

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**Cause of Damage Information**

Type of Equipment (select one): Backhoe/Trackhoe

Type of Work Performed (select one): Bldg. Demolition

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

Personal Contact: \_\_\_\_\_

Business/Organization Name: \_\_\_\_\_

Title (if any): \_\_\_\_\_

Address (number and street): \_\_\_\_\_

City, State and ZIP Code: \_\_\_\_\_

Preferred Telephone Number (area code): \_\_\_\_\_

Cellular Telephone Number (area code): \_\_\_\_\_

Email Address: \_\_\_\_\_

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**Utility Line Impact**

**Location of Damage:**

Address (*number and street*): 2902 Ohio

City, State and ZIP Code: Michigan City, IN 46360

Nearest Intersection: Highway 20

**Product Type (*select one*):** Natural Gas

**Facility Type (*select one*):** Unknown/Other

**Size (Diameter/etc.):** 3/4"

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

**Interruption in Service:**     Yes         No    **Number of Customers Affected:** \_\_\_\_\_

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

**Repair Cost (if known):** \$ 272.98

**Release of Product:**         Yes         No

**Ignition and/or Fire:**        Yes         No

**Excavator Notify 811:**       Yes         No

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**Locate Information**

**Excavator Request Locate:**    Yes         No

**Indiana 811 Locate Ticket Number:** 1206273656

# Phelps Construction

10821 W. Division Road  
Westville, IN 46391-9555  
(219) 871-1587

October 5, 2012

Mr. William Boyd  
Director Pipeline Safety Division  
Indiana Utility Regulatory Commission  
101 W. Washington Street, Suite 1500E  
Indianapolis, Indiana 46204-3407

RE: Notice of Preliminary Determination of Violation  
Pipeline Safety Division Case No. 3474

Dear Mr. Boyd,

We are in receipt of your letter, dated September 14, 2012. On July 5, 2012, Phelps Construction demolished a structure at 2902 Ohio Street, Michigan City, IN, LaPorte County for the City of Michigan City (Locate #1206273656). There was no excavation surrounding the gas line. The stand-up pipe for the NIPSCO meter (which was unhooked) was backed over with an excavator track. It was human error on my part as I did not notice the stand-up pipe when I was backing up. I apologize for the problem and realize that we must be attentive to all utilities when operating equipment.

Sincerely,



Robert G. Phelps  
Owner

RGP:vsp



101 West Ohio Street, Suite 1707  
Indianapolis, IN 46204

October 26, 2012

*Via Electronic Transmission – [PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)*

Pipeline Safety Division – Case No. 3474  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3474

To Whom It May Concern:

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

Date of Event: 7/5/2012

Event Location: 2902 Ohio St, Michigan City

Facility Owner: Northern Indiana Public Service Company

Excavator: Robert Phelps Construction

Other Party: N/A

Pipeline Division Case No. 3474

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. To the extent available, NIPSCO is also providing a copy of the Damage Information Report – Pipeline Safety Division previously submitted by NIPSCO to IURC Pipeline Safety as well as additional documentation relating to this Event Location.

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](mailto:cearle@nisource.com)

<b>IURC INFORMATION REQUEST</b>	
<b>Pipeline Safety Division Case No. 3474</b>	
Date of Event	7/5/2012
Event Location	2902 Ohio St, Michigan City
Facility Owner	Northern Indiana Public Service Company
Excavator	Robert Phelps Construction
Date of IURC Information Request	9/18/2012
<b>THE PARTIES</b>	
<b>EXCAVATOR:</b>	
BUSINESS NAME	Robert Phelps Construction
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	10821 W. Division Rd
CITY/ STATE/ZIP	Westville, IN 46391
PREFERRED TELEPHONE	219/928-6139
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
<b>FACILITY INFORMATION - OWNER/OPERATOR OF UTILITY LINE:</b>	
BUSINESS NAME	NORTHERN INDIANA PUBLIC SERVICE COMPANY
RESPONSIBLE PARTY PERSONAL NAME	LUKE SELKING
TITLE	
ADDRESS	1501 HALE AVENUE
CITY/STATE/ZIP	FORT WAYNE, IN 46802
PREFERRED TELEPHONE	260/439-1290
SECONDARY TELEPHONE	
EMAIL ADDRESS	LSELKING@NISOURCE.COM
<b>LOCATOR SERVICE INFORMATION</b>	
BUSINESS NAME	USIC
RESPONSIBLE PARTY PERSONAL NAME	Morgan Thompson
TITLE (IF ANY)	Claims Coordinator
ADDRESS	9045 N. River Rd. Suite 300
CITY/ STATE/ZIP	Indianapolis, IN 46240
PREFERRED TELEPHONE	1-317-538-7301
CELL PHONE TELEPHONE	
EMAIL ADDRESS	<a href="mailto:morganthompson@usicinc.com">morganthompson@usicinc.com</a>
<b>OTHER (WITNESS, POLICE, FIRE, OTHER) INFORMATION</b>	
PERSONAL CONTACT	
BUSINESS/ORGANIZATION NAME	
TITLE (IF ANY)	

ADDRESS	
CITY/ STATE/ZIP	
PREFERRED TELEPHONE	
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
<b>UTILITY LINE IMPACT</b>	
<b>LOCATION OF DAMAGE</b>	
ADDRESS	2902 Ohio St
CITY/STATE/ZIP	Michigan City, IN 46360
NEAREST INTERSECTION	US Rt 20
<b>PRODUCT TYPE (Select One)</b>	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
<b>FACILITY TYPE (Select One)</b>	
DISTRIBUTION	
GATHERING	
SERVICE/DROP	X
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	¾" steel
PRESSURE (PSIG/INCHES)	45
INTERRUPTION IN SERVICE (YES/NO)	No
NUMBER OF CUSTOMERS AFFECTED	0
EVACUATION (YES/NO)	No
IF YES, HOW MANY EVACUATED	0
REPAIR COST (IF KNOWN) (\$)	272.98
<b>CAUSE OF DAMAGE INFORMATION:</b>	
<b>TYPE OF EQUIPMENT (Select One)</b>	
Auger	
Backhoe/Trackhoe	
Boring/Drilling	
Directional Drilling	
Explosives	
Farm Equipment	
Grader/Scraper	
Hand Tools	
Milling Equipment	
Probing Device	

Trancher	
Vacuum Equipment	
Unknown/Other	X
<b>TYPE OF WORK PERFORMED (Select One)</b>	
Agriculture	
Cable TV	
Curb/Sidewalk	
Bldg. Construction	
Bldg. Demolition	X
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)	Yes
IGNITION AND/OR FIRE (YES/NO)	No
EXCAVATOR NOTIFY 811 (YES/NO)	No
<b>LOCATE INFORMATION:</b>	
EXCAVATOR REQUEST LOCATE (YES/NO)	Yes

INDIANA 811 LOCATE TICKET NUMBER	1206273656
LOCATE MARKS VISIBLE (YES/NO)	Yes
LOCATE MARKS CORRECT (YES/NO)	Yes
EXCAVATOR "WHITE LINED" (YES/NO)	No
MAPS USED TO MARK FACILITIES (YES/NO)	Yes
OPERATOR EMPLOYEES ON-SITE DURING EXCAVATION (YES/NO)	No
<b>INCIDENT IMPACT INFORMATION</b>	
NUMBER OF OUTPATIENT TREATED	0
NUMBER OF INPATIENT TREATED	0
NUMBER OF FATALITIES	0
FIRE DEPARTMENT RESPONSE (YES/NO)	N/A
POLICE DEPARTMENT RESPONSE (YES/NO)	N/A
AMBULANCE RESPONSE (YES/NO)	N/A
<b>ADDITIONAL INFORMATION/COMMENTS</b>	
<p>NIPSCO field report and CIS data based on call from excavator are not consistent with NIPSCO damage to own line as reported by locator. Excavator failed to maintain appropriate clearance with accurately marked facility.</p> <p>No damage or emergency repair tickets.</p>	

**Fact Based Investigation Report**

**NOTIFICATION ID:** 01820120705006                      **DISTRICT:** Northern IN  
**DAMAGE DATE:** 7/5/2012 1:00:00 PM      **NOTIFICATION DATE:** 7/5/2012 1:38:37 PM  
**NOTIFIED BY:** PATTY Excavator  
**DAMAGE ADDRESS:** 2902 OHIO ST. X ESSEX  
**CITY:** MICHIGAN CITY      **ST:** IN      **ZIP:**

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**DAMAGED CUSTOMER:** NIPSCO

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**INVESTIGATION DATE:** 07/05/2012  
**FROM:** 13:45:00                                              **TO:** 14:15:00

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**EXCAVATOR INVOLVED:** NIPSCO  
**TYPE OF EXCAVATION:** N/A

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**ORIG. LOCATE REQ.:** 1206152882                      **START DATE/TIME:**  
**TYPE OF TICKET:**                                              **LOCATE REQ. INFO N/A:**

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**DIG UP/DAMAGE REQ.:** M55720074                      **START DATE/TIME:**

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**PICTURES TAKEN BY:** Chris Deniston      **DATE/TIME:** 7/5/2012 2:00:00 PM  
**PHOTOGRAPHY TYPE:** Digital                      **FRAME #:**

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**INVESTIGATOR EMP#:** 116375                      **INVESTIGATOR NAME:** Joe Hendrickson  
**BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED?** No

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**Fact Based Investigation Customer Information**

**NOTIFICATION ID:** 01820120705006  
**SELECT A CUSTOMER:** NIPSCO  
**CUSTOMER #:** *(optional)*

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**FACILITY DESCRIPTION:** LOWPROF                      **FACILITY ID:** Gas Service  
**LOCATOR NAME & EMP #:** Deniston Chris - 117867  
**LOCATOR NOT KNOWN:**

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**CHECK ALL THAT APPLY TO INVESTIGATION:**

Abandoned Facility,  
Other

**Other:** Retired gas stub

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**CHECK ALL THAT APPLY TO METHOD OF INVESTIGATION (at least one must be checked):**

Visual, Facility Exposed At Time Of Investigation

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**INVESTIGATOR STATEMENT/CAUSAL FACTORS:**

This damaged line was a retired gas service stub. No sign that it was in the area. NIPSCO hit their own line.

**NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:**

N/A

**NAMES OF EXCAVATOR'S REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:**

N/A

**LIST ANY OTHER INDIVIDUALS ON SITE:**

N/A

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**WERE ANY MARKINGS VISIBLE ON THE DAMAGE SITE UPON ARRIVAL?** Yes

**WERE ANY OTHER INDICATORS OF FACILITY PRESENT IN THE AREA?** No

**WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS?** No

**EXTENT OF FACILITY DAMAGE** Cut gas service stub

**REPLACEMENT FOOTAGE** N/A

**WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO?** No N/A

**WHAT CONTRACTOR EQUIPMENT WAS USED?** Backhoe

**IS THE FACILITY SHOWN ON THE UTILITY RECORDS?** No

**IF YES, PLEASE LIST RECORD #(S)** N/A

NIPSCO 01103 IUPPSa 06/27/2012 22:15:29 1206273656-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 1206273656 Date: 06/27/2012 Time: 22:05 Oper: SPOPE Chan:021

State: IN Cnty: LAPORTE Twp: MICHIGAN  
Cityname: MICHIGAN CITY Inside: Y Near: N  
Subdivision:

CASE #  
3474

Address : 2902  
Street : OHIO ST  
Cross 1 : US RT 20 Within 1/4 mile: Y  
Location: LOCATE ENTIRE PROPERTY  
:  
Grids : 4140A8654D 4141D8654D 4140A8654C 4141D8654C  
Boundary: n 41.686577 s 41.681442 w -86.906807 e -86.900620

Work type : DEMOLITION  
Done for : CITY OF MICHIGAN CITY  
Start date: 07/02/2012 Time: 07:00 Hours notice: 104/48 Priority: NORM  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
Duration : 4 DAYS Depth: 8 FEET

Company : PHELPS CONSTRUCTION Type: CONT  
Co addr : 10821 WEST DIVISION ROAD  
City : WESTVILLE State: IN Zip: 46391  
Caller : ROBERT PHELPS Phone: (219)871-1587  
Contact : ROBERT PHELPS - CELL Phone:  
BestTime:  
Mobile : (219)928-6139  
Fax : (219)871-1587  
Email : BATTERYPARK@YAHOO.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time  
Will you be white-lining the dig site area? NO  
:

Submitted date: 06/27/2012 Time: 22:05  
Members: COMCN ID0148 ID5121 ID6683 NIPSCO SBCIN SM



## DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)

INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Aug 9, 2012

### Who is submitting this information?

Name of person providing this information: Carrie Ludwig

Business address (*number and street*): 3511 East 15th Ave

City, State, and ZIP code: Gary, IN 46403

Telephone number (*area code*): 219 962 0422

Fax number (*area code*): 219 962 0404

E-mail address: cludwig@nisource.com

### Excavator Information, if known

Full name: Robert Phelps Construction

Business address (*number and street*): 10821 West Division Rd

City, State, and ZIP code: Westville, IN 46391

Telephone number (*area code*): 219 928 6139

Fax number (*area code*): \_\_\_\_\_

E-mail address: \_\_\_\_\_

### Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Backhoe/Trackhoe

Type of work performed: Bldg. Demolition

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**Date and Location of Damage**

Date of damage (*month, day, year*): Jul 5, 2012

County: Laporte

City: Michigan City

Street address (*number and street, city, state, and ZIP code*):  
2902 Ohio St Michigan City IN

Nearest intersection: US RT 20

Right of way where damage occurred: Public - City Street

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? No

If yes, how many evacuated? 0

Was there a customer service interruption? No

If yes, how many affected? 0

Time to restore service (*in hours*): \_\_\_\_\_

Enter number of injuries, if applicable and known: 0

Enter number of fatalities, if applicable and known: 0

Property damage, Estimate \$ \_\_\_\_\_

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**Affected Facility Information**

What type of pipeline was damaged? Natural Gas

What was the affected facility? Service/Drop

What was the depth of the facility, in inches? 24

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**Notification, Locating, Marking**

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1206273656

Was the locate request completed within two working days? Yes

If locates were performed, were they done so by a contractor or pipeline employee? Contract Locator

If a contractor locator, enter the company name, if known: USIC

Were facility marks visible in the area of excavation? Yes

Were facilities marked correctly? Yes

Type of markings used: Paint and Flags

If other, please specify: \_\_\_\_\_

Was site marked by "White Lining"? No

Were special instructions part of the locate request? Unknown/Other

Were maps used to complete the locate request? Yes

Were pipeline company representatives on site during excavation? No

Did the excavator notify the operator in the event of this damage? Yes

Did the excavator notify Indiana 811 in the event of this damage? No

Did the excavator notify 911 in the event of a release of product? No

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### **Description of Cause**

Select from the list the most accurate cause for the damage: --Failure to maintain clearance

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### **Additional Comments**



2902 Ohio St - Damage  
Steven Georgion to: Carrie Ludwig

07/09/2012 08:19 AM

Date 7/5/12

City Michigan City

Address 2902 Ohio St

Contractor Robert Phelps Construction (219-928-6139)

Type of Equipment Excavator

Work Type Demolishing Home

Locate # n/a

Locates (yes/no) yes

Accurate Locates (yes/no) yes

Paint, flags or both both

Release of Gas (yes/no) yes

Detailed description of Event including equipment used Contractor did not wait for NIPSCO to retire service and hit it with an excavator upon demolishing the home

Depth of line 24"

Were locates performed in 2 working days (yes/no) n/a

Service or main and size of line  $\frac{3}{4}$ " steel

Pressure (PSI) 45#

Outage (yes/no) no

How many customers lost 0

Time to restore service n/a

Evacuation (yes/no) no

How many evacuated 0

Damage or leak Damage