



Pipeline Safety Division Investigation Report

Investigation regarding: NIPSCO

UPPAC Database Record ID: 3737

Report Date: 5/23/2013

Investigator: Mike Orr

Damage Date: 8/11/2012

Damage Address: Us Hwy 6 & Co Rd 9, Nappanee, Elkhart

The Parties

Excavator: **Qc Communications, Inc.**

Address: 7925 West 100 North, Wabash, In 46992

Facility Owner: **NIPSCO**

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

Type of Equipment: Trencher

Type of Work Performed: Telecommunications

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: 1208022736

Original Start Date:

Locate Instructions:

Follow-Up Locate Instructions (if applicable):

Synopsis: A 3 inch natural gas distribution main was damaged while trenching in a telecommunications line.

Findings: Reported by NIPSCO; excavator's response to initial notice was received on 12/28/2012. The excavator had a valid locate; however, the gas operator reported a failure to accurately locate the facility.

Conclusion: There was a failure to provide an accurate facility locate.

Violation: IC 8-1-26-18(f) Operator failed to locate or provided incorrect locate markings.



150 West Market Street, Suite 600
Indianapolis, IN 46204

January 28, 2012

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 3737
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3737

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: 8/11/2012

Event Location: Us Hwy 6 & Co Rd 9

Facility Owner: Northern Indiana Public Service Company

Excavator: Qc Communications, Inc.

Other Party: N/A

Pipeline Division Case No. 3737

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

IURC INFORMATION REQUEST	
Pipeline Safety Division Case No. 3737	
Date of Event	8/11/2012
Event Location	Us Hwy 6 & Co Rd 9
Event City	Nappanee
Facility Owner	Northern Indiana Public Service Company
Excavator	Qc Communications, Inc.
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	QC Communications
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	7925 W 100 N
CITY/ STATE/ZIP	Wabash, IN 46992
PREFERRED TELEPHONE	260-563-4453
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
FACILITY INFORMATION - OWNER/OPERATOR OF UTILITY LINE:	
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
LOCATOR SERVICE INFORMATION	
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	morganthompson@usicinc.com
OTHER (WITNESS, POLICE, FIRE, OTHER) INFORMATION	
PERSONAL CONTACT	
BUSINESS/ORGANIZATION NAME	
TITLE (IF ANY)	

ADDRESS	
CITY/ STATE/ZIP	
PREFERRED TELEPHONE	
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
UTILITY LINE IMPACT	
LOCATION OF DAMAGE	
ADDRESS	US Hwy 6
CITY/STATE/ZIP	Nappanee, IN
NEAREST INTERSECTION	Co Rd 9
PRODUCT TYPE (Select One)	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
FACILITY TYPE (Select One)	
DISTRIBUTION	X
GATHERING	
SERVICE/DROP	
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	3" plastic
PRESSURE (PSIG/INCHES)	N/A
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) (\$)	N/A
CAUSE OF DAMAGE INFORMATION:	
TYPE OF EQUIPMENT (Select One)	
Auger	
Backhoe/Trackhoe	
Boring/Drilling	
Directional Drilling	
Explosives	
Farm Equipment	
Grader/Scraper	
Hand Tools	
Milling Equipment	
Probing Device	

Trancher	X
Vacuum Equipment	
Unknown/Other	
TYPE OF WORK PERFORMED (Select 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	X
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
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Yes

INDIANA 811 LOCATE TICKET NUMBER	1208022736
LOCATE MARKS VISIBLE (YES/NO)	Yes
LOCATE MARKS CORRECT (YES/NO)	No
EXCAVATOR "WHITE LINED" (YES/NO)	No
MAPS USED TO MARK FACILITIES (YES/NO)	Yes
OPERATOR EMPLOYEES ON-SITE DURING EXCAVATION (YES/NO)	No
INCIDENT IMPACT INFORMATION	
NUMBER OF OUTPATIENT TREATED	0
NUMBER OF INPATIENT TREATED	0
NUMBER OF FATALITIES	0
FIRE DEPARTMENT RESPONSE (YES/NO)	Yes
POLICE DEPARTMENT RESPONSE (YES/NO)	Yes
AMBULANCE RESPONSE (YES/NO)	N/A
ADDITIONAL INFORMATION/COMMENTS	
<p>Facility marking or location not sufficient. Nipsco emergency repair ticket – 1208110112.</p>	

Fact Based Investigation Report

NOTIFICATION ID: 01820120811002

DISTRICT: Northern IN

DAMAGE DATE: 8/11/2012 11:05:00 AM

NOTIFICATION DATE: 8/11/2012 12:06:38 PM

NOTIFIED BY: Dan/Nipsco Other

DAMAGE ADDRESS: US Hwy 6 X CR 9

CITY: Napanee

ST: IN ZIP:

DAMAGED CUSTOMER: NIPSCO

INVESTIGATION DATE: 08/11/2012

FROM: 12:50:00

TO: 15:40:00

EXCAVATOR INVOLVED: QC COMMUNICATIONS

TYPE OF EXCAVATION: fiber

ORIG. LOCATE REQ.:

START DATE/TIME:

TYPE OF TICKET:

LOCATE REQ. INFO N/A:

DIG UP/DAMAGE REQ.: M60029303

START DATE/TIME: 8/11/2012 12:50:00 PM

PICTURES TAKEN BY: tom pasko

DATE/TIME: 8/11/2012 3:00:00 PM

PHOTOGRAPHY TYPE: Digital

FRAME #:

INVESTIGATOR EMP#: 121650

INVESTIGATOR NAME: tom pasko

BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED? Possibly

Fact Based Investigation Customer Information

NOTIFICATION ID: 01820120811002

SELECT A CUSTOMER: NIPSCO

CUSTOMER #: (optional)

FACILITY DESCRIPTION: LOWPROF

FACILITY ID: main - 3"

LOCATOR NAME & EMP #: Stevens Michael - 134923

LOCATOR NOT KNOWN:

CHECK ALL THAT APPLY TO INVESTIGATION:

Other

Other: miss mark

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

Visual, Facility Exposed At Time Of Investigation,
Investigation Results Verified By Utility Representative

INVESTIGATOR STATEMENT/CAUSAL FACTORS:

main marked ** off

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

main was mark 8" off

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

not were marks were

LIST ANY OTHER INDIVIDUALS ON SITE:

na

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

WERE ANY OTHER INDICATORS OF FACILITY PRESENT IN THE AREA? Yes

WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS? No

EXTENT OF FACILITY DAMAGE cut 3" pl main

REPLACEMENT FOOTAGE ?

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO? No

WHAT CONTRACTOR EQUIPMENT WAS USED?

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? Yes

IF YES, PLEASE LIST RECORD #(S) goshen

NIPSCO 00978 IUPPSa 08/02/2012 15:43:57 1208022736-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 1208022736 Date: 08/02/2012 Time: 15:33 Oper: MMOELLER Chan:039

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

#3737

Address :

Street : US RT 6

Cross 1 : CO RT 9 Within 1/4 mile: Y

Location: AT THE NE CORNER OF THE INTERSECTION - FROM POLE 679-844 ON THE NORTH
SIDE OF US RT 6 AND THE EAST SIDE OF CO RT 9 - LOCATE EAST FOR 2500 FT

***Boring Where = UNDER YARDS AND DRIVEWAYS

:

Grids : 4126B8557D 4126B8557C 4126B8557B 4126B8557A

Boundary: n 41.443611 s 41.442307 w -85.963760 e -85.953072

Work type : INSTALL CONDUIT

Done for : MEDIACOM

Start date: 08/06/2012 Time: 15:45 Hours notice: 96/48 Priority: NORM

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

Duration : 1 WEEK Depth: 15 FEET

Company : QC COMMUNICATIONS Type: CONT

Co addr : 7925 WEST 100 SOUTH

City : WABASH State: IN Zip: 46992

Caller : DUSTIN DAY Phone: (260)563-4453

Contact : DUSTIN DAY CELL Phone:

BestTime:

Mobile : (765)244-2250

Fax : (260)563-0963

Remarks : All tickets are taken and processed on Eastern Daylight Time
Will you be white-lining the dig site area? YES

:

Submitted date: 08/02/2012 Time: 15:33

Members: ID2034 ID4623 ID7634 NIPSCO ID5857 SM

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

** COMPLETE FORM FOR ALL DAMAGES TO NIPSCO FACILITIES **

REPORTING OPERATING AREA 110 MAXIMO WO # M529378 & M529360
OPERATING AREA CONTACT K. ADAMS JOB ORDER # 546599
TRACKING NUMBER 018-2012-0811-002 LOCATE REF # 1208022736
Locate Performed By:

DATE AND TIME OF ACCIDENT 08-11-12 25 M DATE OF REPORT 08-11-2012
PLACE OF DAMAGE (INCLUDE CITY) US Hwy 6 AND County Road 9 NAPPANEE

DAMAGE WAS TO:
ELECTRIC - POLE / TRANSFORMER: # SIZE YEAR INSTALLED BROKEN YES () NO ()

OTHER (DESCRIBE)
GAS: SERVICE () MAIN () SIZE 3" MATERIAL: PLASTIC () STEEL () METER () REG STATION () STUB ()
OTHER (DESCRIBE)

DEPTH OF FACILITY (inches) 38" PRESSURE (PSI) 40 Lbs.

RELEASE OF GAS: YES () NO () IGNITION OF GAS: YES () NO () EVACUATION REQUIRED: YES () # NO ()

INTERRUPTION OF SERVICE: YES () NO () NUMBER OF CUSTOMERS LOST: 0

DURATION OF INTERRUPTION: TIME REPORTED 10:59 am TIME RESTORED 10:00 p.m.

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 1 7/8"

LOCATE MARKS ON SITE: YES () DISTANCE BETWEEN FACILITY AND LOCATE MARKS 5 ft. NO ()
HOW LOCATED: PAINT () FLAGS () BOTH () WHITE LINED ()

PARTY THAT CAUSED DAMAGES (NAME) Q.C. COMMUNICATIONS

ADDRESS OF PARTY (INCLUDE CITY) Wabash, In

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE JOSH HARRIS

WITNESS NAME AND ADDRESS
WITNESS REMARKS

AGENCIES NOTIFIED / ONSITE: POLICE () AGENCY NAPPANEE REPORT #
FIRE () AGENCY NAPPANEE REPORT #
OTHER () Any Injuries? () YES # () NO

PHOTOS TAKEN: YES () NO () TAKEN BY: (ATTACH PHOTOS TO REPORT)
MEDIA ON SITE YES () NO ()

WORK IN PROGRESS WHEN FACILITY DAMAGED - CHECK APPROPRIATE CHOICE BELOW
() AGRICULTURE/FARMING () CABLE TV () CURB/SIDEWALK () TELECOMMUNICATIONS
() BLDG CONSTRUCTION () DEMOLITION () DRAINAGE () WATER
() DRIVEWAY () ELECTRIC () SURVEYING () DRAINS/CULVERTS
() FENCING () GRADING () IRRIGATION () MOWING
() LANDSCAPING () PIPELINE () MILLING () OTHER
() POLE/SIGN POST () ROAD WORK () SEWER

TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW
() AUGER () HAND TOOLS () BACKHOE/TRACKHOE
() MILLING EQUIPMENT () PROBING DEVICE () BORING / DRILLING
() EXPLOSIVES () TRENCHER () FARM EQUIPMENT
() VACCUUM EQUIPMENT () GRADER () OTHER

REASON DAMAGE OCCURRED - CHECK APPROPRIATE CHOICE BELOW
() AUTOMOTIVE ACCIDENT () EXCAVATING BEFORE LOCATES DUE () CARELESS MACHINE OPERATOR
() NO NOTIFICATION () MARKS DISTURBED () STUB () OTHER MISLOCATED

COMMENTS: GAS MAIN MISLOCATED O.C. COMMUNICATIONS
HIT MAIN 4' AWAY FROM LOCATES

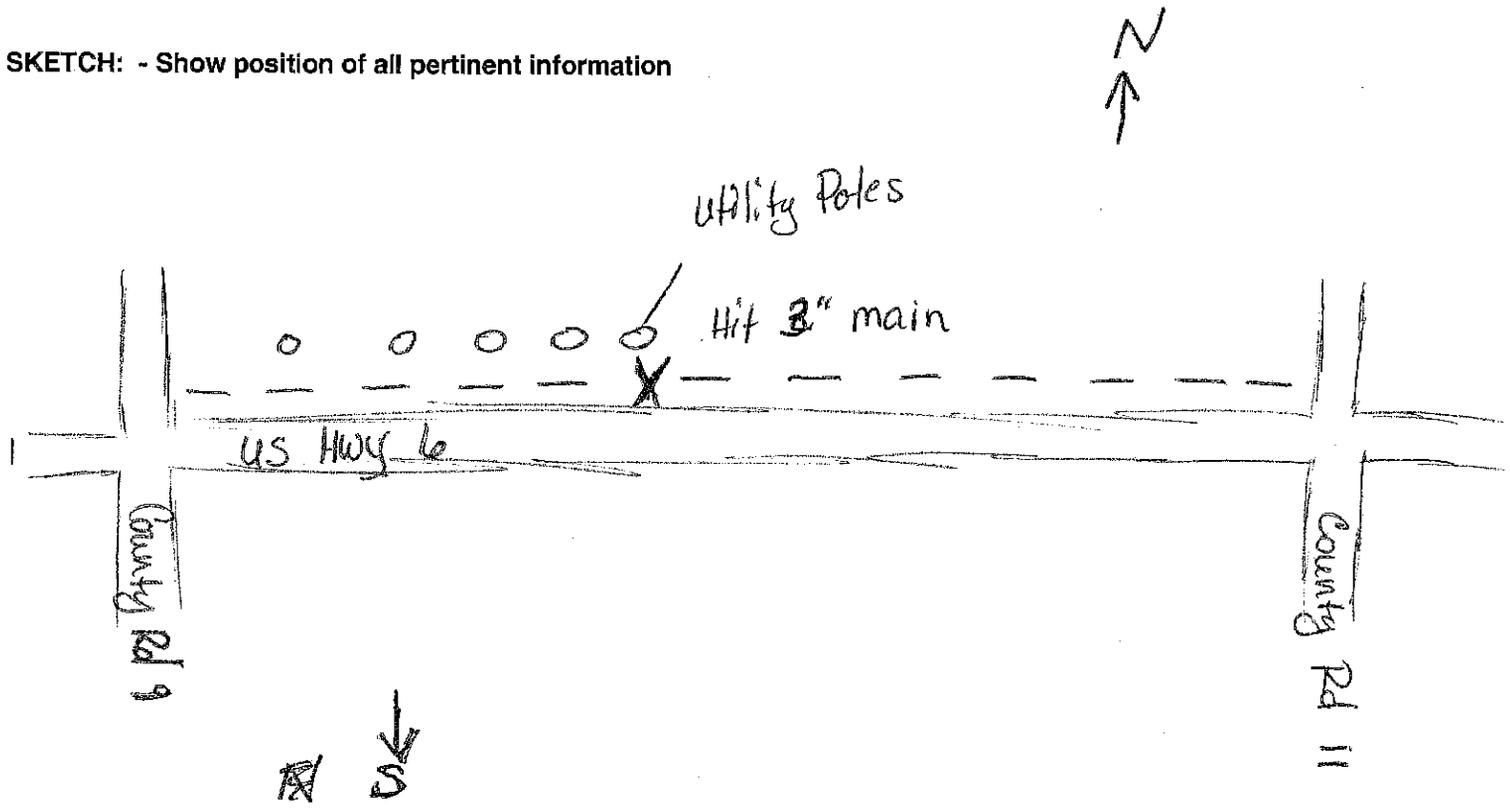
PERSON PREPARING REPORT K. ADAMS 117197

FIELD SUPERVISOR Curry King

FIELD MANAGER Rick Gray

- ORIGINAL REPORT AND SUPPORTING INFORMATION IS TO BE SENT TO FACILITY DAMAGE RECOVERY
- COPY OF REPORT IS TO BE SENT TO DAMAGE PREVENTION

SKETCH: - Show position of all pertinent information



FOR OFFICE USE ONLY:

- | | | |
|-------------------------------------------------|-----|----|
| • DID EXCAVATION OCCUR BEFORE LOCATES WERE DUE | YES | NO |
| • NO IN 811 LOCATE CALLED IN | YES | NO |
| • DAMAGE CAUSED FROM EXCAVATION WITHIN 24" ZONE | YES | NO |
| • EXPIRED LOCATE | YES | NO |
| • WAS WHITE LINING INDICATED ON LOCATE REQUEST | YES | NO |

COMPLETED BY: K. Adams DATE: 8/11/12



DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)
INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Aug 28, 2012

Who is submitting this information?

Name of person providing this information: Robert A. Hayward

Business address (*number and street*): 3511 E. 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: QC Communications

Business address (*number and street*): 7925 West 100 North

City, State, and ZIP code: Wabash, IN 46992

Telephone number (*area code*): 260-563-4453

Fax number (*area code*): _____

E-mail address: _____

Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Trencher

Type of work performed: Telecommunications

Date and Location of Damage

Date of damage (*month, day, year*): Aug 11, 2012

County: Elkhart

City: Nappanee

Street address (*number and street, city, state, and ZIP code*):
US Hwy 6 & Co Rd 9 Nappanee, IN

Nearest intersection: Same

Right of way where damage occurred: Dedicated Public Utility Easement

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? Yes

If yes, how many evacuated? _____

Was there a customer service interruption? No

If yes, how many affected? _____

Time to restore service (*in hours*): 11

Enter number of injuries, if applicable and known: 0

Enter number of fatalities, if applicable and known: 0

Property damage, Estimate \$ _____

Affected Facility Information

What type of pipeline was damaged? Natural Gas

What was the affected facility? Distribution

What was the depth of the facility, in inches? 38

Notification, Locating, Marking

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1208022736

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? No

Type of markings used: Paint and Flags

If other, please specify: _____

Was site marked by "White Lining"? Yes

Were special instructions part of the locate request? No

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? Unknown/Other

Description of Cause

Select from the list the most accurate cause for the damage: --Facility marking or location not sufficient

Additional Comments



Property of United States Infrastructure Corporation
Photo taken on 8/11/2012 3:18:08 PM



05/05/2012

Property of United States Infrastructure Corporation
Photo taken on 5/5/2012 4:39:44 PM



Property of United States Infrastructure Corporation
Photo taken on 8/6/2012 @ 3:59:50 PM



Property of United States Infrastructure Corporation
Photo taken on 8/6/2012 8:05 AM PM



Property of United States Infrastructure Corporation
Photo taken on 8/11/2012 3:04:44 PM



150 West Market Street, Suite 600
Indianapolis, IN 46204

February 15, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 3737
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Notification of Possible Violations; Pipeline Division Case No. 3737
Date of Event: 8/11/12
Event Location: US Hwy 6 & Co Rd 9, Nappanee
Excavator: QC COMMUNICATIONS, INC.
Other Party: N/A

To Whom It May Concern:

This letter responds to the Indiana Utility Regulatory Commission, Division of Pipeline Safety, Notification of Possible Violations for Case No. 3737 (as detailed above) identifying potential violations of Indiana law dated January 16, 2013. Full detail concerning this damage was provided to the Commission under the same case number on January 28, 2013 in support of the operator's response. NIPSCO has not identified any further information responsive to this case. The line damaged was not correctly marked.

If there are any additional questions, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christopher Earle".

Christopher C. (Kit) Earle
NiSource Corporate Services - Legal
Phone: 317-684-4904
Fax: 317-684-4918

Email: cearle@nisource.com



DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)

INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Aug 28, 2012

Who is submitting this information?

Name of person providing this information: Robert A. Hayward (NIPSCO)

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

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

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

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E-mail address: cludwig@NiSource.com

Excavator Information, if known

Full name: QC Communications

Business address (*number and street*): 7925 West 100 North

City, State, and ZIP code: Wabash, IN 46992

Telephone number (*area code*): 260-563-4453

Fax number (*area code*): _____

E-mail address: _____

Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Trencher

Type of work performed: Telecommunications

Date and Location of Damage

Date of damage (*month, day, year*): Aug 11, 2012

County: Elkhart

City: Nappanee

Street address (*number and street, city, state, and ZIP code*):
US Hwy 6 & Co Rd 9

Nearest intersection: Same

Right of way where damage occurred: Dedicated Public Utility Easement

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? Yes

If yes, how many evacuated? _____

Was there a customer service interruption? No

If yes, how many affected? _____

Time to restore service (*in hours*): 11

Enter number of injuries, if applicable and known: 0

Enter number of fatalities, if applicable and known: 0

Property damage, Estimate \$ _____

Affected Facility Information

What type of pipeline was damaged? Natural Gas

What was the affected facility? Distribution

What was the depth of the facility, in inches? 38

Notification, Locating, Marking

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1208022736

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? No

Type of markings used: Paint and Flags

If other, please specify: _____

Was site marked by "White Lining"? Yes

Were special instructions part of the locate request? No

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? Unknown/Other

Description of Cause

Select from the list the most accurate cause for the damage: --Facility marking or location not sufficient

Additional Comments

Excavator is not at fault. Gas operator did not locate or provided incorrect markings. MAO 8/28/2012.



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

RECEIVED

November 30, 2012

DEC 28 2012

Qc Communications, Inc.
7925 West 100 North
Wabash, In 46992

INDIANA UTILITY
REGULATORY COMMISSION

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 3737**

Date of Event: 8/11/2012
Event Location: Us Hwy 6 & Co Rd 9, Nappanee, Elkhart County
Excavator: Qc Communications, Inc.
Facility Owner: Northern Indiana Public Service Company

Dear Qc Communications, Inc.,

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

To ensure safety, the Indiana Underground Plant Protection Service (Indiana 811) and gas operators routinely provide reports to the Pipeline Safety Division when an operator's facility is damaged. The Division has received a report from one of these entities that on **8/11/2012**, you or your business damaged a pipeline facility owned by **Northern Indiana Public Service Company** and located at **Us Hwy 6 & Co Rd 9, Nappanee, Elkhart County**.

Based upon the information received, the Pipeline Safety Division is commencing an investigation into the event concerning you or your business to determine whether any statutory violations were committed regarding public safety, specifically the following:

- IC 8-1-26-16(g): Failure to provide notice of excavation.
- IC 8-1-26-16(h): Failure to perform required white lining.
- IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment.
- IC 8-1-26-18(f): Failure to properly locate facilities (operator violation)

The Division provides both you and Northern Indiana Public Service Company with an opportunity to send in documentation explaining what occurred. This may include maps, photographs, narrative statements, and any other evidence you wish to provide. You have thirty (30) days from the date this letter is received to send in information, but an extension may be given for good cause shown. Please note that the Division's investigation will be completed after this time period, even if you do

not respond or fail to provide additional evidence for the Pipeline Safety Division to consider. The Division's findings will then be forwarded to the Advisory Committee. If the Advisory Committee confirms the violation, it will send its recommendation on the appropriate penalty to the Commission.

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, please notify the Pipeline Safety Division as soon as possible, providing the name of the proper representative, if known.

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.

You are encouraged to fill out the required information form electronically by going to <http://www.in.gov/iurc/2335.htm> and clicking on the "Operator/Excavator Information Request Form" under the Indiana's Damage to Underground Facilities Act section. You may call Kelsey Klingler at (317) 232-0037 to request a hard copy to return by mail. In addition to the information form, you can forward additional documentation such as maps and drawings by mailing them to the address below or by scanning and emailing them. Please include your assigned Pipeline Safety Division Case Number on all communications and add your Case Number and denote "INITIAL DOCUMENTS - EXCAVATOR" at the top of your materials or in the subject heading of your email.

Mail: Pipeline Safety Division – Case No. 3737
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, IN 46204

Email: PipelineDamageCase@urc.in.gov

Included with this letter is a *Summary of Procedures and Respondent's Rights* to assist in answering your questions, including information on the procedure for determining violations and possible civil penalties that may be assessed. Please note that your case will be handled according to administrative rule 170 IAC 5-5, found at http://www.in.gov/legislative/iac/iac_title?iact=170.

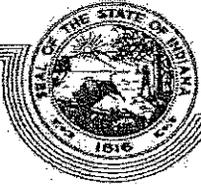
Should you have procedural or legal questions regarding the Advisory Committee or the IURC, please contact DeAnna L. Poon, Legal Advisor to the Advisory Committee and Assistant General Counsel at the IURC, at (317) 232-6735. For questions regarding the pipeline damage identified above, or our investigation, please contact me at (317) 232-2718. Thank you for your assistance.

Sincerely,



William Boyd, Director Pipeline Safety Division

Enclosures: Summary of Procedures and Respondent's Rights



Summary of Procedures and Respondent's Rights

Please note that the following is offered for informational purposes and does not constitute legal advice. Anyone involved in this process is entitled to individual legal representation and is encouraged to retain their own counsel in order to be fully apprised of their rights.

What is the purpose of Indiana's Damage to Underground Facilities Act, IC 8-1-26?

The purpose of this Act 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.

Who reports possible violations?

Any person or entity may report a violation of the Indiana Damage to Underground Facilities Act ("Act") to the Indiana Utility Regulatory Commission ("Commission") Pipeline Safety Division ("Division"), but most reports of violations are communicated regularly to the Pipeline Division from the Indiana Plant Underground Protection Service, commonly referred to as Indiana 811 Association Office. Pursuant to 170 IAC 5-5-2(b), violations shall be reported to the Pipeline Division within thirty (30) days of their occurrence.

What is the process for investigating alleged violations?

The Division shall commence an investigation of each report by contacting the excavator and gas operator involved by sending a written request for information within sixty (60) days, per 170 IAC 5-5-3(a). The initial letter you received requesting information commenced the investigation in your case. If there was a contact person from your company listed on the letter, that is the name the Division was provided with from Indiana 811 (i.e. the person who called in the locate ticket or reported the line hit).

You have thirty (30) days to respond to the investigation with information that demonstrates that you called in a proper locate ticket and hand excavated within two (2) feet of the gas pipeline. You also have the opportunity to provide the names of anyone else who may have information in your case. A similar letter was provided to the gas operator. The Division will review the excavator and operator responses and from there provide their findings to the Underground Plant Protection Advisory Committee ("Advisory Committee") regarding whether you or the gas operator violated a provision of Indiana's Damage to Underground Facilities Act, IC 8-1-26. If the Division does not find a violation was committed, you will receive a letter stating that the case will be closed and the Division will not forward findings to the Advisory Committee.

The Advisory Committee meets monthly to review the Division's findings. If your case will go before the Advisory Committee, you will receive a letter noting the date, time, and location of the meeting and a copy of the Division's Investigation Report for your case. You will have an additional opportunity to provide documentation disputing the Division's findings.

If the Advisory Committee agrees with the Division's findings, they will assess a civil penalty. You will be notified of the penalty assessed and provided the opportunity to accept the penalty or request a public hearing to dispute it. If you accept the penalty or fail to properly request a public hearing, the Commission will consider the penalty and approve or disapprove the findings.

Who is on the Advisory Committee?

Pursuant to IC 8-1-26-23(b), the Advisory Committee was created by the Act and includes seven (7) members, representing a cross section of participants, appointed by the Governor from the following entities: two (2) representing commercial excavators; one (1) representing the 811 Association; one (1) representing investor owned gas utilities; one (1) representing operators of pipeline facilities or pipelines; one (1) representing municipal gas utilities; one (1) representing providers of facility locate marking service companies.

Do I have to attend the Advisory Committee meeting? What happens there?

No, you do not have to attend. The Advisory Committee's deliberations will be conducted in public and you are entitled to attend because it is a public meeting. However, at this stage of the proceedings there is not yet an opportunity for a hearing. There will be no opportunities to present witnesses, cross examine witnesses, or to present verbal evidence. If you have additional documentation, you may bring it to the meeting; we request you bring eight (8) copies for the Committee members and their attorney.

In lieu of bringing documents to the Advisory Committee meeting, you may send correspondence to the Advisory Committee regarding the Pipeline Division's findings so long as it is received seven (7) days in advance of the meeting. This deadline is necessary in order to allow administrative staff adequate time to photocopy, organize and distribute the additional documents to the Advisory Committee members.

At the meeting, the Advisory Committee meeting will accept or dismiss the Division's findings of violation. If they accept a finding, they will assess a civil penalty to recommend to the Commission.

What penalties are possible?

Pursuant to the Act, civil penalties may include any or all of the following:

1. A warning letter.
2. Required participation of employees in a mandatory education and training program sponsored by the IURC.
3. Required development of a plan to avoid future violations, which must be approved by the IURC.
4. A civil penalty up to a maximum of ten thousand dollars (\$10,000).

For first time violators in an instance where no one was personally injured, generally the initial civil penalty is a warning letter. Multiple violations, evidence of recklessness, personal injury, and property damage over ten thousand dollars (\$10,000) may be grounds for the Advisory Committee to institute monetary penalties.

What if I disagree with the assessed penalties?

Once you have been notified of the assessed penalties, you have thirty (30) days to request a public hearing to dispute the Advisory Committee's penalty recommendation. Please note that requests for public hearing must be drafted according to the Commission's rules for practice and procedure, found at 170 IAC 1-1.1: http://www.in.gov/legislative/iac/iac_title?iact=170. Individuals may represent themselves, but companies must be represented by legal counsel. You are strongly encouraged to seek legal counsel if you plan to request a public hearing before the Commission.

Does the Division determine criminal violations?

No, the Pipeline Safety Division's investigation under IC 8-1-26 does not entail determining criminal liability or a civil determination of fault or damages. It determines whether any statutory violations were committed regarding public safety.

I still have questions.

For technical questions, you can contact the Division Director, Bill Boyd, at (317) 232-2718. Legal inquiries should be directed to DeAnna L. Poon, Advisor to the Advisory Committee and Assistant General Counsel at the IURC, at (317) 232-6735.

INDIANA UTILITY REGULATORY COMMISSION
101 W WASHINGTON ST STE 1500
INDIANAPOLIS, IN 46204-2764



Return Receipt (Electronic)

9214 8901 0661 5400 0007 5802 80

3737

NATE KELLEY
QC COMMUNICATIONS INC.
7925 W 100 S
WABASH, IN 46992-8447

22

CUT / FOLD HERE

6"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE



INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 3737

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: Q.C. Communications

Responsible Party Personal Name: Josh Harris

Title (if any): Foreman

Address (number and street): _____

City, State and ZIP Code: Wabash, IN 46992

Preferred Telephone Number (area code): 800-421-0582

Cellular Telephone Number (area code): 260-341-5105

Email Address: jph6874@gmail.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: USIC _____

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: _____

Cause of Damage Information

Type of Equipment (select one): Tranchar

Type of Work Performed (select one): Installing Fiber Optics

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: _____

Utility Line Impact

Location of Damage:

Address (number and street): Hwy 6 & County Rd. 9

City, State and ZIP Code: Nappanoe, IN

Nearest Intersection: _____

Product Type (select one):

Facility Type (select one):

Size (Diameter/etc.): 3"

Pressure (PSIG/Inches): _____

Interruption in Service: Yes No Number of Customers Affected: _____

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

Repair Cost (if known): \$ _____

*Closed down Hwy 6
for 6 hours*

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: # 1208022736

- 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

The locate was more than 8' off
 It shouldn't have been marked in the first place if there was no tone.

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3737

Your Full Name: Linda Prather

Full Name of Business / Entity (if applicable): CC Communications Inc.

Your Business Title (if applicable): Secretary

Address (number and street): 7925 W. 100 S.

City: Wabash State: IN ZIP Code: 46770

Your E-mail Address: gccomm3@yahoo.com

Today's Date (month, day, year): 12-21-12

Your Signature: Linda Prather Title (if any) Secretary

Please return your Narrative Statement to:

Pipeline Safety Division – Case Number 3737
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov

QC Communications, Inc.
7925 W. 100 S.

Wabash, IN 46992
Phone - 800-421-0582
qccomm3@yahoo.com

Locate Description Sheet

279 647
4701

IUPPS - 800-382-5544

Caller: Dustin Day
Phone: 765.244.2250

Work Done For: mediacom

Subdivision(if any): _____

Type of Work: Installing conduit

Address of Dig Site: US Hwy 6 / Grand Army of the Republic Hwy

City: WAPPANEE

US 6 / CR 9 additional area and ...

County: Elkhart

Township: UNION

CL: ... NE ...

Nearest Intersection: CR 9

AUG 9 2012

Within 1/4 mile Y N _____

Description

Start at Pole #679-844 on N side of US 6 locate E for 2500'

Lintrey, mediacom, cofnapp, NipSCO

Ticket # 1208022736

Ticket Refresh # _____

Good: 8-6-12 3:45 pm.

Good: _____

Exp: 8-22-12

Exp: _____



