



Pipeline Safety Division Investigation Report

Investigation regarding: Mcallister General Contractors

UPPAC Database Record ID: 3817

Investigator: Howard Friend

Report Date: 3/7/13

Damage Date: 9/13/2012 2:40:04 PM

Damage Address: 120th St

City: Hammond

County: Lake

The Parties

Excavator: **Mcallister General Contractors**

Contact: Kenneth Mcallister, President

Address: Po Box 810, Cedar Lake, In 46303

Telephone: 219-374-9498

Facility Owner: NIPSCO

Contact: Kit Earle

Address: 150 W Market Street, Indianapolis, IN 46204

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Investigation regarding: Mcallister General Contractors

UPPAC Database Record ID: 3817

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

Excavator Activities/Cause of damage information:

Excavator request locates: Yes Indiana 811 ticket Number: 1208282902

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Road Work

Synopsis: A natural gas service was damaged during excavation for sewer and road work.

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 12/28/2012. The excavator had a valid locate at the time of the damage. The excavator reports the gas line was not located. The operator and the locate contractor reports the line was properly marked. A statement captured in the field notes of the first responder quotes a Burt Meyers, an employee of the excavator saying, "I thought the service was deeper."

Conclusion: Based on the statement from Mr. Meyers I believe the facility was accurately located and the crew was working on the basis the line was deeper and failed to hand expose the facility.

Violation: 8-1-26-20(a)(2): Failure to maintain two (2) feet clearance with mechanized equipment.



150 West Market Street, Suite 600
Indianapolis, IN 46204

January 28, 2012

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 3817
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3817

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: 9/13/2012

Event Location: 120th St

Facility Owner: Northern Indiana Public Service Company

Excavator: Mcallister General Contractors

Other Party: N/A

Pipeline Division Case No. 3817

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. 3817	
Date of Event	9/13/2012
Event Location	120th St
Event City	Hammond
Facility Owner	Northern Indiana Public Service Company
Excavator	Mcallister General Contractors
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	Walsh and Kelly
RESPONSIBLE PARTY PERSONAL NAME	Tom Cleland
TITLE (IF ANY)	McCallister General Contractors
ADDRESS	P.O. Box 810
CITY/ STATE/ZIP	Cedar Lake, IN 46303
PREFERRED TELEPHONE	219-374-9498
CELL PHONE TELEPHONE	219-746-3479
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	702 e 120 th St.
CITY/STATE/ZIP	Whiting, IN
NEAREST INTERSECTION	Benjamin Pl
PRODUCT TYPE (Select One)	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
FACILITY TYPE (Select One)	
DISTRIBUTION	
GATHERING	
SERVICE/DROP	X
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	5/8"
PRESSURE (PSIG/INCHES)	
INTERRUPTION IN SERVICE (YES/NO)	Y
NUMBER OF CUSTOMERS AFFECTED	1
EVACUATION (YES/NO)	N
IF YES, HOW MANY EVACUATED	
REPAIR COST (IF KNOWN) (\$)	
CAUSE OF DAMAGE INFORMATION:	
TYPE OF EQUIPMENT (Select One)	
Auger	
Backhoe/Trackhoe	X
Boring/Drilling	
Directional Drilling	
Explosives	
Farm Equipment	
Grader/Scraper	
Hand Tools	
Milling Equipment	
Probing Device	

Trencher	
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	X
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 1209132441
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1208282902
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
INCIDENT IMPACT INFORMATION	
NUMBER OF OUTPATIENT TREATED	0
NUMBER OF INPATIENT TREATED	0
NUMBER OF FATALITIES	0
FIRE DEPARTMENT RESPONSE (YES/NO)	N
POLICE DEPARTMENT RESPONSE (YES/NO)	N
AMBULANCE RESPONSE (YES/NO)	N
ADDITIONAL INFORMATION/COMMENTS	
<p>Failure to use hand tools where required Nipsco emergency repair ticket #: 1209132632</p>	

Fact Based Investigation Report

NOTIFICATION ID: 01820120913011 **DISTRICT:** Northern IN
DAMAGE DATE: 9/13/2012 2:40:04 PM **NOTIFICATION DATE:** 9/13/2012 2:45:14 PM
NOTIFIED BY: CAROL SANDERS
DAMAGE ADDRESS: 120TH ST
CITY: HAMMOND **ST:** IN **ZIP:**

DAMAGED CUSTOMER: NIPSCO

INVESTIGATION DATE: 09/13/2012
FROM: 14:35:00 **TO:** 14:45:00

EXCAVATOR INVOLVED: MCALLISTER CONSTRUCTION
TYPE OF EXCAVATION: Sewer Install

ORIG. LOCATE REQ.: 1208282902 **START DATE/TIME:**
TYPE OF TICKET: **LOCATE REQ. INFO N/A:**

DIG UP/DAMAGE REQ.: 1209132441 **START DATE/TIME:** 9/13/2012 2:40:00 PM

PICTURES TAKEN BY: Vince Johnson **DATE/TIME:** 9/13/2012 2:35:00 PM
PHOTOGRAPHY TYPE: Digital **FRAME #:** 1

INVESTIGATOR EMP#: 118013 **INVESTIGATOR NAME:** Vince Johnson
BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED? No

Fact Based Investigation Customer Information

NOTIFICATION ID: 01820120913011
SELECT A CUSTOMER: NIPSCO
CUSTOMER #: *(optional)*

FACILITY DESCRIPTION: LOWPROF **FACILITY ID:** Gas Service
LOCATOR NAME & EMP #: Johnson Vince - 118013
LOCATOR NOT KNOWN:

CHECK ALL THAT APPLY TO INVESTIGATION:
Facility Marked Accurately

Other:

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

INVESTIGATOR STATEMENT/CAUSAL FACTORS:

Vince had marked this for the contractor as needed for an ongoing project. Contractor had accidentally cut a plastic gas service. Still trying to find photos.

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

Nipsco on site made repairs as needed

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

McCallister Contractors on site

LIST ANY OTHER INDIVIDUALS ON SITE:

N/A

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 plastic gas service

REPLACEMENT FOOTAGE N/A

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO? No

WHAT CONTRACTOR EQUIPMENT WAS USED? N/A

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? No

IF YES, PLEASE LIST RECORD #(S)

NIPSCO 00884 IUPPSa 08/28/2012 15:26:22 1208282902-00A NORM NEW GRID

NORMAL NOTICE REMARK

Ticket : 1208282902 Date: 08/28/2012 Time: 15:20 Oper: EBAYENS Chan:000

State: IN Cnty: LAKE Twp: NORTH
Cityname: HAMMOND Inside: Y Near: N
Subdivision: WATER GARDENS

CASO: 3817

Address :

Street : 120TH ST

Cross 1 : BENJAMIN PL Within 1/4 mile: Y

Location: FROM THE ABOVE INTERSECTION LOCATE GOING EAST ALONG BOTH SIDES OF
120TH STREET FOR APPROX 675 FEET ENDING AT INTERSECTION WITH CALUMET AVENUE
:

Grids : 4140B8730C 4140B8730B

Boundary: n 41.678070 s 41.676094 w -87.511757 e -87.507843

Work type : SEWER INSTALL

Done for : WALSH AND KELLY

Start date: 08/30/2012 Time: 15:30 Hours notice: 48/48 Priority: NORM

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

Duration : 2 MONTHS Depth: 7 FEET

Company : MCALLISTER GENERAL CONTRACTORS Type: CONT

Co addr : PO BOX 810

City : CEDAR LAKE State: IN Zip: 46303

Caller : CAROL SANDERS Phone: (219)374-9498

Contact : TOM CLELAND - CELL Phone:

BestTime:

Mobile : (219)746-3479

Fax : (219)374-7017

Email : CSANDERS@MCALLISTERSINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time

DUE TO CONSTRUCTION -- PLS REMARK AS NEED PREV TICKET 1208102131

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

:

Submitted date: 08/28/2012 Time: 15:20

Members: COMCN IB ID3128 ID6405 ID6428 NIPSCO SM

NIPSCO 00768 IUPPSa 09/13/2012 14:40:04 1209132441-00A EMER DAMG GRID

DAMAGE DAMAGE

Ticket : 1209132441 Date: 09/13/2012 Time: 14:37 Oper: LWORTON Chan:062

State: IN Cnty: LAKE Twp: NORTH
Cityname: HAMMOND Inside: Y Near: N
Subdivision: WATER GARDENS

Case:3817

Address :

Street : 120TH ST

Cross 1 : BENJAMIN PL Within 1/4 mile: Y

Location: FROM THE ABOVE INTERSECTION LOCATE GOING EAST ALONG BOTH SIDES OF
120TH STREET FOR APPROX 675 FEET ENDING AT INTERSECTION WITH CALUMET AVENUE

:

Grids : 4140B8730C 4140B8730B

Boundary: n 41.678070 s 41.676094 w -87.511757 e -87.507843

Work type : SEWER INSTALL

Done for : WALSH AND KELLY

Start date: 09/13/2012 Time: 14:38 Hours notice: 0/0 Priority: EMER

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

Duration : 2 MONTHS Depth: 7 FEET

Company : MCALLISTER GENERAL CONTRACTORS Type: CONT

Co addr : PO BOX 810

City : CEDAR LAKE State: IN Zip: 46303

Caller : CAROL SANDERS Phone: (219)374-9498

Contact : TOM CLELAND - CELL Phone:

BestTime:

Mobile : (219)746-3479

Fax : (219)374-7017

Email : CSANDERS@MCALLISTERSINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
HAS HIT A NIPSCO GAS LINE AT THE ADDRESS OF 702 E 120TH ST--- THIS IS A HALF
INCH SERVICE LINE---GAS IS NOT BLOWING--- ADVISED TO CALL 911--- HAS CALLED
NIPSCO---CREW IS ON SITE--- PREVIOUS TICKET #1208282902--- THANK YOU
Will you be white-lining the dig site area? NO

:

Submitted date: 09/13/2012 Time: 14:37

Members: COMCN IB ID3128 ID6405 ID6428 NIPSCO SM

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA Whiting/Hammond MAXIMO WO #
OPERATING AREA CONTACT JOB ORDER # 478160
TRACKING NUMBER 018-2012-0913-011 LOCATE REF #
Locate Performed By:

DATE AND TIME OF ACCIDENT 9-13-12 20, 1:30 PM DATE OF REPORT 9-13-12
PLACE OF DAMAGE (INCLUDE CITY) 702 E 120th St Whiting

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

GAS: SERVICE X MAIN () SIZE 5/8" MATERIAL: PLASTIC X STEEL () METER () REG STATION () STUB ()
OTHER (DESCRIBE)

DEPTH OF FACILITY (Inches) 18in PRESSURE (PSI) 40 Lbs.

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

INTERRUPTION OF SERVICE: YES X NO () NUMBER OF CUSTOMERS LOST: 1

DURATION OF INTERRUPTION: TIME REPORTED 13:30 TIME RESTORED 15:00

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 50% break

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

PARTY THAT CAUSED DAMAGES (NAME) McCallister Excavating Inc

ADDRESS OF PARTY (INCLUDE CITY) 10501 W 133rd ave #8A Cedar Lake 46305

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Burt Meyers

WITNESS NAME AND ADDRESS

WITNESS REMARKS Thought service was deeper

AGENCIES NOTIFIED / ONSITE: POLICE () AGENCY REPORT #
FIRE () AGENCY 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 X ROAD WORK () SEWER

- TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW
() AUGER () HAND TOOLS X 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 X CARELESS MACHINE OPERATOR
() NO NOTIFICATION () MARKS DISTURBED () STUB () OTHER

COMMENTS :

PERSON PREPARING REPORT Kevin Allison 122-616

FIELD SUPERVISOR *Tony Sandy*

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: _____

STATE OF INDIANA



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

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

November 30, 2012

Carol Sanders
Mcallister General Contractors
Po Box 810
Cedar Lake, In 46303

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 3817**

Date of Event: 9/13/2012
Event Location: 120th St, Hammond, Lake County
Excavator: Mcallister General Contractors
Facility Owner: Northern Indiana Public Service Company

RECEIVED
DEC 28 2012
INDIANA UTILITY
REGULATORY COMMISSION

Dear Carol Sanders,

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 9/13/2012, you or your business damaged a pipeline facility owned by **Northern Indiana Public Service Company** and located at **120th St, Hammond, Lake 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. 3817
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?iacl=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 5809 76

3817

CAROL SANDERS
MCALLISTER GENERAL CONTRACTORS
PO BOX 810
CEDAR LAKE, IN 46303-0810

91

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6"X9" ENVELOPE
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INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 3817

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: McAllister Inc.

Responsible Party Personal Name: Kenneth R. McAllister

Title (if any): President

Address (number and street): P.O. Box 810

City, State and ZIP Code: Cedar Lake, Indiana 46303

Preferred Telephone Number (area code): 219-374-9498

Cellular Telephone Number (area code): 219-746-9191

Email Address: _____

Facility Information:

Business Name: SAMI 120th ST. HAMMOND, IN

Responsible Party Personal Name: SAMI

Title (if any): SAMI

Address (number and street): SAME

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Locator Service Information:

Business Name: INDIANA 811

Responsible Party Personal Name: _____

Title (if any): _____

Address (number and street): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): 1-800-382-5544

Cellular Telephone Number (area code): _____

Email Address: _____

Cause of Damage Information

Type of Equipment (select one): UNKNOWN/OTHER

Type of Work Performed (select one): SEWER

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): 120th ST. Hammond, IN

City, State and ZIP Code: Hammond Indiana

Nearest Intersection: 120th & Culmet

Product Type (select one): NATURAL GAS

Facility Type (select one): UNKNOWN/OTHER

Size (Diameter/etc.): 1/2"

Pressure (PSIG/Inches): —

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

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

Repair Cost (if known): \$ —

Release of Product: Yes No

Ignition and/or Fire: Yes No

Excavator Notify 811: Yes No

Locate Information

Excavator Request Locate: Yes No see

Indiana 811 Locate Ticket Number: SEE Sheet attach

- 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

*House service on Warwick ST + 120th
 6 lines crossed Warwick, 2 steel lines
 only 1 was marked. Steel lines on westside
 of road. Plastic on Eastside of road. Plastic
 was inside of steel line on Westside. But not
 on Eastside. Only one line marked.*

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3817

Your Full Name: Kenneth R. McAllister

Full Name of Business / Entity (if applicable): McAllister, Inc.

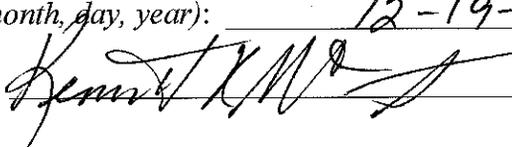
Your Business Title (if applicable): President

Address (number and street): P.O. Box 810

City: Cedar Lake State: IN ZIP Code: 46303

Your E-mail Address: _____

Today's Date (month, day, year): 12-19-12

Your Signature:  Title (if any) President

Please return your Narrative Statement to:

Pipeline Safety Division – Case Number 3817
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov

Holey Moley U/G Utility Locates		DATE CALLED IN: 8/10
Phone: 1-800-382-5544	Effective Date: 8-14 4:15PM	Ameritech
Expire Date:	8-30	Amoco Pipeline
McAllister Job #	12-22	ANR Pipeline
Holey Moley Reference No.	1208102131	AT & T Broadband ✓
McAllister Contact on Job	Tom C	Buckeye Pipeline
Contact's Cell Phone No.		Com.Cast ✓
Project Name	Harold Dist #1 - 125th St	Companies Notified By HM
Who is it being done for?	Walsh - Kelly	Enbridge US
Jobsite Address:	125th St	Equilon Pipeline
Township	North	GTE Verizon
County	Lake	L.C.I.
City:	Hammond	Lakehead pipeline
Nearest Cross Street?	Calmet Ave	Mathathon Pipeline
Subdivision	Water Garden <small>Yes or No</small>	MCI Worldcom
Type of Work	Sewer installation	NIPSCO (electric & gas) ✓
How Deep	- 7'	Norco
Boring or Blasting	NONE	Quest Com.
Project Duration	2 months	Sprint
Locate How Much?	Locate entire ^{entire} road length from Calmet Ave	Vector Pipeline
Start @ Benjamin → 125th	West to Benjamin Place	Verizon North (Telephone)
Go East - to Calmet		Williams Communications
Are approx 675 LF	Approx = 675 LF	Woverine Pipeline
Property easements	both sides of road	Now Cable ✓
Local Utilities Not Notified By Holey Moley		
Indiana- American Water Company		219-886-3770x1402 Bette
Crown Point Water		219-662-3251
Dyer Water		219-865-1150
Hammond Water	Sewer + Water	219-853-6421 ✓
Cedar Lake Water		219-374-7478
INDOT-Traffic Signal Locate	Ken Morris 219-362-6125	

OR
 ↙

Called 8/28/12 Remark - Eff 8-30 (3.2)
Expires 9-17-12 #

Damage gas line @ 702 E. 120th ST
(9/13/12) 1:30 PM D# 1209132441 (1/2" service line)
Ken hit this! Burt called office to
report line hit.

(9-13-12) Remark all 9-17 3:00 PM
1209132505 EXP (10-3)

9-19-12 Hit Gas Main @ 12:00 PM - hit a
Per Kelene McAllister stated man -
(Call NIPSCO - (1st) + is blowing, + buried -
(# 2) 1-800-382-5544 / called for damage
(9-19-13) ticket # 1209193045 Damage
Call Hammond @ 853-6490

8-28-12 Remark-
Eff 8-30 (3:30PM)
Exp 9-17-12
Locate #
1208282902