



## Pipeline Safety Division Investigation Report

### Investigation regarding: **Burling Builders Inc**

UPPAC Database Record ID: 3797

Investigator: Howard Friend

Report Date: 3/7/13

Damage Date: 9/10/2012 5:38:25 PM

Damage Address: 8260 Wicker Ave

City: St John

County: Lake

### The Parties

Excavator: **Burling Builders Inc**

Contact: Paul Sowa, Project Manager

Address: 44 W 60th Street, Chicago, IL 60621

Telephone: 773-241-6809

Facility Owner: NIPSCO

Contact: Kit Earle

Address: 150 W Market Street, Indianapolis, IN 46204

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

**Investigation regarding: Burling Builders Inc**

UPPAC Database Record ID: 3797

**Damage Impact**

Product release: Yes

Ignition: No

Service Interruption: False

Number of Customers Affected:

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

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

Excavator request locates: Yes Indiana 811 ticket Number: 1208070525, EXPIRED

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Site Development

**Synopsis:** A four (4) inch natural gas line was damaged during excavation for a marshaling field.

**Findings:** Reported by Indiana 811; excavator's response to initial notice was received on 12/20/2012. The excavator provided notice of excavation on 8/7/12 and damaged the line 34 days later. They reported the locate marks were wrong and the operator reported the locate marks to be correct. The locate request number was 1208070525 and the damage was on 9/10/12.

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

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



150 West Market Street, Suite 600  
Indianapolis, IN 46204

January 28, 2012

*Via Electronic Transmission – PipelineDamageCase@urc.in.gov*

Pipeline Safety Division – Case No. 3797  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3797

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: 9/10/2012

Event Location: 8260 Wicker Ave

Facility Owner: Northern Indiana Public Service Company

Excavator: Burling Builders Inc

Other Party: N/A

Pipeline Division Case No. 3797

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. 3797</b>	
Date of Event	9/10/2012
Event Location	8260 Wicker Ave
Event City	St John
Facility Owner	Northern Indiana Public Service Company
Excavator	Burling Builders Inc
Date of IURC Information Request	12/5/2012
<b>THE PARTIES</b>	
<b>EXCAVATOR:</b>	
BUSINESS NAME	Burling Builders
RESPONSIBLE PARTY PERSONAL NAME	Mark Najar
TITLE (IF ANY)	
ADDRESS	44 W 60 <sup>th</sup> St
CITY/ STATE/ZIP	Chicago, IL 60621
PREFERRED TELEPHONE	312-2965469
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	Same
EMAIL ADDRESS	morganthompson@usicinc.com
<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	8260 Wicker Ave
CITY/STATE/ZIP	St. John, IN 46373
NEAREST INTERSECTION	Ventura
<b>PRODUCT TYPE (Select One)</b>	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
<b>FACILITY TYPE (Select One)</b>	
DISTRIBUTION	X
GATHERING	
SERVICE/DROP	
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	4"
PRESSURE (PSIG/INCHES)	
INTERRUPTION IN SERVICE (YES/NO)	N
NUMBER OF CUSTOMERS AFFECTED	0
EVACUATION (YES/NO)	N
IF YES, HOW MANY EVACUATED	
REPAIR COST (IF KNOWN) (\$)	
<b>CAUSE OF DAMAGE INFORMATION:</b>	
<b>TYPE OF EQUIPMENT (Select One)</b>	
Auger	
Backhoe/Trackhoe	X
Boring/Drilling	
Directional Drilling	
Explosives	
Farm Equipment	
Grader/Scraper	
Hand Tools	
Milling Equipment	
Probing Device	

Trancher	
Vacuum Equipment	
Unknown/Other	
<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)	Y
IGNITION AND/OR FIRE (YES/NO)	N
EXCAVATOR NOTIFY 811 (YES/NO)	Y 1209103790
<b>LOCATE INFORMATION:</b>	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1208070525
LOCATE MARKS VISIBLE (YES/NO)	Y
LOCATE MARKS CORRECT (YES/NO)	Y
EXCAVATOR "WHITE LINED" (YES/NO)	N
MAPS USED TO MARK FACILITIES (YES/NO)	Y
OPERATOR EMPLOYEES ON-SITE DURING EXCAVATION (YES/NO)	N
<b>INCIDENT IMPACT INFORMATION</b>	
NUMBER OF OUTPATIENT TREATED	0
NUMBER OF INPATIENT TREATED	0
NUMBER OF FATALITIES	0
FIRE DEPARTMENT RESPONSE (YES/NO)	Y
POLICE DEPARTMENT RESPONSE (YES/NO)	N
AMBULANCE RESPONSE (YES/NO)	N
<b>ADDITIONAL INFORMATION/COMMENTS</b>	
Excavator hit accurately marked facility	

**Fact Based Investigation Report**

**NOTIFICATION ID:** 01820120910010                      **DISTRICT:** Northern IN  
**DAMAGE DATE:** 9/10/2012 5:38:34 PM      **NOTIFICATION DATE:** 9/10/2012 5:40:21 PM  
**NOTIFIED BY:** MARK NAJAR  
**DAMAGE ADDRESS:** 8260 WICKER AVE  
**CITY:** ST JOHN                      **ST:** IN      **ZIP:**

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**DAMAGED CUSTOMER:** NIPSCO

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**INVESTIGATION DATE:** 09/10/2012  
**FROM:** 18:30:00    **TO:** 21:30:00

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**EXCAVATOR INVOLVED:** BURLING BUILDERS  
**TYPE OF EXCAVATION:** PARKING LOT

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**ORIG. LOCATE REQ.:** 1208070525                      **START DATE/TIME:**  
**TYPE OF TICKET:**    **LOCATE REQ. INFO N/A:**

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**DIG UP/DAMAGE REQ.:** M63379000                      **START DATE/TIME:**

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**PICTURES TAKEN** REGINALD                      **DATE/TIME:** 9/10/2012 9:15:00  
**BY:** FLEMING    PM  
**PHOTOGRAPHY**    **FRAME #:** NA  
**TYPE:** Digital

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**INVESTIGATOR EMP#:** 129675                      **INVESTIGATOR NAME:** REGINALD FLEMING  
**BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED?** No

**Fact Based Investigation Customer Information**

**NOTIFICATION ID:** 01820120910010  
**SELECT A CUSTOMER:** NIPSCO  
**CUSTOMER #:** (optional)

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**FACILITY DESCRIPTION:** LOWPROF                      **FACILITY ID:** main - 4"  
**LOCATOR NAME & EMP #:** Parks David - 130726  
**LOCATOR NOT KNOWN:**

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**CHECK ALL THAT APPLY TO INVESTIGATION:**  
Facility Marked Accurately

**Other:**

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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,  
Investigator Verified Existing Marks By Hooking Up,  
Investigation Results Verified By Utility Representative

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**INVESTIGATOR STATEMENT/CAUSAL FACTORS:**

CONTRACTOR CUT A 4 INCH PL. GAS MAIN THAT WAS MARKED ACCURATLY, THEY HAD REMOVED GRADE PREVIOUSLY AND MAIN WAS ONLY LEFT WITH ABOUT A FOOT OF COVER.

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

MARK SCHIESSLE - THE MAIN WAS MARKED ACCURATLY, CONTRACTOR WAS CARELESS.

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

NA

**LIST ANY OTHER INDIVIDUALS ON SITE:**

NA

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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?** Yes

**WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS?** Yes

**EXTENT OF FACILITY DAMAGE** CUT 4 INCH PL

**REPLACEMENT FOOTAGE** 4 FT

**WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO?** No

**WHAT CONTRACTOR EQUIPMENT WAS USED?** NA

**IS THE FACILITY SHOWN ON THE UTILITY RECORDS?** Yes

**IF YES, PLEASE LIST RECORD #(S)** FB

NIPSCO 00142 IUPPSa 08/07/2012 08:46:50 1208070525-00A NORM NEW GRID

NORMAL NOTICE SEE REMARKS

Ticket : 1208070525 Date: 08/07/2012 Time: 08:32 Oper: MMOELLER Chan:039

State: IN Cnty: LAKE Twp: ST JOHN  
Cityname: ST JOHN Inside: Y Near: N  
Subdivision:

#3797

Address : 8260  
Street : WICKER AVE  
Cross 1 : VENTURA DR Within 1/4 mile: Y  
Location: LAKE CENTRAL HS -- LOCATE ON THE FARTHEST SE CORNER OF THE PROPERTY -  
NEXT TO TACO BELL PARKING LOT - AREA IS MARKED WITH TEMPORARY FENCING - FOUR  
CORNERS WILL BE STAKED - APPROX 175 FT X 335 FT AREA

:  
Grids : 4127A8728D 4128D8728D 4127A8728C 4128D8728C 4127A8728B  
Grids : 4128D8728B  
Boundary: n 41.467701 s 41.464443 w -87.475677 e -87.470177

Work type : CLEAR A LOT / PARKING LOT/ENTRANCE DRIVE  
Done for : LAKE CENTRAL HIGH SCHOOL  
Start date: 08/09/2012 Time: 08:45 Hours notice: 48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
Duration : 7 DAYS Depth: 4 FEET

Company : BURLING BUILDERS INC Type: CONT  
Co addr : 44 W 60TH STREET  
City : CHICAGO State: IL Zip: 60621  
Caller : MARK NAJAR Phone: (312)296-5469  
Contact : MARK NAJAR CELL Phone:  
BestTime:  
Mobile : (312)296-5469  
Email : MNAJAR@BURLINGBUILDERS.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time  
PLEASE INDICATE DEPTH OF GAS AND ELECTRIC LINES IF POSSIBLE - THANK YOU  
Will you be white-lining the dig site area? NO  
:

Submitted date: 08/07/2012 Time: 08:32  
Members: COMCN IB ID3134 ID4655 ID7382 NIPSCO SM

NIPSCO 01228 IUPPSa 09/10/2012 17:38:34 1209103790-00A EMER DAMG GRID

DAMAGE SEE REMARKS

Ticket : 1209103790 Date: 09/10/2012 Time: 17:36 Oper: SPOPE Chan:044

State: IN Cnty: LAKE Twp: ST JOHN  
Cityname: ST JOHN Inside: Y Near: N  
Subdivision:

# 3797

Address : 8260  
Street : WICKER AVE  
Cross 1 : VENTURA DR Within 1/4 mile: Y  
Location: LAKE CENTRAL HS -- LOCATE ON THE FARTHEST SE CORNER OF THE PROPERTY -  
NEXT TO TACO BELL PARKING LOT - AREA IS MARKED WITH TEMPORARY FENCING - FOUR  
CORNERS WILL BE STAKED - APPROX 175 FT X 335 FT AREA

:  
Grids : 4127A8728D 4128D8728D 4127A8728C 4128D8728C 4127A8728B  
Grids : 4128D8728B  
Boundary: n 41.467701 s 41.464443 w -87.475677 e -87.470177

Work type : CLEAR A LOT / PARKING LOT/ENTRANCE DRIVE  
Done for : LAKE CENTRAL HIGH SCHOOL  
Start date: 09/10/2012 Time: 17:37 Hours notice: 0/0 Priority: EMER  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y  
Duration : 7 DAYS Depth: 4 FEET

Company : BURLING BUILDERS INC Type: CONT  
Co addr : 44 W 60TH STREET  
City : CHICAGO State: IL Zip: 60621  
Caller : MARK NAJAR Phone: (312)296-5469  
Contact : MARK NAJAR CELL Phone:  
BestTime:  
Mobile : (312)296-5469  
Email : MNAJAR@BURLINGBUILDERS.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time  
NIPSCO GAS LINE HAS BEEN CUT--LINE IS BLOWING--911 HAS BEEN CALLED--4  
INCH--UNKNOWN COLOR--LINE WAS CUT AT THE SE EDGE OF SCHOOL PROPERTY--CREW ON  
SITE--FIRE DEPT ON SITE--PREV TICKET 1208070525--THANK YOU  
Will you be white-lining the dig site area? NO

:  
Submitted date: 09/10/2012 Time: 17:36  
Members: COMCN IB ID3134 ID4655 ID7382 NIPSCO SM

NORTHERN INDIANA PUBLIC SERVICE COMPANY  
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA Crown Point MAXIMO WO # \_\_\_\_\_

OPERATING AREA CONTACT MARK A. SCHLESSE JOB ORDER # 583901

TRACKING NUMBER 01820120910011 LOCATE REF # \_\_\_\_\_  
Locate Performed By: \_\_\_\_\_

DATE AND TIME OF ACCIDENT 9-10 2012, 1630 M DATE OF REPORT 9-10-12

PLACE OF DAMAGE (INCLUDE CITY) 8400 Wicken Ave. BLDG HS. St John 46373

DAMAGE WAS TO:

ELECTRIC - POLE / TRANSFORMER: # \_\_\_\_\_ SIZE \_\_\_\_\_ YEAR INSTALLED \_\_\_\_\_ BROKEN YES ( ) NO ( )

OTHER (DESCRIBE) \_\_\_\_\_

GAS: SERVICE ( ) MAIN  SIZE 4" MATERIAL: PLASTIC  STEEL ( ) METER ( ) REG STATION ( ) STUB ( )  
OTHER (DESCRIBE) \_\_\_\_\_

DEPTH OF FACILITY (Inches) \_\_\_\_\_ PRESSURE (PSI) 45 Lbs.

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

INTERRUPTION OF SERVICE: YES ( ) NO ( ) NUMBER OF CUSTOMERS LOST: \_\_\_\_\_

DURATION OF INTERRUPTION: TIME REPORTED 16:31 TIME SHUT OFF \_\_\_\_\_ TIME RESTORED \_\_\_\_\_

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 4"

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

PARTY THAT CAUSED DAMAGES (NAME) Burling Builders

ADDRESS OF PARTY (INCLUDE CITY) 44 W 60th St Chicago IL 60621

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Mark Najjar

WITNESS NAME AND ADDRESS \_\_\_\_\_

WITNESS REMARKS \_\_\_\_\_

AGENCIES NOTIFIED / ONSITE: POLICE ( ) AGENCY \_\_\_\_\_ REPORT # \_\_\_\_\_

FIRE  AGENCY St John Fire Dept 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

- |   |                                     |  |   |
|---|-------------------------------------|--|---|
| <input type="checkbox"/> AGRICULTURE/FARMING          | <input type="checkbox"/> CABLE TV   | <input type="checkbox"/> CURB/SIDEWALK | <input type="checkbox"/> TELECOMMUNICATIONS |
| <input checked="" type="checkbox"/> BLDG CONSTRUCTION | <input type="checkbox"/> DEMOLITION | <input type="checkbox"/> DRAINAGE      | <input type="checkbox"/> WATER              |
| <input type="checkbox"/> DRIVEWAY                     | <input type="checkbox"/> ELECTRIC   | <input type="checkbox"/> SURVEYING     | <input type="checkbox"/> DRAINS/CULVERTS    |
| <input type="checkbox"/> FENCING                      | <input type="checkbox"/> GRADING    | <input type="checkbox"/> IRRIGATION    | <input type="checkbox"/> MOWING             |
| <input type="checkbox"/> LANDSCAPING                  | <input type="checkbox"/> PIPELINE   | <input type="checkbox"/> MILLING       | <input type="checkbox"/> OTHER _____        |
| <input type="checkbox"/> POLE/SIGN POST               | <input type="checkbox"/> ROAD WORK  | <input type="checkbox"/> SEWER         |   |

TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> AUGER             | <input type="checkbox"/> HAND TOOLS     | <input checked="" type="checkbox"/> BACKHOE/TRACKHOE |
| <input type="checkbox"/> MILLING EQUIPMENT | <input type="checkbox"/> PROBING DEVICE | <input type="checkbox"/> BORING / DRILLING           |
| <input type="checkbox"/> EXPLOSIVES        | <input type="checkbox"/> TRENCHER       | <input type="checkbox"/> FARM EQUIPMENT              |
| <input type="checkbox"/> VACCUUM EQUIPMENT | <input type="checkbox"/> GRADER         | <input type="checkbox"/> OTHER _____                 |

REASON DAMAGE OCCURRED - CHECK APPROPRIATE CHOICE BELOW

- |  |  |   |                                      |
|--|--|---|--------------------------------------|
| <input type="checkbox"/> AUTOMOTIVE ACCIDENT | <input type="checkbox"/> EXCAVATING BEFORE LOCATES DUE | <input checked="" type="checkbox"/> CARELESS MACHINE OPERATOR |                                      |
| <input type="checkbox"/> NO NOTIFICATION     | <input type="checkbox"/> MARKS DISTURBED               | <input type="checkbox"/> STUB                                 | <input type="checkbox"/> OTHER _____ |

SEE REVERSE SIDE FOR COMMENTS AND DIAGRAM

SIN #110601 Rev. 6-12

JO 583901

COMMENTS: Taking off 2+ feet of course grade  
leaving 4" pl. area 3"-4" deep!

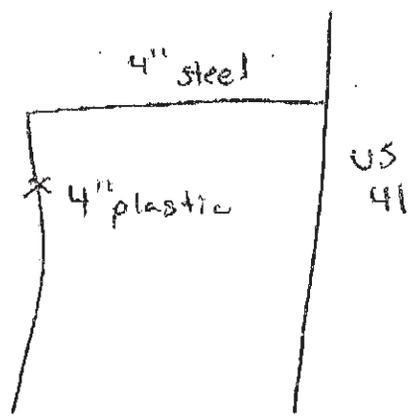
PERSON PREPARING REPORT U122175 ERIC GARCIA

FIELD SUPERVISOR Mar S. [Signature]

FIELD MANAGER \_\_\_\_\_

- 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: \_\_\_\_\_ DATE: \_\_\_\_\_

Date		Caller		Damage Ticket #		Number
7/24/2012		BBI				1208070525
9/10/2012		BBI		1209103790		1209103793
9/4/2012		L&S Electric				1209043454
						1209043461
		B&D Sewer				1209110675
						1209110643
						1209110710

**From:** [Paul Sowa](#)  
**To:** [IURC PipelineDamageCase](#)  
**Cc:** [Griffin, Kimbely \(Kimbely.Griffin@acegroup.com\)](#); [Joe Targett](#); [John Girzadas](#); [Mark Najjar](#)  
**Subject:** Initial Documents - Excavator - Case No. 3797  
**Date:** Thursday, December 20, 2012 4:29:57 PM

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Mr. Boyd,

I have attached our response to NIPSCO, incident report, photos, digger numbers, and our claim against NIPSCO and their locate company for our time due to the mismarked utility locate.

Paul Sowa  
Project Manager/Estimator  
Burling Builders, Inc  
44 W. 60<sup>th</sup> Street  
Chicago, IL 60621  
P – 773-241-6809  
F – 888-224-3297  
C – 312-859-3769



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No virus found in this message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 2013.0.2805 / Virus Database: 2634/5954 - Release Date: 12/12/12



## INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 3797

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*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.*

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### The Parties

#### Excavator Information:

Business Name: Burling Builders, Inc.

Responsible Party Personal Name: Mark Najar / Paul Sowa

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

Address (number and street): 44 W. 60th Street

City, State and ZIP Code: Chicago, IL 60621

Preferred Telephone Number (area code): 888-224-3294

Cellular Telephone Number (area code): 312-296-5469 / 312-859-3769

Email Address: MNajar@burlingbuilders.com / PSowa@burlingbuilders.com

#### Facility Information:

Business Name: Lake Central High School

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

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

Address (number and street): 8400 Wicker Ave

City, State and ZIP Code: St. John, IN 46373

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

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

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

**Locator Service Information:**

Business Name: \_\_\_\_\_

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: \_\_\_\_\_

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**Cause of Damage Information**

**Type of Equipment (*select one*):** Backhoe/Trackhoe

**Type of Work Performed (*select one*):** Site Development

**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*): 8400 Wicker Ave \_\_\_\_\_

City, State and ZIP Code: St. John, IN 46373 \_\_\_\_\_

Nearest Intersection: Wicker Ave and 82nd Lane \_\_\_\_\_

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

**Facility Type (*select one*):** 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):** \$ <sup>5,000</sup> \_\_\_\_\_

**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:** See Attached Sheet \_\_\_\_\_

**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

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### 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

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### Additional Information / Comments

See attached Reports and sheets

**NARRATIVE STATEMENT**

Your Pipeline Safety Division Case Number: 3797

Your Full Name: Mark Najar

Full Name of Business / Entity (*if applicable*): Burling Builders, Inc.

Your Business Title (*if applicable*): \_\_\_\_\_

Address (*number and street*): 44 W. 60th Street

City: Chicago State: IL ZIP Code: 60621

Your E-mail Address: MNajar@burlingbuilders.com

Today's Date (*month, day, year*): 12-20-12

Your Signature: \_\_\_\_\_ Title (*if any*) \_\_\_\_\_

Please return your Narrative Statement to:

**Pipeline Safety Division – Case Number 3797**  
**Indiana Utility Regulatory Commission**  
**101 West Washington Street, 1500E**  
**Indianapolis, IN 46204**

Or scan the statement and Email to:

[PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)



## INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 3797

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*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: Burling Builders, Inc.

Responsible Party Personal Name: Mark Najar / Paul Sowa

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

Address (number and street): 44 W. 60th Street

City, State and ZIP Code: Chicago, IL 60621

Preferred Telephone Number (area code): 888-224-3294

Cellular Telephone Number (area code): 312-296-5469 / 312-859-3769

Email Address: MNajar@burlingbuilders.com / PSowa@burlingbuilders.com

#### Facility Information:

Business Name: Lake Central High School

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

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

Address (number and street): 8400 Wicker Ave

City, State and ZIP Code: St. John, IN 46373

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

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

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

**Locator Service Information:**

Business Name: \_\_\_\_\_

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: \_\_\_\_\_

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**Cause of Damage Information**

**Type of Equipment (*select one*):** Backhoe/Trackhoe

**Type of Work Performed (*select one*):** Site Development

**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*): 8400 Wicker Ave

City, State and ZIP Code: St. John, IN 46373

Nearest Intersection: Wicker Ave and 82nd Lane

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

**Facility Type (*select one*):** 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):** \$ 5,000

**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:** See Attached Sheet

**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**

See attached Reports and sheets

**NARRATIVE STATEMENT**

Your Pipeline Safety Division Case Number: 3797

Your Full Name: Mark Najar

Full Name of Business / Entity (*if applicable*): Burling Builders, Inc.

Your Business Title (*if applicable*): \_\_\_\_\_

Address (*number and street*): 44 W. 60th Street

City: Chicago State: IL ZIP Code: 60621

Your E-mail Address: MNajar@burlingbuilders.com

Today's Date (*month, day, year*): 12-20-12

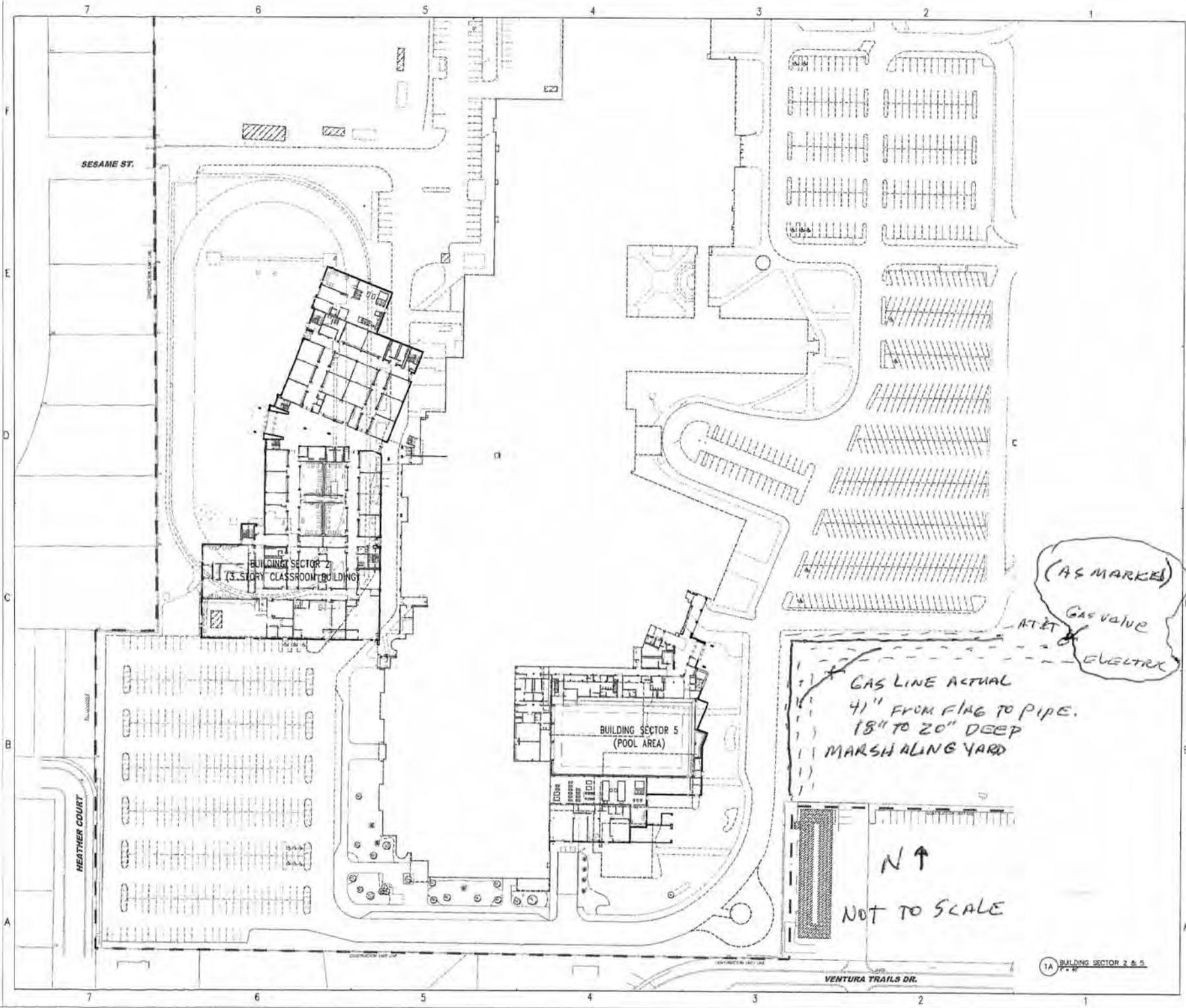
Your Signature: \_\_\_\_\_ Title (*if any*) \_\_\_\_\_

Please return your Narrative Statement to:

**Pipeline Safety Division – Case Number 3797**  
**Indiana Utility Regulatory Commission**  
**101 West Washington Street, 1500E**  
**Indianapolis, IN 46204**

Or scan the statement and Email to:

[PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)



**SCHMIDT ASSOCIATES**  
 112 Pine Bluff Building  
 228 East Richmond Street  
 Indianapolis, IN 46204-1129  
 317-241-6225  
 Fax: 317-241-6226

Project No. 2011-0412H  
 Project Date 05.13.2012  
 Project WTM  
 Revision Date

Professional Engineer  
 License No. LA0000120  
 State of Indiana  
 Date of Issue 05/13/2012



**LAKE CENTRAL SCHOOL CORPORATION**  
  
 LC  
 LCHS - PHASE 2  
 POOL & 3 STORY  
 CLASSROOM BUILDING

PHASE 2 BUILDING LOCATIONS  
 C-001

1A BUILDING SECTOR 2 & 5

(AS MARKED)  
 GAS VALVE  
 ELECTRICAL

GAS LINE ACTUAL  
 41" FROM FLAG TO PIPE.  
 18" TO 20" DEEP  
 MARSH ALONG YARD

N ↑  
 NOT TO SCALE



**INCIDENT/ACCIDENT REPORT FORM**

Date: SEPT 10, 2012

Prepared By: M. NAJAR

Project #: \_\_\_\_\_

Telephone Number: 312-296-5469

Date of Incident: SEPT 10, 2012

Approximate Time: 4:19 a.m. (p.m.)

Specific Location of Incident:

Address: 8400 WICKER AVENUE

City: ST. JOHN INDIANA

Location Detail: N/W CORNER OF MARSHALING YARD

People/Person/Employee(s)/Equipment/Vehicle Involved In the Incident:

MAURICE BENSON - OPERATOR

CASE 9050 EXCAVATOR

Type of Incident:

HIT GAS LINE DURING EXCAVATION

This report is to be completed and forwarded to the main office (by fax 888-224-3297 or hand delivered) with any supporting documents (pictures, police reports, etc.) within 24 hours of incident/accident.

All incidents/accidents involving any physical injury, property damage, vehicle, or equipment damage, theft, fire, police involvement, or any other extraordinary or near miss incident must be reported with a completed form.



**INCIDENT/ACCIDENT REPORT FORM**

Was incident reported to police department? \_\_\_\_\_ Yes   X   No

If yes, who reported the incident? \_\_\_\_\_

Police report number(s): \_\_\_\_\_  
*Attach police report to this report*

Was incident reported to fire department?   X   Yes \_\_\_\_\_ No

If yes, who reported the incident?   MARK NAJAR  

Fire report number(s):   NOT AVAIL AT TIME OF THIS REPORT.    
*Attach fire report to this report*

If hospitalization or medical treatment was required, please describe:

  NONE REQUIRED    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify (name, address, telephone number) any witnesses to the incident:

  MAURICE BENSON-OPERATOR - 312-296-3931    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## INCIDENT/ACCIDENT REPORT FORM

Describe in precise detail exactly what happened: THE OPERATOR WAS  
REMOVING SOILS AT THE NW CORNER OF WHAT IS  
DESIGNATED AS THE MARSHALING YARD. WE ARE  
REMOVING VEGETATION AND SOILS FOR A PARKING  
AREA. THE OPERATOR HIT THE TOP OF THE GAS  
LINE WITH THE EXCAVATOR BUCKET, BREAKING THE  
4 INCH GAS LINE, WHILE LOADING SOILS ONTO A  
DUMP TRUCK. THE EXCAVATOR AND DUMP TRUCK  
WERE SHUT DOWN & EVACUATED WHILE EMERGENCY  
CREWS WERE NOTIFIED AND REPAIRS MADE

Describe in detail the nature of any physical injury or damage (including approximate dollar value) to property or equipment. Attach additional pages, if necessary:

NO INJURY TO ANY PERSONS.  
NO EQUIPMENT DAMAGED.  
NIPSCO GAS LINE WAS CUT. THE LINE  
WAS SHUT DOWN, BREAK LOCATED AND PIPE  
REPAIRED AND RETURNED TO SERVICE BY  
UTILITY PERSONNEL:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

October 22, 2012

Mary L. Lechowicz  
NIPSCO  
801 E. 86<sup>th</sup> Avenue  
Merriville, IN 46410

RE: **Response to Request Damage Claim**

Dear Mary:

Burling Builders, Inc. acknowledges the fact that we hit the NIPSCO gas main, but we do not believe that we are liable for the cost to repair the utility. We had several locates done on this area and it was outside of the 24" locate limits, please see attached photos. This has been defined by IC 8-1-26-2 Sec. 2 for the Approximate Location of the utility. We were following the procedure outlined in IC 8-1-26-2 Sec.2 by hand digging within the 24" of each side of the locate and machine excavation carefully outside of this area. We have also attached our incident report and a drawing as to the location of the main that was marked and where it was struck at.

The dig ticket request numbers are as followed:

Please be advised that I have attached our bill for the additional losses that we incurred due to this utility being located incorrectly and then being struck.

If you have any questions please call me at 312-859-3769 or you may contact our insurer directly:

Kimberly Griffin, AIC  
Senior Claims Specialist  
ACE North American Claims  
1-800-982-9826 x4073  
[Kimberly.griffin@acegroup.com](mailto:Kimberly.griffin@acegroup.com)  
Claim # JY12J0521345

Best regards,

***Paul Sowa***

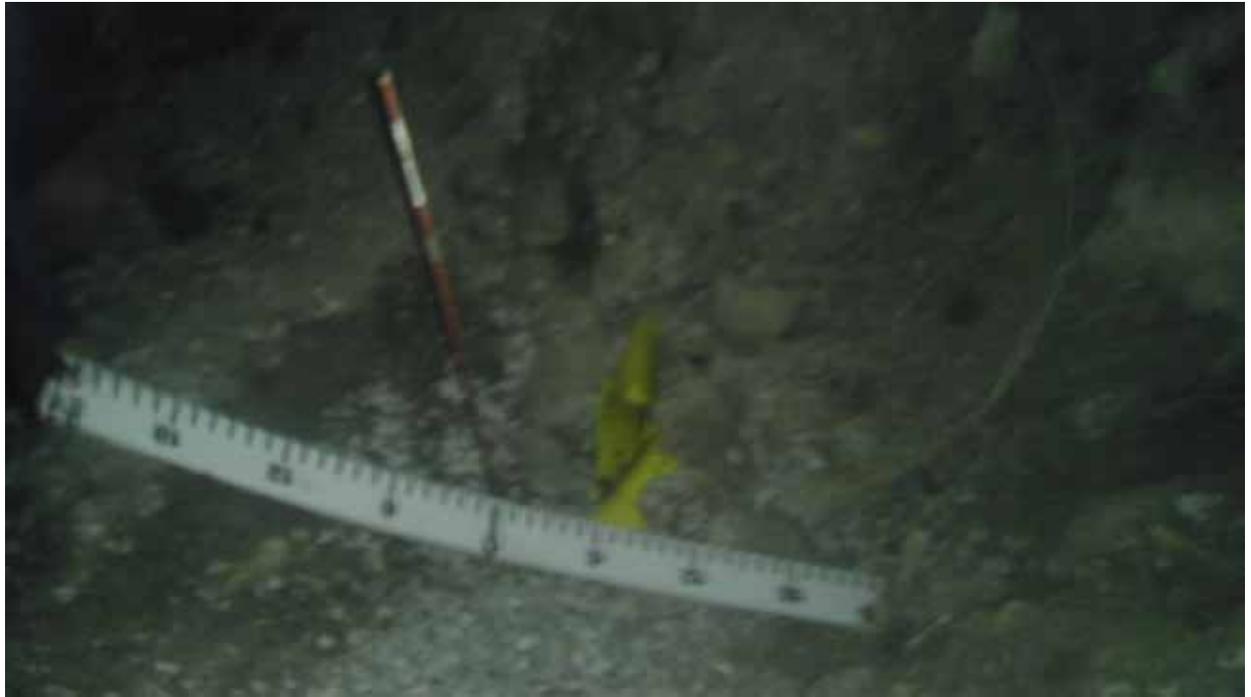
Paul Sowa  
Project Manager/Estimator

cc: Mark Najjar, BBI  
Joe Targett, BBI











The Last one shows 41" from locate flag.

3797



March 25, 2013

Sworn Statement  
Mark Najjar

I Mark Najjar state that when I met with the 811 locator he stated that they do not locate on the private property and we need to have a private locate service. We had informed the locator that we were using COBRA for the areas on the private property. He stated that they are a good service and that is fine. At that time we did not renew the 811 dig ticket as we had completed the excavation that was within the right of way for the project and were only working on the areas in private property.

Also, as noted on the 9/7/13 COBRA ticket and emergency 811 locate was also completed from another contractor hitting a phone line. The lines were located along the fence line and were outside of the area where we were excavating when we had hit the mismarked line.

A handwritten signature in black ink that reads "Mark Najjar".

Mark Najjar  
Project Superintendent  
Burling Builders, Inc.

AHN Paul 888.224.3297.



2416 E. Oakton • Arlington Heights, IL 60005  
Phone (877) COBRA-90 • Fax (773)794-9999  
www.cobrascanning.com • info@cobrascanning.com  
FEIN 208-995926

Ground Penetrating Radar

Customer: BURLING BUILDERS

Job Address: LAKE CENTRAL HS  
8400 WICKER AVE.  
ST. JOHN, IN

Scope of Work Performed

UTILITY LOCATE AROUND TRACK/FIELD ON WEST SIDE OF PROPERTY.  
WATER, ELECTRIC, GAS LAYOUT W/ FLAGS + PAINT AND LAYOUT WAS  
DISCUSSED W/ CUSTOMER. VERY HIGH TRAFFIC AREAS + ALOT OF  
HEAVY EQUIPMENT WORK.  
  
ALSO LOCATE PHONE LINE AT SE PORTION OF PROPERTY GOING  
FROM ROUTE 41 TOWARDS SCHOOL BUILDING. AREA IS HEAVILY  
VEGETATED + FLAGS WERE USED.

COBRA SCANNING TECHNOLOGIES (CST) WILL PROVIDE TRAINED PERSONNEL AND GROUND PENETRATING RADAR (GPR) EQUIPMENT TO PERFORM OUR SERVICES IN A PROFESSIONAL MANNER. HOWEVER, GPR TECHNOLOGY LIMITATIONS AND SITE CONDITIONS MAY PREVENT OR MINIMIZE THE SENSING CAPABILITIES OF THE INSTRUMENTATION. SUCH LIMITING FACTORS INCLUDE, BUT ARE NOT LIMITED TO, ACCESSIBILITY AND PHYSICAL OBSTRUCTIONS (SUCH AS WALLS AND CORNERS), SURFACE IRREGULARITY AND UNEVENNESS, ELECTROMAGNETIC FIELD GENERATION, AND OTHER NATURAL OR MAN-MADE PHYSICAL CONDITIONS NOT READILY OBSERVED FROM THE SURFACE THAT CAN CAUSE LESS THAN OPTIMUM SIGNAL RESPONSE, THUS LIMITING DATA INTERPRETATION QUALITY. BECAUSE GPR DATA IS SUBJECT TO SIGNAL ANOMALIES AND OPERATOR INTERPRETATION, CST RECOMMENDS ADDITIONAL, MINIMALLY INVASIVE INVESTIGATION ACTIVITIES (SUCH AS "CHIPPING OUT") TO CONFIRM DATA INTERPRETATION. EXTREME CAUTION MUST BE UTILIZED WHEN CUTTING OR CORING IN THE AREA OF SUBSURFACE STRUCTURES AND UTILITIES DUE TO SIGNAL ANOMALIES AND MISINTERPRETED DATA. BY READING AND SIGNING THIS DISCLAIMER, YOU ARE (A) ACKNOWLEDGING THAT YOU UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY; (B) THAT CST SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; (C) THAT CST EXCLUDES ANY ACTION FOR CONSEQUENTIAL AND/OR INCIDENTAL DAMAGES; (D) THAT YOU WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING YOUR WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE); AND (E) THAT IN NO EVENT SHALL CST ASSUME LIABILITY FOR ANY DAMAGES BEYOND THE CONTRACT PRICE OF THE SERVICES PROVIDED UNDER THIS ORDER.

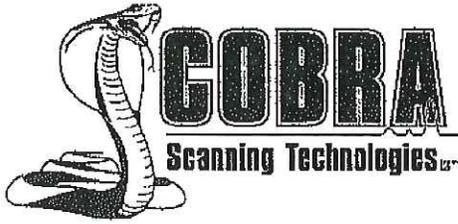
Date: 8/1/12  
Arrival Time: 0700  a.m.  p.m.

Job #: 66705  
Departure Time: 1<sup>00</sup>  a.m.  p.m.

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Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Technician: MIKE KNOEFFLE



2416 E. Oakton • Arlington Heights, IL 60005  
 Phone (877) COBRA-90 • Fax (773)794-9999  
 www.cobrascanning.com • info@cobrascanning.com  
 FEIN 208-995926

**Ground Penetrating Radar**

**Customer:** BURLING BUILDERS

**Job Address:** LAKE CENTRAL HS  
 8400 WICKER AVE.  
 ST. JOHN, IN

**Scope of Work Performed**

UTILITY LOCATE OF VACANT PARCEL OF LAND AT SE CORNER OF SCHOOL PROPERTY. NO LOCATES PERFORMED W/IN ROUTE 41 (WICKER AVE.) P.O.W. 811 AND UTILS SHOULD BE CONTACTED. GAS PIPELINE IS LOCATED ALONG EAST PROPERTY LINE + Laid out w/ YELLOW PAINT + FLAGS. BURIED ELECTRIC LINE RUNS ALONG NORTH LINE OF VACANT PARCEL AND Laid out w/ RED PAINT + FLAGS. BURIED GAS AND ELECTRIC LOCATED ALONG WEST LINE OF VACANT PARCEL AND Laid out w/ RED + YELLOW PAINT/FLAGS.  
 RE-MARK NEW ELECTRIC AND WATER LINES INSIDE FORMER TRACK AREA. DUE TO HIGH TRAFFIC + HEAVY MACHINERY LAYOUT WAS DONE WITH WOOD STAKES PAINTED BLUE (WATER) AND RED (ELECTRIC).

COBRA SCANNING TECHNOLOGIES (CST) WILL PROVIDE TRAINED PERSONNEL AND GROUND PENETRATING RADAR (GPR) EQUIPMENT TO PERFORM OUR SERVICES IN A PROFESSIONAL MANNER. HOWEVER, GPR TECHNOLOGY LIMITATIONS AND SITE CONDITIONS MAY PREVENT OR MINIMIZE THE SENSING CAPABILITIES OF THE INSTRUMENTATION. SUCH LIMITING FACTORS INCLUDE, BUT ARE NOT LIMITED TO, ACCESSIBILITY AND PHYSICAL OBSTRUCTIONS (SUCH AS WALLS AND CORNERS); SURFACE IRREGULARITY AND UNEVENNESS; ELECTROMAGNETIC FIELD GENERATION, AND OTHER NATURAL OR MAN-MADE PHYSICAL CONDITIONS NOT READILY OBSERVED FROM THE SURFACE THAT CAN CAUSE LESS THAN OPTIMUM SIGNAL RESPONSE, THUS LIMITING DATA INTERPRETATION QUALITY. BECAUSE GPR DATA IS SUBJECT TO SIGNAL ANOMALIES AND OPERATOR INTERPRETATION, CST RECOMMENDS ADDITIONAL, MINIMALLY INVASIVE INVESTIGATION ACTIVITIES (SUCH AS "CHIPPING OUT") TO CONFIRM DATA INTERPRETATION. EXTREME CAUTION MUST BE UTILIZED WHEN CUTTING OR CORING IN THE AREA OF SUBSURFACE STRUCTURES AND UTILITIES DUE TO SIGNAL ANOMALIES AND MISINTERPRETED DATA. BY READING AND SIGNING THIS DISCLAIMER, YOU ARE (A) ACKNOWLEDGING THAT YOU UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY; (B) THAT CST SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; (C) THAT CST EXCLUDES ANY ACTION FOR CONSEQUENTIAL AND/OR INCIDENTAL DAMAGES; (D) THAT YOU WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING YOUR WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE); AND (E) THAT IN NO EVENT SHALL CST ASSUME LIABILITY FOR ANY DAMAGES BEYOND THE CONTRACT PRICE OF THE SERVICES PROVIDED UNDER THIS ORDER.

Date: 8/9/12 Job #: 66959  
 Arrival Time: 0700  a.m.  p.m. Departure Time: 2<sup>00</sup>  a.m.  p.m.

CUSTOMER ACKNOWLEDGEMENT: BY READING AND SIGNING THIS DISCLAIMER, I AM ACKNOWLEDGING THAT I UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY, AND WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS. I ALSO HEREBY ACKNOWLEDGE AND VERIFY THE ABOVE DOCUMENTED SCOPE OF WORK AND ARRIVAL/DEPARTURE TIMES AS CONSISTENT WITH THE SERVICES PROVIDED BY COBRA SCANNING TECHNOLOGIES.

Customer Signature: [Signature] Date: \_\_\_\_\_

Technician: MIKE KNOEFLER



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 www.cobrascanning.com • info@cobrascanning.com  
 FEIN 208-995926

**Ground Penetrating Radar**

**Customer:** BURLING BUILDERS

**Job Address:** LAKE CENTRAL H.S.  
 8400 WICKER AVE.  
 ST. JOHN, IN

**Scope of Work Performed**

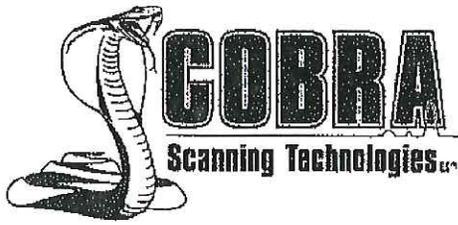
UTILITY LOCATE AREAS NEAR SOUTHEAST END OF EXISTING BUILDING (AROUND FORMER TEMPORARY CLASSROOMS, PRIVATE DRIVEWAY, NEW SUBSTATION, SEC OF PROPERTY, AND WEST HALF OF MARSHALLING AREA.) EMERGENCY LOCATE WAS CALLED TO 811 AND NIPSCO HAD ALREADY LOCATED ELECTRIC AND GAS LINES ALONG NORTH+WEST FENCE LINES OF MARSHALLING AREA, AND SOUTH PROPERTY LINE OF LCHS. ATT ALSO LOCATED PHONE + FIBER OPTIC IN THESE AREAS. I LOCATED PRIVATE ELECTRIC FROM NEW SUBSTATION AND LIGHT POLE LINES WHILE I WAS AT SITE B+D SEWER SEVERED PHONE LINE NEAR SEC OF BUILDING IN AN AREA I WAS NEVER ASKED TO TRACE/LOCATE. I ATTEMPTED TO TRACE LINE + SUSPECT IT WAS TEMP. LINE THAT RAN FROM AT+T PHONE PEDESTAL @ NWC OF MARSHALLING AREA TO SEC OF BUILDING (BYM)

COBRA SCANNING TECHNOLOGIES (CST) WILL PROVIDE TRAINED PERSONNEL AND GROUND PENETRATING RADAR (GPR) EQUIPMENT TO PERFORM OUR SERVICES IN A PROFESSIONAL MANNER. HOWEVER, GPR TECHNOLOGY LIMITATIONS AND SITE CONDITIONS MAY PREVENT OR MINIMIZE THE SENSING CAPABILITIES OF THE INSTRUMENTATION. SUCH LIMITING FACTORS INCLUDE, BUT ARE NOT LIMITED TO, ACCESSIBILITY AND PHYSICAL OBSTRUCTIONS (SUCH AS WALLS AND CORNERS), SURFACE IRREGULARITY AND UNEVENNESS, ELECTROMAGNETIC FIELD GENERATION, AND OTHER NATURAL OR MAN-MADE PHYSICAL CONDITIONS NOT READILY OBSERVED FROM THE SURFACE THAT CAN CAUSE LESS THAN OPTIMUM SIGNAL RESPONSE. THIS LIMITING DATA INTERPRETATION QUALITY, BECAUSE GPR DATA IS SUBJECT TO SIGNAL ANOMALIES AND OPERATOR INTERPRETATION, CST RECOMMENDS ADDITIONAL, MINIMALLY INVASIVE INVESTIGATION ACTIVITIES (SUCH AS "CHIPPING OUT") TO CONFIRM DATA INTERPRETATION. EXTREME CAUTION MUST BE UTILIZED WHEN CUTTING OR CORING IN THE AREA OF SUBSURFACE STRUCTURES AND UTILITIES DUE TO SIGNAL ANOMALIES AND MISINTERPRETED DATA. BY READING AND SIGNING THIS DISCLAIMER, YOU ARE (A) ACKNOWLEDGING THAT YOU UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY, (B) THAT CST SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; (C) THAT CST EXCLUDES ANY ACTION FOR CONSEQUENTIAL AND/OR INCIDENTAL DAMAGES; (D) THAT YOU WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING YOUR WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE); AND (E) THAT IN NO EVENT SHALL CST ASSUME LIABILITY FOR ANY DAMAGES BEYOND THE CONTRACT PRICE OF THE SERVICES PROVIDED UNDER THIS ORDER.

Date: 9/7/12 Job #: 67851  
 Arrival Time: 1000 a.m.  a.m.  p.m. Departure Time: 1230  a.m.  p.m.

CUSTOMER ACKNOWLEDGEMENT: BY READING AND SIGNING THIS DISCLAIMER, I AM ACKNOWLEDGING THAT I UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY, AND WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS. I ALSO HEREBY ACKNOWLEDGE AND VERIFY THE ABOVE DOCUMENTED SCOPE OF WORK AND ARRIVAL/DEPARTURE TIMES AS CONSISTENT WITH THE SERVICES PROVIDED BY COBRA SCANNING TECHNOLOGIES.

Customer Signature: [Signature] Date: \_\_\_\_\_  
 Technician: MIKE KNOEFFLE



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 FEIN 208-995926

**Ground Penetrating Radar**

<b>Customer:</b> BURLING BUILDERS	<b>Job Address:</b> LCHS 8400 WICKER AVE. ST. JOHNS, IN
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**Scope of Work Performed**

RE-LOCATE UTILITIES w/in MARKING AREA AND ROADWAY TO THE WEST of IT.
LOCATE UTILITIES TO THE WEST OF BUILDING w/in FORMER TRACK + FIELD.

COBRA SCANNING TECHNOLOGIES (CST) WILL PROVIDE TRAINED PERSONNEL AND GROUND PENETRATING RADAR (GPR) EQUIPMENT TO PERFORM OUR SERVICES IN A PROFESSIONAL MANNER. HOWEVER, GPR TECHNOLOGY LIMITATIONS AND SITE CONDITIONS MAY PREVENT OR MINIMIZE THE SENSING CAPABILITIES OF THE INSTRUMENTATION. SUCH LIMITING FACTORS INCLUDE, BUT ARE NOT LIMITED TO, ACCESSIBILITY AND PHYSICAL OBSTRUCTIONS (SUCH AS WALLS AND CORNERS); SURFACE IRREGULARITY AND UNEVENNESS; ELECTROMAGNETIC FIELD GENERATION; AND OTHER NATURAL OR MAN-MADE PHYSICAL CONDITIONS NOT READILY OBSERVED FROM THE SURFACE THAT CAN CAUSE LESS THAN OPTIMUM SIGNAL RESPONSE, THUS LIMITING DATA INTERPRETATION QUALITY. BECAUSE GPR DATA IS SUBJECT TO SIGNAL ANOMALIES AND OPERATOR INTERPRETATION, CST RECOMMENDS ADDITIONAL, MINIMALLY INVASIVE INVESTIGATION ACTIVITIES (SUCH AS "CHIPPING OUT") TO CONFIRM DATA INTERPRETATION. EXTREME CAUTION MUST BE UTILIZED WHEN CUTTING OR CORING IN THE AREA OF SUBSURFACE STRUCTURES AND UTILITIES DUE TO SIGNAL ANOMALIES AND MISINTERPRETED DATA. BY READING AND SIGNING THIS DISCLAIMER, YOU ARE (A) ACKNOWLEDGING THAT YOU UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY; (B) THAT CST SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; (C) THAT CST EXCLUDES ANY ACTION FOR CONSEQUENTIAL AND/OR INCIDENTAL DAMAGES; (D) THAT YOU WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING YOUR WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE); AND (E) THAT IN NO EVENT SHALL CST ASSUME LIABILITY FOR ANY DAMAGES BEYOND THE CONTRACT PRICE OF THE SERVICES PROVIDED UNDER THIS ORDER.

Date: 9/14/12 Job #: 68000  
 Arrival Time: 0700  a.m.  p.m. Departure Time: 1045  a.m.  p.m.

CUSTOMER ACKNOWLEDGEMENT: BY READING AND SIGNING THIS DISCLAIMER, I AM ACKNOWLEDGING THAT I UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY, AND WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS. I ALSO HEREBY ACKNOWLEDGE AND VERIFY THE ABOVE DOCUMENTED SCOPE OF WORK AND ARRIVAL/DEPARTURE TIMES AS CONSISTENT WITH THE SERVICES PROVIDED BY COBRA SCANNING TECHNOLOGIES.

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Technician: MIKE KNOEFLS



2416 E. Oakton • Arlington Heights, IL 60005  
 Phone (877) COBRA-90 • Fax (773)794-9999  
 www.cobrascanning.com • info@cobrascanning.com  
 FEIN 208-995926

**Ground Penetrating Radar**

**Customer:** BURLING BUILDERS

**Job Address:** UCHS

**Scope of Work Performed**

LOCATE WATER LINE IN PHASE 5 AREA (EAST OF EXISTING BLDG.)

LOCATE WATER, GAS, ELECTRIC TO THE WEST OF EXISTING BUILDING.  
 ALL LAYOUT w/ PAINT + COLORED WOODEN STAKES

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Date: 9/15/12 Job #: 68144  
 Arrival Time: 1000  a.m.  p.m. Departure Time: 2<sup>30</sup>  a.m.  p.m.

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Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Technician: MICHAEL KNOPFLEB



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 FEIN 208-995926

**Ground Penetrating Radar**

**Customer:** BURLING BUILDERS

**Job Address:** LAKE CENTRAL H.S.  
 8400 WICKER  
 ST. JOHN, IN.

**Scope of Work Performed**

PERFORMED A SITE SURVEY TO LOCATE A BURIED GAS PIPE WHERE ONE END WAS RECENTLY REPAIRED. THERE WAS ONE EXPOSED GAS PIPE TO ATTACH A SIGNAL TO IN ADJACENT LOT BUT DID NOT YIELD ANY ~~DETECTABLE~~ POSITIVE RESULT. USED G.P.R. TO ATTEMPT TO LOCATE BUT YIELDED NO RESULTS DUE TO SOIL TYPE. ATTEMPTED TO ATTACH SIGNAL TO NORTH GAS PIPE BUT NO RESULT. USED INDUCTIVE METHOD (OPEN SIGNAL) TO GET A SIGNAL AND WAS ABLE TO TRACK PIPE WITH GOOD (ROUND) SIGNAL. PAINTED TRACKING AND PLACED YELLOW FLAGS ACCORDINGLY

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Date: 9-28-12 Job #: 68570  
 Arrival Time: 7:00  a.m.  p.m. Departure Time: 11:00  a.m.  p.m.

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Customer Signature: [Signature] Date: 9/28/12

Technician: MARK



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 www.cobrascanning.com • info@cobrascanning.com  
 FEIN 208-995926

**Ground Penetrating Radar**

**Customer:** BURLING BUILDERS INC.

**Job Address:** LAKE CENTRAL H.S.  
5400 WICKER  
ST. JOHN. IN.

**Scope of Work Performed**

PERFORMED UTILITY LOCATING SURVEY TO LOCATE UTILITIES IN AN APPROXIMATE 800' X 100' AREA TO LOCATE UTILITIES CROSSING A PROPOSED LINE BORING SITE FOR A FORCED SEWER MAIN. SOME UTILITIES WERE PREVIOUSLY MARKED SO SIGNAL INDUCTION WAS USED OVER THESE MARKINGS WITH SOME SUCCESS. ALSO ATTACHED SIGNAL TO EXPOSED UTILITIES IN ADJACENT TRENCHES, WIRES IN NEAR BY FIXTURES, REVEALED CONDUITS, MANHOLES, PEDESTALS ETC. USED WANA ON 60MHZ "POWER" SETTING TO TRACK SIGNALS FROM VAULTS. GAS LINE BELIEVED TO BE IN FRONT OF SEWER MANHOLE OF END OF BORING WAS UNABLE TO BE DETECTED OR SEEN ON G.P.R. GAS LINE NEAR MANHOLE 73A WAS DETECTED AND FLAGGED. USED PAINT OF APPROPRIATE COLOR TO MARK UTILITIES THAT YIELDED STRONG SIGNALS.

COBRA SCANNING TECHNOLOGIES (CST) WILL PROVIDE TRAINED PERSONNEL AND GROUND PENETRATING RADAR (GPR) EQUIPMENT TO PERFORM OUR SERVICES IN A PROFESSIONAL MANNER. HOWEVER, GPR TECHNOLOGY LIMITATIONS AND SITE CONDITIONS MAY PREVENT OR MINIMIZE THE SENSING CAPABILITIES OF THE INSTRUMENTATION. SUCH LIMITING FACTORS INCLUDE, BUT ARE NOT LIMITED TO, ACCESSIBILITY AND PHYSICAL OBSTRUCTIONS (SUCH AS WALLS AND CORNERS); SURFACE IRREGULARITY AND UNEVENNESS; ELECTROMAGNETIC FIELD GENERATION; AND OTHER NATURAL OR MAN-MADE PHYSICAL CONDITIONS NOT READILY OBSERVED FROM THE SURFACE THAT CAN CAUSE LESS THAN OPTIMUM SIGNAL RESPONSE. THUS LIMITING DATA INTERPRETATION QUALITY BECAUSE GPR DATA IS SUBJECT TO SIGNAL ANOMALIES AND OPERATOR INTERPRETATION. CST RECOMMENDS ADDITIONAL, MINIMALLY INVASIVE INVESTIGATION ACTIVITIES (SUCH AS "CHIPPING OUT") TO CONFIRM DATA INTERPRETATION. EXTREME CAUTION MUST BE UTILIZED WHEN CUTTING OR CORING IN THE AREA OF SUBSURFACE STRUCTURES AND UTILITIES DUE TO SIGNAL ANOMALIES AND MISINTERPRETED DATA. BY READING AND SIGNING THIS DISCLAIMER, YOU ARE (A) ACKNOWLEDGING THAT YOU UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY; (B) THAT CST SPECIFICALLY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE; (C) THAT CST EXCLUDES ANY ACTION FOR CONSEQUENTIAL AND/OR INCIDENTAL DAMAGES; (D) THAT YOU WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING YOUR WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE); AND (E) THAT IN NO EVENT SHALL CST ASSUME LIABILITY FOR ANY DAMAGES BEYOND THE CONTRACT PRICE OF THE SERVICES PROVIDED UNDER THIS ORDER.

Date: 10-31-12

Job #: 69730

Arrival Time: 8:00  a.m.  p.m.

Departure Time: 2:25  a.m.  p.m.

CUSTOMER ACKNOWLEDGEMENT: BY READING AND SIGNING THIS DISCLAIMER, I AM ACKNOWLEDGING THAT I UNDERSTAND THE LIMITATIONS (EQUIPMENT, SITE CONDITION, OPERATOR INTERPRETATION, OR OTHERWISE) ASSOCIATED WITH GPR TECHNOLOGY, AND WAIVE ANY CLAIM AGAINST CST FOR DAMAGES THAT OCCUR DURING WORK AS A RESULT OF ANY OF THE ABOVE STATED LIMITATIONS. I ALSO HEREBY ACKNOWLEDGE AND VERIFY THE ABOVE DOCUMENTED SCOPE OF WORK AND ARRIVAL/DEPARTURE TIMES AS CONSISTENT WITH THE SERVICES PROVIDED BY COBRA SCANNING TECHNOLOGIES.

Customer Signature: X Date: \_\_\_\_\_

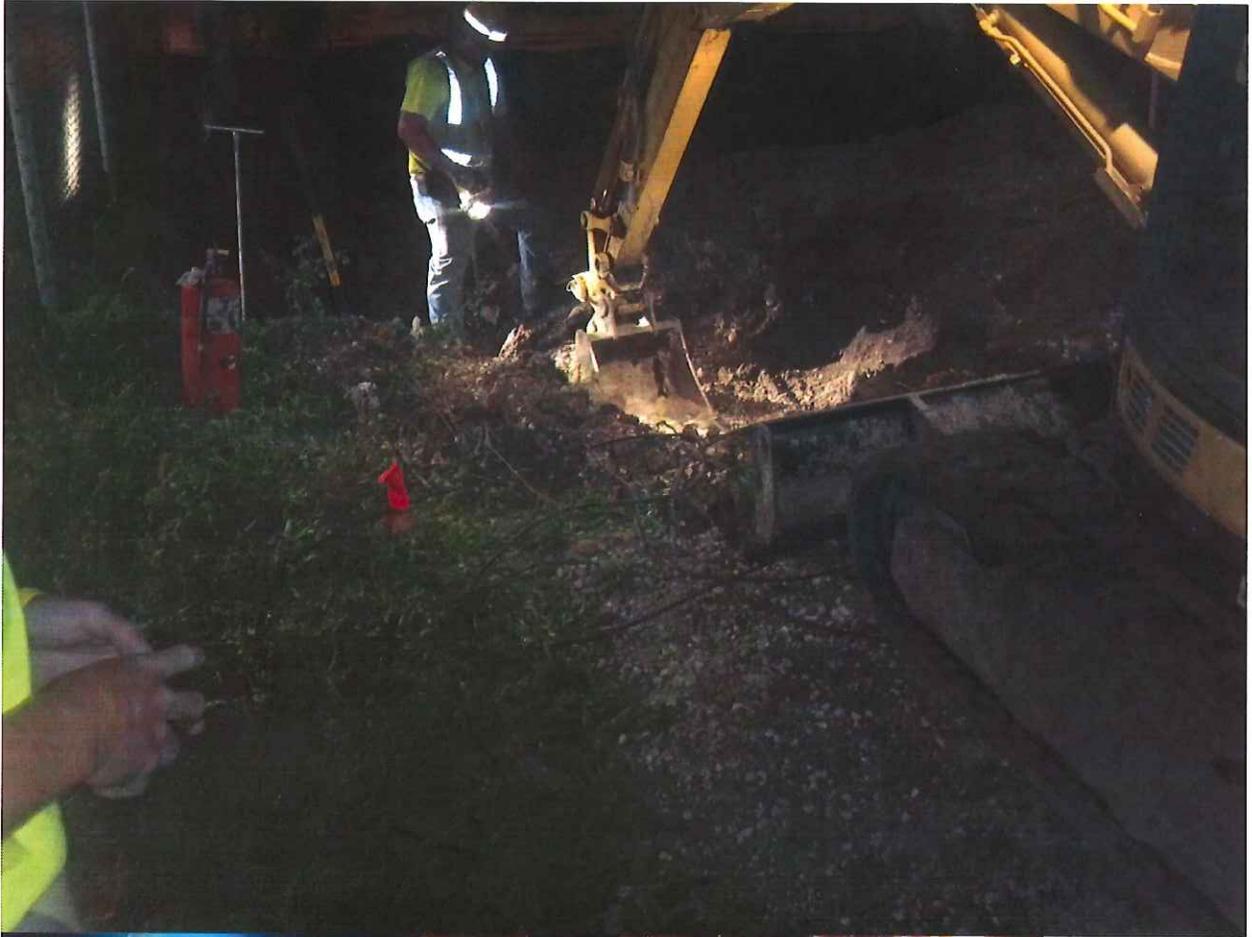
Technician: MARK

Date		Caller		Damage Ticket #		Number
7/24/2012		BBI				1208070525
9/10/2012		BBI		1209103790		1209103793
9/4/2012		L&S Electric				1209043454
						1209043461
		B&D Sewer				1209110675
						1209110643
						1209110710

3797



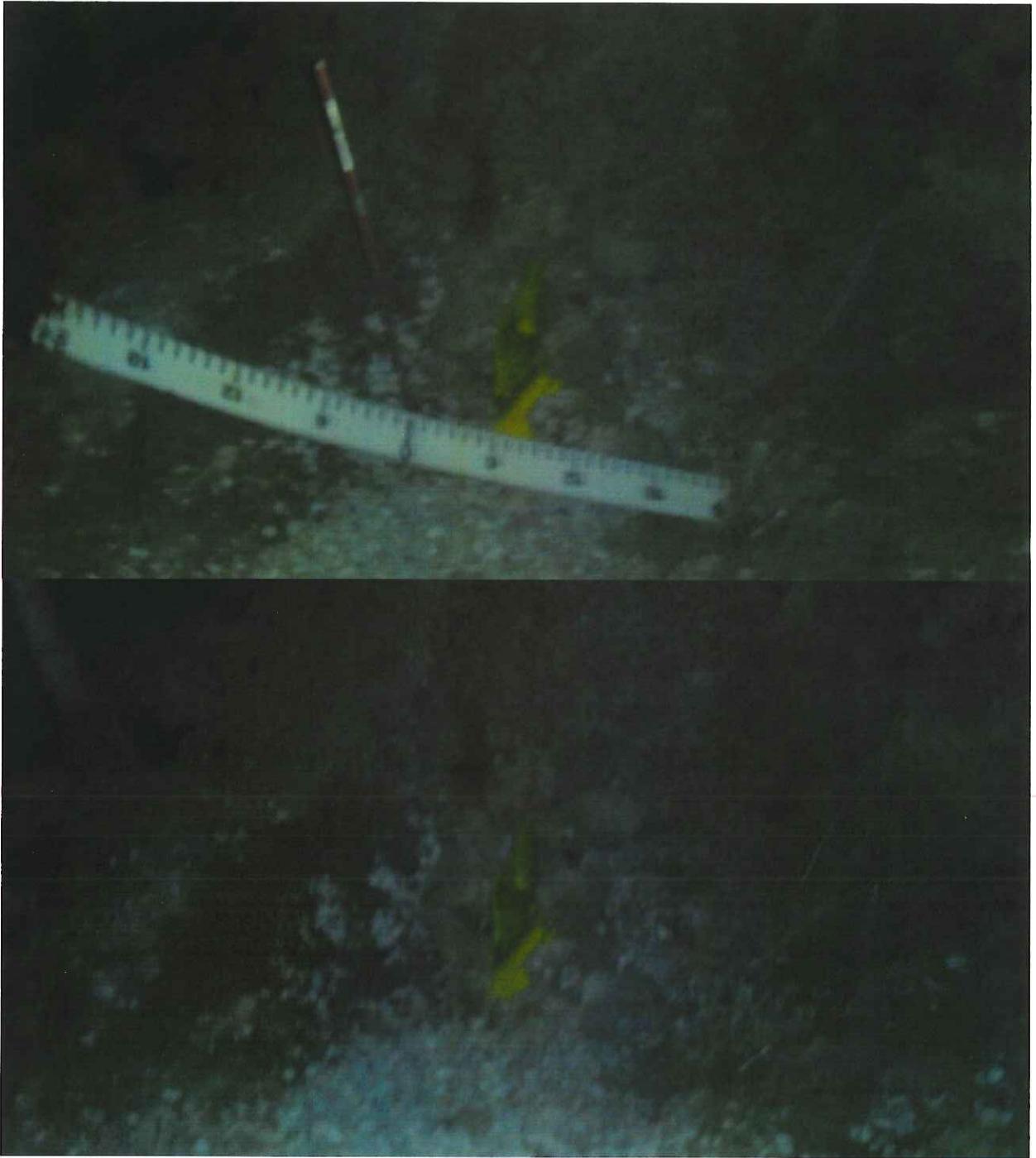
3797



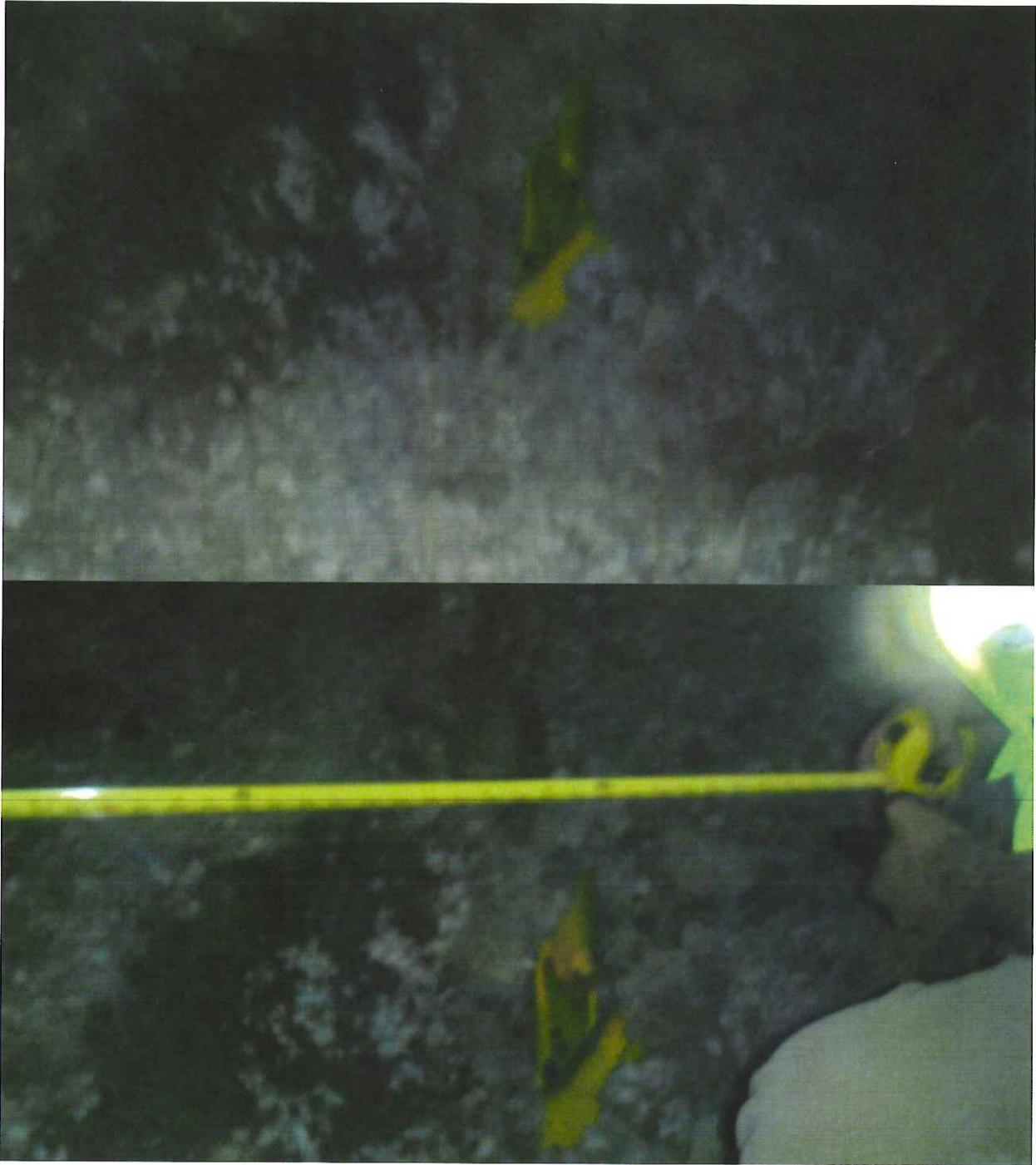
3797



3797



3797



The Last one shows 41" from locate flag.

3797

Date		Caller		Damage Ticket #		Number
7/24/2012		BBI				1208070525
9/10/2012		BBI		1209103790		1209103793
9/4/2012		L&S Electric				1209043454
						1209043461
		B&D Sewer				1209110675
						1209110643
						1209110710

3797



October 22, 2012

Mary L. Lechowicz  
NIPSCO  
801 E. 86<sup>th</sup> Avenue  
Merriville, IN 46410

RE: **Response to Request Damage Claim**

Dear Mary:

Burling Builders, Inc. acknowledges the fact that we hit the NIPSCO gas main, but we do not believe that we are liable for the cost to repair the utility. We had several locates done on this area and it was outside of the 24" locate limits, please see attached photos. This has been defined by IC 8-1-26-2 Sec. 2 for the Approximate Location of the utility. We were following the procedure outlined in IC 8-1-26-2 Sec.2 by hand digging within the 24" of each side of the locate and machine excavation carefully outside of this area. We have also attached our incident report and a drawing as to the location of the main that was marked and where it was struck at.

The dig ticket request numbers are as followed:

Please be advised that I have attached our bill for the additional losses that we incurred due to this utility being located incorrectly and then being struck.

If you have any questions please call me at 312-859-3769 or you may contact our insurer directly:

Kimberly Griffin, AIC  
Senior Claims Specialist  
ACE North American Claims  
1-800-982-9826 x4073  
[Kimberly.griffin@acegroup.com](mailto:Kimberly.griffin@acegroup.com)  
Claim # JY12J0521345

Best regards,

***Paul Sowa***

Paul Sowa  
Project Manager/Estimator

cc: Mark Najar, BBI  
Joe Targett, BBI