



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

Pipeline Safety Division Investigation Report

Investigation regarding: Rieth Riley Construction

UPPAC Database Record ID: 3839

Report Date: 7/17/2013

Investigator: Mike Orr

Damage Date: 9/19/2012 9:21:28 AM

Damage Address: 610 N. Nappanee St., Elkhart, Elkhart

The Parties

Excavator: **Rieth Riley Construction**

Address: P.o. Box 477, Goshen, In 46527

Facility Owner: **NIPSCO**

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Type of Equipment: Backhoe/Trackhoe

Type of Work Performed: Grading

Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known):

\$698.8899999999999

Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1208301315

Original Start Date:

Locate Instructions: FROM THE INTERSECTION - LOCATE SOUTH 1500 FEET ON THE EAST SIDE OF THE ROAD FROM THE CENTERLINE OF THE ROAD TO THE RIGHT OF WAY

Follow-Up Locate Instructions (if applicable):

Synopsis: Excavator struck and damaged an underground natural gas service while performing grading work.

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 6/3/2013. The excavator did not maintain clearance with mechanized equipment. Excavator did 3 spot verifications of the line and assumed the depth of the line based on these verifications. Excavator indicated that if the line had not "jumped up in depth", it would not have been hit. Excavator should not have assumed the depth of the gas line would be consistent for the entire locate area.

Conclusion: The excavator failed to maintain clearance with mechanized equipment.

Violation: IC 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

February 1, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 3839
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3839

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: 9/19/2012

Event Location: In Rt 19

Facility Owner: Northern Indiana Public Service Company

Excavator: Rieth Riley Construction

Other Party: N/A

Pipeline Division Case No. 3839

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. 3839	
Date of Event	9/19/2012
Event Location	In Rt 19
Event City	Elkhart
Facility Owner	Northern Indiana Public Service Company
Excavator	Rieth Riley Construction
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	Rieth Riley Construction
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	2500 W Lusher Ave
CITY/ STATE/ZIP	Elkhart, IN 46517
PREFERRED TELEPHONE	574 532 0077
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	Same
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	610 N Nappanee St (IN RT 19)
CITY/STATE/ZIP	Elkhart, IN 46514
NEAREST INTERSECTION	
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	0
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	

Trancher	
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 1209190560
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1208301315
LOCATE MARKS VISIBLE (YES/NO)	Y
LOCATE MARKS CORRECT (YES/NO)	Y
EXCAVATOR "WHITE LINED" (YES/NO)	Y
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)	
POLICE DEPARTMENT RESPONSE (YES/NO)	
AMBULANCE RESPONSE (YES/NO)	
ADDITIONAL INFORMATION/COMMENTS	
<p>Failure to use hand tools where required.</p> <p>Nipsco emergency repair ticket #: 1209190714</p>	

Fact Based Investigation Report

NOTIFICATION ID: 01820120919003 **DISTRICT:** Northern IN
DAMAGE DATE: 9/19/2012 8:00:00 AM **NOTIFICATION DATE:** 9/19/2012 9:57:51 AM
NOTIFIED BY: NICOLE WADELL Facility Owner
DAMAGE ADDRESS: 610 N NAPPANEE ST X W BEARDSLEY
CITY: ELKHART **ST:** IN **ZIP:**

DAMAGED CUSTOMER: NIPSCO

INVESTIGATION DATE: 09/19/2012
FROM: 09:40:00 **TO:** 10:20:00

EXCAVATOR INVOLVED: REITH RILEY
TYPE OF EXCAVATION: Road

ORIG. LOCATE REQ.: 1208170540 **START DATE/TIME:**
TYPE OF TICKET: **LOCATE REQ. INFO N/A:**

DIG UP/DAMAGE REQ.: 1209190560 **START DATE/TIME:** 9/19/2012 9:40:00 AM

PICTURES TAKEN BY: jason klapp **DATE/TIME:** 9/19/2012 10:00:00 AM
PHOTOGRAPHY TYPE: Digital **FRAME #:**

INVESTIGATOR EMP#: 131802 **INVESTIGATOR NAME:** jason klapp
BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED? No

Fact Based Investigation Customer Information

NOTIFICATION ID: 01820120919003
SELECT A CUSTOMER: NIPSCO
CUSTOMER #: (optional)

FACILITY DESCRIPTION: LOWPROF **FACILITY ID:** Gas Service
LOCATOR NAME & EMP #: Klapp Jason - 131802
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,

Investigation Results Verified By Utility Representative

INVESTIGATOR STATEMENT/CAUSAL FACTORS:

marks right on

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

marks good

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

na

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? Yes

EXTENT OF FACILITY DAMAGE cut pl service

REPLACEMENT FOOTAGE ?

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO? No

WHAT CONTRACTOR EQUIPMENT WAS USED?

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? No

IF YES, PLEASE LIST RECORD #(S)

NIPSCO 00337 IUPPSa 08/30/2012 10:17:18 1208301315-00A NORM NEW GRID

NORMAL NOTICE

CASE 3839

Ticket : 1208301315 Date: 08/30/2012 Time: 10:12 Oper: AGRIGGS Chan:074

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

Address :

Street : IN RT 19

Cross 1 : E BEARDSLEY AVE Within 1/4 mile: Y

Location: FROM THE INTERSECTION - LOCATE SOUTH 1500 FEET ON THE EAST SIDE OF
THE

ROAD FROM THE CENTERLINE OF THE ROAD TO THE RIGHT OF WAY

:

Grids : 4141C8600D 4141B8600D 4141C8600C 4141B8600C

Boundary: n 41.693134 s 41.687916 w -86.004433 e -86.002670

Work type : RECONSTRUCTION OF ROAD

Done for : INDOT

Start date: 09/04/2012 Time: 10:30 Hours notice: 120/48 Priority: NORM

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

Duration : 90 DAYS Depth: 7 FEET

Company : RIETH RILEY CONSTRUCTION Type: CONT

Co addr : 2500 W LUSHER AVE

City : ELKHART State: IN Zip: 46517

Caller : ED MORA Phone: (574)532-0077

Contact : ED MORA - CELL Phone:

BestTime:

Mobile : (574)532-0077

Email : EMORA@REITH-RILEY.COM

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

Will you be white-lining the dig site area? YES

:

Submitted date: 08/30/2012 Time: 10:12

Members: AEPIN COMCN ID0598 ID7150 ID8000 NIPSCO SM

NIPSCO 00116 IUPPSa 09/19/2012 09:21:38 1209190560-00A EMER DAMG GRID

DAMAGE SEE REMARKS

CASE 3839

Ticket : 1209190560 Date: 09/19/2012 Time: 09:17 Oper: AHINES Chan:075

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

Address :

Street : IN RT 19

Cross 1 : E BEARDSLEY AVE Within 1/4 mile: Y

Location: FROM THE INTERSECTION - LOCATE SOUTH 1500 FEET ON THE EAST SIDE OF
THE

ROAD FROM THE CENTERLINE OF THE ROAD TO THE RIGHT OF WAY

:

Grids : 4141C8600D 4141B8600D 4141C8600C 4141B8600C

Boundary: n 41.693134 s 41.687916 w -86.004433 e -86.002670

Work type : RECONSTRUCTION OF ROAD

Done for : INDOT

Start date: 09/19/2012 Time: 09:17 Hours notice: 0/0 Priority: EMER

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

Duration : 90 DAYS Depth: 7 FEET

Company : RIETH RILEY CONSTRUCTION Type: CONT

Co addr : 2500 W LUSHER AVE

City : ELKHART State: IN Zip: 46517

Caller : ED MORA Phone: (574)532-0077

Contact : ED MORA - CELL Phone:

BestTime:

Mobile : (574)532-0077

Email : EMORA@REITH-RILEY.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
A GAS LINE HAS BEEN DAMAGED -- THE LINE BELONGS TO NIPSCO -- THE LINE IS NOT
BLOWING -- THE LINE WAS DAMAGED IN FRONT OF THE ADDRESS 610 IN RT 19 -- THE
UTILITY COMPANY TOLD CALLER IF THE LINE WAS NOT BLOWING NOT TO CONTACT 911 --
CREW IS ON SITE -- CALLER HAS CONTACTED THE UTILITY COMPANY -- PREVIOUS
TICKET

1208301315

Will you be white-lining the dig site area? YES

:

Submitted date: 09/19/2012 Time: 09:17

Members: AEPIN COMCN ID0598 ID7150 ID8000 NIPSCO SM

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA South Bend MAXIMO WO # C0388956209

OPERATING AREA CONTACT Tim Armstrong JOB ORDER # 575941

TRACKING NUMBER 018 2012 0919 003 LOCATE REF # 1209190560

Locate Performed By: _____

DATE AND TIME OF ACCIDENT 9-19-12 8:00 AM M DATE OF REPORT 9-19-12

PLACE OF DAMAGE (INCLUDE CITY) 610 N Napanee St Elkhart, IN

DAMAGE WAS TO:

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

OTHER (DESCRIBE) _____

GAS: SERVICE MAIN () SIZE 5/8 MATERIAL: PLASTIC STEEL METER () REG STATION () STUB ()
OTHER (DESCRIBE) Transition from 3/4 steel to 5/8 plastic

DEPTH OF FACILITY (inches) 30" PRESSURE (PSI) 50 Lbs.

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

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

DURATION OF INTERRUPTION: TIME REPORTED 8:00 AM TIME RESTORED 10:00 AM

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 5/8 1/2"

LOCATE MARKS ON SITE: YES DISTANCE BETWEEN FACILITY AND LOCATE MARKS _____ NO ()

HOW LOCATED: PAINT FLAGS BOTH () WHITE LINED ()

PARTY THAT CAUSED DAMAGES (NAME) Rieth Riley

ADDRESS OF PARTY (INCLUDE CITY) PO Box 1775 South Bend SB, IN

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Ed Moore

WITNESS NAME AND ADDRESS _____

WITNESS REMARKS _____

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
- () BLDG CONSTRUCTION
- () DRIVEWAY
- () FENCING
- () LANDSCAPING
- () POLE/SIGN POST
- () CABLE TV
- () DEMOLITION
- () ELECTRIC
- () GRADING
- () PIPELINE
- ROAD WORK
- () CURB/SIDEWALK
- () DRAINAGE
- () SURVEYING
- () IRRIGATION
- () MILLING
- () SEWER
- () TELECOMMUNICATIONS
- () WATER
- () DRAINS/CULVERTS
- () MOWING
- () OTHER _____

TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW

- () AUGER
- () MILLING EQUIPMENT
- () EXPLOSIVES
- () VACCUUM EQUIPMENT
- () HAND TOOLS
- () PROBING DEVICE
- () TRENCHER
- () GRADER
- BACKHOE/TRACKHOE
- () BORING / DRILLING
- () FARM EQUIPMENT
- () OTHER _____

REASON DAMAGE OCCURRED - CHECK APPROPRIATE CHOICE BELOW

- () AUTOMOTIVE ACCIDENT
- () NO NOTIFICATION
- () EXCAVATING BEFORE LOCATES DUE
- () MARKS DISTURBED
- CARELESS MACHINE OPERATOR
- () STUB
- () OTHER _____

SEE REVERSE SIDE FOR COMMENTS AND DIAGRAM

COMMENTS :

gas was squeezed of by contractors upon arrival

PERSON PREPARING REPORT

Todd Overmyer

FIELD SUPERVISOR

Tim Armstrong Gary, Oof

FIELD MANAGER

Rick Gray R. 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: _____ DATE: _____

From: Boyd, William
To: ["Christina Bonham"](#)
Cc: [Poon, DeAnna](#)
Subject: RE: IURC Case # 3839
Date: Tuesday, April 30, 2013 4:12:48 PM

Ms. Bonham,
My apologies on not responding earlier.

I have no problem with allowing you until May 24th to submit your initial documents.

I will add this communication thread to the record for this case number 3839.
William Boyd

From: Christina Bonham [mailto:cbonham@rieth-riley.com]
Sent: Tuesday, April 30, 2013 3:54 PM
To: Boyd, William
Cc: Poon, DeAnna
Subject: RE: IURC Case # 3839

Mr. Boyd:

I am following up on the email below that I sent to you Friday. I have not received a response so I am resending to confirm you are in receipt of my request. I look forward to hearing from you soon. Thank you

Christina M. Bonham

PARALEGAL

RIETH-RILEY CONSTRUCTION CO., INC.

P.O. Box 477

Goshen, IN 46527

(574)875-5183 ext. 20248

(574)875-8405 fax

From: Christina Bonham
Sent: Friday, April 26, 2013 3:52 PM
To: Boyd, William
Cc: 'Poon, DeAnna'
Subject: IURC Case # 3839
Importance: High

Mr. Boyd:

Please consider this correspondence our official request to extend the response time for the initial excavator's documents by 1 month, making the new deadline through and including Friday, May 24th. We are still conducting our investigation of this matter. Thank you in advance for your assistance with this matter.

Christina M. Bonham

PARALEGAL

RIETH-RILEY CONSTRUCTION Co., INC.

P.O. Box 477

Goshen, IN 46527

(574)875-5183 ext. 20248

(574)875-8405 fax



INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION -- PIPELINE SAFETY DIVISION

Case Number: 3839

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: Rieth-Riley Construction Co., Inc.

Responsible Party Personal Name: Kim Beard

Title (if any): Risk Manager

Address (number and street): P.O. Box 477

City, State and ZIP Code: Goshen, IN 46527

Preferred Telephone Number (area code): (574) 875-5183 ext. 20214

Cellular Telephone Number (area code): _____

Email Address: kbeard@rieth-riley.com

Facility 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: _____

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: _____

Cause of Damage Information

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

Type of Work Performed (*select one*): Grading

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*): 610 N. Nappanee Street (SR 19)

City, State and ZIP Code: Elkhart, IN

Nearest Intersection: W. Beardsley Avenue

Product Type (*select one*): Natural Gas

Facility Type (*select one*): Service/Drop

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): \$ 698.89

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: 1208301315 & 1209190560

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: None

Number of Inpatient Treated: None

Number of Fatalities: None

Fire Department Response: Yes No

Police Department Response: Yes No

Ambulance Response: Yes No

Additional Information / Comments

* NIPSCO was to relocate gas lines to be lower than an elevation of 741.96, which represents the elevation of the subsurface drain to be installed (see attached diagram)

* Rieth-Riley dug 3 pot holes at stations 98+22.5, 98+67 and 98+76.8, all of which had consistently similar depths (see attached diagram)

* The gas line that was struck at station 98+70 was approx. 3 feet from the closest pot hole (see attached diagram)

* Due to excavator doing all they could to minimize the chance of striking a gas service by making several attempts to spot the line, NIPSCO decided not to seek compensation for damages from Rieth-Riley and subsequently closed their file (see attached email chain between Rieth-Riley and Mary Lechowicz with NIPSCO)

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3839

Your Full Name: Kim Beard

Full Name of Business / Entity (if applicable): Rieth-Riley Construction Co., Inc.

Your Business Title (if applicable): Risk Manager

Address (number and street): P.O. Box 477

City: Goshen State: IN ZIP Code: 46527

Your E-mail Address: kbeard@rieth-riley.com

Today's Date (month, day, year): June 3, 2013

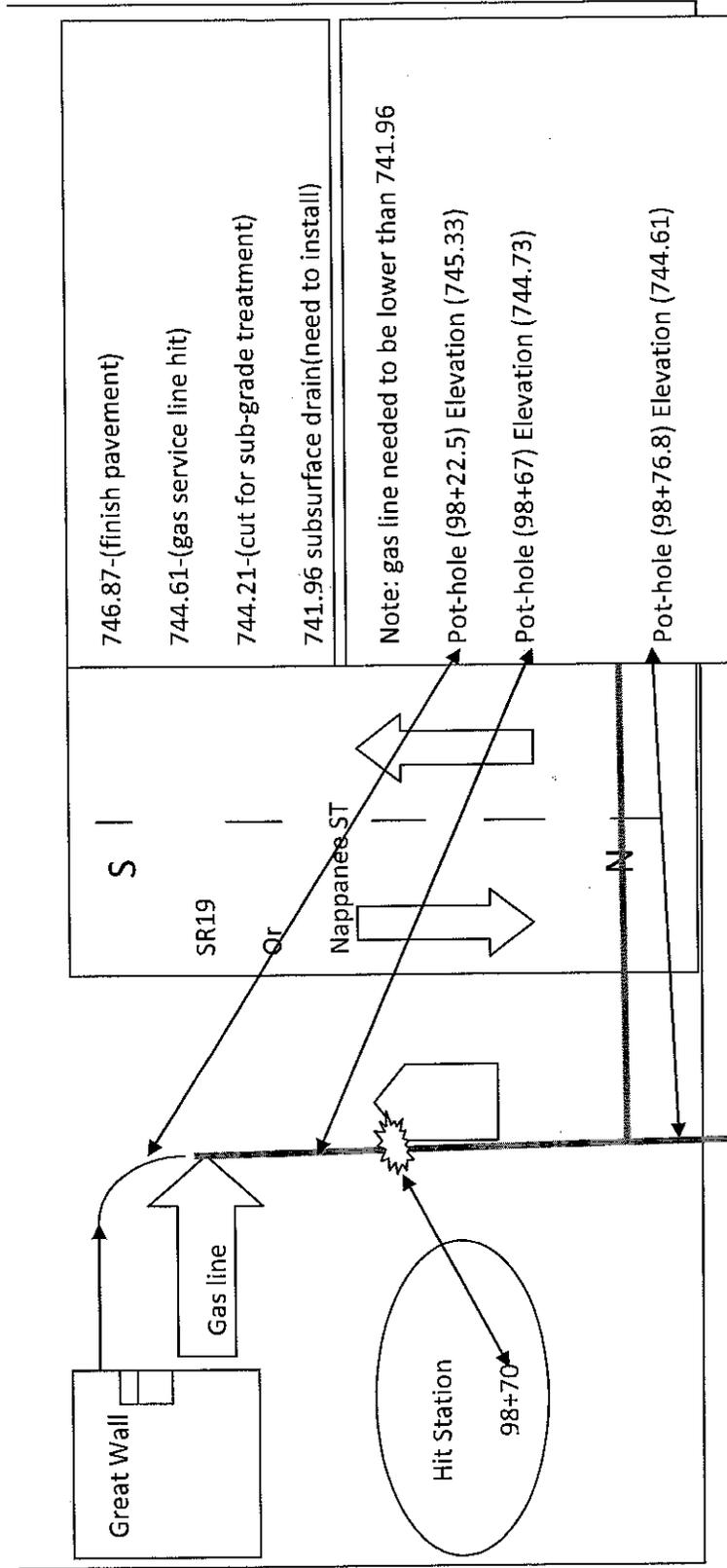
Your Signature: Kim Beard Title (if any) Risk Manager

Please return your Narrative Statement to:

**Pipeline Safety Division – Case Number 3839
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204**

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov



Christina Bonham

From: MLechowicz@NiSource.com
Sent: Thursday, March 14, 2013 11:28 AM
To: Victoria Wilkinson
Subject: Re: FW: Claim 12-2220
Attachments: pic21724.jpg; Diagram of damage Area.pdf

We are no longer seeking compensation. Our file is closed.

We apologize for any inconvenience.

Thank you.

Mary L. Lechowicz
Leader Facility Damages
NIPSCO
801 - E. 86th Avenue
Merrillville, IN 46410

219.647-4033
219.647-4035 Fax
mlechowicz@NiSource.com

Know What's Below...Call Before You Dig...Indiana 811

From: Victoria Wilkinson <vwilkinson@rieth-riley.com>
To: "MLechowicz@NiSource.com" <MLechowicz@NiSource.com>
Date: 03/14/2013 07:49 AM
Subject: FW: Claim 12-2220

Good morning. Would it be possible to receive an update on the status of this claim?

Victoria M. Wilkinson
Risk Management Assistant
Rieth-Riley Construction Co., Inc.
100% Employee Owned
Phone: (574) 875-5183 xt 20249
Fax: (574) 875-8405
(Embedded image moved to file: pic21724.jpg)Icon big single

From: Victoria Wilkinson
Sent: Wednesday, January 23, 2013 11:49 AM
To: 'MLechowicz@NiSource.com'
Subject: RE: Claim 12-2220

We had potholed the area and found the line. However, the damaged line was located in our sub grade which made it buried significantly higher than the potholed areas.

Due to a subgrade treatment at a level of thirty two inches, the line was supposed to be relocated to a depth between five and six feet.

My superintendent called Mr. Chuck Freise right after the incident and Mr. Freise called him back @ 12:18 that same day and they discussed the damaged line. Mr. Freise indicated to my super that he was going to speak with a Mr. Bill Hurley regarding the line and the fact it was not located at the correct depth.

The depth the line was struck at was 744.61. The line needed to be located at a depth lower than 741.96 in order for it to not be in conflict with our work. I have attached a diagram showing the location of the damaged line as well as the depth.

We did what was reasonably expected of a contractor to prevent damaging the line. We located, potholed and exposed where the locates indicated the line was present. If the line had been relocated to the proper depth and had not jumped up in depth into our grade, it would not have been damaged.

Victoria M. Wilkinson
Risk Management Assistant
Rieth-Riley Construction Co., Inc.
100% Employee Owned
Phone: (574) 875-5183 xt 20249
Fax: (574) 875-8405

-----Original Message-----

From: MLechowicz@NiSource.com [mailto:MLechowicz@NiSource.com]
Sent: Wednesday, January 16, 2013 10:52 AM
To: Victoria Wilkinson
Subject: RE: Claim 12-2220

Please direct any questions, comments, or contentions directly to this department. We will then follow up directly with our field personnel.

Thank you.

Mary L. Lechowicz
Leader Facility Damages
NIPSCO
801 - E. 86th Avenue
Merrillville, IN 46410

219.647-4033
219.647-4035 Fax
mlechowicz@NiSource.com

Know What's Below...Call Before You Dig...Indiana 811

From: Victoria Wilkinson <vwilkinson@rieth-riley.com>
To: "MLechowicz@NiSource.com" <MLechowicz@NiSource.com>
Date: 01/16/2013 09:47 AM
Subject: RE: Claim 12-2220

Good morning. I have been trying to reach both Chuck Freise and Bill Hurley regarding this damage claim. My superintendent called Mr. Freise on the day the incident occurred and left him a message.

Mr. Friese called back at 12:18 in the afternoon that day and there was a conversation regarding the damaged utility. I would like to speak with either one of them in regards to that conversation.

The numbers I have for them are as follows:

Chuck Freise - 776-3000

Bill Hurley - 313-8819

Would it be possible for you to confirm the numbers please?

Victoria M. Wilkinson
Risk Management Assistant
Rieth-Riley Construction Co., Inc.
100% Employee Owned
Phone: (574) 875-5183 xt 20249
Fax: (574) 875-8405

-----Original Message-----

From: MLechowicz@NiSource.com [mailto:MLechowicz@NiSource.com]
Sent: Wednesday, January 09, 2013 11:02 AM
To: Victoria Wilkinson
Subject: Re: Claim 12-2220

We will request the photos from our locate contractor and provide them once received.

Thank you.

Mary L. Lechowicz
Leader Facility Damages
NIPSCO
801 - E. 86th Avenue
Merrillville, IN 46410

219.647-4033
219.647-4035 Fax
mlechowicz@NiSource.com

Know What's Below...Call Before You Dig...Indiana 811

From: Victoria Wilkinson <vwilkinson@rieth-riley.com>
To: "MLechowicz@NiSource.com" <MLechowicz@NiSource.com>
Date: 01/08/2013 01:18 PM
Subject: Claim 12-2220

(Embedded image moved to file: pic24707.jpg) We are in receipt of your correspondence dated December 10, 2012 regarding the above referenced claim and I am currently conducting my investigation.
I will get back with you soon with either a resolution or further questions.

Please forward copies of any supporting documents and/or photographs you have regarding this claim.

Victoria M. Wilkinson
Risk Management Assistant
Rieth-Riley Construction Co., Inc.
100% Employee Owned
Phone: (574) 875-5183 xt 20249
Fax: (574) 875-8405
(Embedded image moved to file: pic23594.jpg)Icon big single

(See attached file: Diagram of damage Area.pdf)



RIETH-RILEY CONSTRUCTION Co., Inc.

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"100% Employee Owned"

August 26, 2013

ADDITIONAL DOCUMENTS - EXCAVATOR

DeAnna Poon
Assistant General Counsel
Indiana Utility Regulatory Commission

And

IURC Pipeline Damage Case

VIA: DPoon@urc.IN.gov
PipelineDamageCase@urc.IN.gov

RE: Case No. 3839
Date of Event: September 19, 2012
Event Location: 610 N. Nappanee St., Elkhart, Elkhart
Facility Owner: NIPSCO

Dear Ms. Poon:

We are in receipt of the Pipeline Safety Division Investigation Report regarding the above stated case.

Rieth-Riley respectfully disagrees with the Conclusion stated in the Pipeline Safety Division Investigation Report conducted by Investigator, Mike Orr. Mr. Orr concluded that the "Excavator failed to maintain the required clearance with mechanized equipment", in violation of IC 8-1-26-20(a) (2).

As part of this project, the gas company, NIPSCO, was to have relocated/lowered its affected underground utilities for the impending road construction. However, the subject service line was not correctly relocated in its entirety. Instead, the line took a sudden and abrupt path up to the grade at the one point it was struck. Rieth-Riley performed its work exercising all reasonable and prudent care to avoid the underground utilities. Rieth-Riley pot holed to spot check the subject line, as noted in the Pipeline Safety Investigation Report. The closest pothole to the point of damage was only 3 feet away and provided evidence that the line was in the same location in all 3 pot holes, both vertically and horizontally.

Additionally, Chuck Freise, NIPSCO Project Manager (Cell: 574 or 219 776-3000) stated that due to the line not being correctly lowered, Rieth-Riley should not be at fault. Mr. Freise stated he would contact Bill Hurley, the Inspector in charge of the location contract (Cell: 574 or 219 313-8819) to inform him of the issue with the line not being correctly lowered. As stated in our initial response, Mary Lechowicz, Leader Facility Damages for NIPSCO, withdrew NIPSCO's claim for damages and closed their file.

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The clear inference from this gesture is that NIPSCO realized the damage was unavoidable due to the improper relocation of the line and that all precautions had been taken by Rieth-Riley to avoid damage or interference with the underground facilities.

For the reasons stated above, Rieth-Riley respectfully disagrees with the Conclusion stated in the Pipeline Safety Division Investigation Report. Rieth-Riley requests that the IURC consult with Chuck Freise and Bill Hurley and further review this matter in an effort to draw its own conclusion regarding this matter. We feel confident the IURC will conclude that but for the incomplete relocation of the damaged line, Rieth-Riley would not have struck the line and therefore it should not be assessed a penalty.

Thank you in advance for your attention to this matter. If you have any questions, please contact me at 574-875-5183, ext. 20248.

Respectfully,

RIETH-RILEY CONSTRUCTION CO., INC.

A handwritten signature in black ink, appearing to read 'CMBonham', written in a cursive style.

Christina M. Bonham
Paralegal