



Pipeline Safety Division Investigation Report

Investigation regarding: Custom And Moore Tree Experts Inc

UPPAC Database Record ID: 3999

Report Date: 7/17/2013

Investigator: Mike Orr

Damage Date: 10/5/2012 1:35:49 PM

Damage Address: 50787 Tarrington Way, Granger, St Joseph

The Parties

Excavator: Custom And Moore Tree Experts Inc

Address: 12945 State Road 23, Granger, In 46530

Facility Owner: NIPSCO

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Type of Equipment: Unknown/Other

Type of Work Performed: landscaping

Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$558

Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1210012140

Original Start Date:

Locate Instructions: LOCATE THE SOUTH SIDE OF THE REAR PATIO AND LOCATE THE FRONT OF THE PROPERTY SOUTH OF THE DRIVEWAY

Follow-Up Locate Instructions (if applicable):

Synopsis: Excavator damaged a plastic natural gas service while excavating to plant a tree.

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 12/10/2012. Operator failed to locate the service prior to the commencement of work.

Conclusion: Operator did not locate the service.

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



150 West Market Street, Suite 600
Indianapolis, IN 46204

January 30, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 3999
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 3999

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: 10/5/2012

Event Location: 50787 Tarrington Way

Facility Owner: Northern Indiana Public Service Company

Excavator: Custom And Moore Tree Experts Inc

Other Party: N/A

Pipeline Division Case No. 3999

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. 3999 | |
| Date of Event | 10/5/2012 |
| Event Location | 50787 Tarrington Way |
| Event City | Granger |
| Facility Owner | Northern Indiana Public Service Company |
| Excavator | Custom And Moore Tree Experts Inc |
| Date of IURC Information Request | 12/5/2012 |
| THE PARTIES | |
| EXCAVATOR: | |
| BUSINESS NAME | Custom More Tree Experts |
| RESPONSIBLE PARTY PERSONAL NAME | |
| TITLE (IF ANY) | |
| ADDRESS | 12945 State Road 23 |
| CITY/ STATE/ZIP | Granger, IN 46530 |
| PREFERRED TELEPHONE | 574-272-1900 |
| CELL PHONE TELEPHONE | |
| EMAIL ADDRESS | TREE@CUSTOMMOORE.COM |
| 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 | 50787 Tarrington Way |
| CITY/STATE/ZIP | Granger, IN 46530 |
| NEAREST INTERSECTION | Ridgefield Ct |
| 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 inch |
| PRESSURE (PSIG/INCHES) | 35 |
| 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 | |
| Boring/Drilling | |
| Directional Drilling | |
| Explosives | |
| Farm Equipment | |
| Grader/Scraper | |
| Hand Tools | |
| Milling Equipment | |
| Probing Device | |

| | |
|--|----------------|
| Trancher | |
| Vacuum Equipment | |
| Unknown/Other | X |
| TYPE OF WORK PERFORMED (Select One) | |
| Agriculture | |
| Cable TV | |
| Curb/Sidewalk | |
| Bldg. Construction | |
| Bldg. Demolition | |
| Drainage | |
| Driveway | |
| Electric | |
| Engineering/Surveying | |
| Fencing | |
| Grading | |
| Irrigation | |
| Landscaping | X |
| 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 - 1210052124 |
| LOCATE INFORMATION: | |
| EXCAVATOR REQUEST LOCATE (YES/NO) | Y |

| | |
|---|------------|
| INDIANA 811 LOCATE TICKET NUMBER | 1210012140 |
| LOCATE MARKS VISIBLE (YES/NO) | N |
| LOCATE MARKS CORRECT (YES/NO) | N |
| EXCAVATOR "WHITE LINED" (YES/NO) | N |
| MAPS USED TO MARK FACILITIES (YES/NO) | N |
| 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) | Y |
| POLICE DEPARTMENT RESPONSE (YES/NO) | |
| AMBULANCE RESPONSE (YES/NO) | |
| ADDITIONAL INFORMATION/COMMENTS | |
| Late to locate. | |

ORIGINAL LOCATE TICKET.

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:
N/A

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

LIST ANY OTHER INDIVIDUALS ON SITE:
N/A

WERE ANY MARKINGS VISIBLE ON THE DAMAGE SITE UPON ARRIVAL? No

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

WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS? No

EXTENT OF FACILITY DAMAGE CUT IN HALF

REPLACEMENT FOOTAGE N/A

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO? No

WHAT CONTRACTOR EQUIPMENT WAS USED? TREE SPADE

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? No

IF YES, PLEASE LIST RECORD #(S)

NIPSCO 00528 IUPPSa 10/08/2012 11:51:21 1210012140-01A NORM 2NDR STRT

SECOND NOTICE 2ND NOTICE

Ticket : 1210012140 Date: 10/08/2012 Time: 11:47 Oper: SPOPE Chan:044
Old Tkt: 1210012140 Date: 10/01/2012 Time: 12:42 Oper: KSWANK Rev: 00A

CASE #

3999

State: IN Cnty: ST JOSEPH Twp: CLAY
Cityname: GRANGER Inside: Y Near: N
Subdivision: KNOLLWOOD WEST

Address : 50787
Street : TARRINGTON WAY
Cross 1 : RIDGEFIELD CT Within 1/4 mile: Y
Location: LOCATE THE SOUTH SIDE OF THE REAR PATIO AND LOCATE THE FRONT OF THE
PROPERTY SOUTH OF THE DRIVEWAY

:
Grids : 4145C8612D
Boundary: n 41.757553 s 41.754776 w -86.202820 e -86.200378

Work type : LANDSCAPING
Done for : TROY KERWIN
Start date: 10/03/2012 Time: 13:00 Hours notice: 0/0 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 DAY Depth: 6 FEET

Company : CUSTOM AND MOORE TREE EXPERTS INC Type: CONT
Co addr : 12945 STATE ROAD 23
City : GRANGER State: IN Zip: 46530
Caller : BARBARA CHERRYHOLMES Phone: (574)272-1900
Contact : BARBARA CHERRY HOLMES - OFFICE Phone:
BestTime:
Mobile : (574)272-1900
Fax : (574)272-1793
Email : TREE@CUSTOMMOORE.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
STILL NEED NIPSCO TO RESPOND TO REQUEST ASAP--CREW ON SITE--THANK YOU
Will you be white-lining the dig site area? NO

:

Submitted date: 10/08/2012 Time: 11:47
Members: AEPIN COMCN ID5610 NIPSCO SBCIN SM

NIPSCO 00713 IUPPSa 10/01/2012 12:48:10 1210012140-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 1210012140 Date: 10/01/2012 Time: 12:42 Oper: KSWANK Chan:063

CASE #
3999

State: IN Cnty: ST JOSEPH Twp: CLAY
Cityname: GRANGER Inside: Y Near: N
Subdivision: KNOLLWOOD WEST

Address : 50787
Street : TARRINGTON WAY
Cross 1 : RIDGEFIELD CT Within 1/4 mile: Y
Location: LOCATE THE SOUTH SIDE OF THE REAR PATIO AND LOCATE THE FRONT OF THE
PROPERTY SOUTH OF THE DRIVEWAY

Grids : 4145C8612D
Boundary: n 41.757553 s 41.754776 w -86.202820 e -86.200378

Work type : LANDSCAPING
Done for : TROY KERWIN
Start date: 10/03/2012 Time: 13:00 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 DAY Depth: 6 FEET

Company : CUSTOM AND MOORE TREE EXPERTS INC Type: CONT
Co addr : 12945 STATE ROAD 23
City : GRANGER State: IN Zip: 46530
Caller : BARBARA CHERRYHOLMES Phone: (574)272-1900
Contact : BARBARA CHERRY HOLMES - OFFICE Phone:
BestTime:
Mobile : (574)272-1900
Fax : (574)272-1793
Email : TREE@CUSTOMMOORE.COM

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

Submitted date: 10/01/2012 Time: 12:42
Members: AEPIN COMCN ID5610 NIPSCO SBCIN SM

NIPSCO 00619 IUPPSa 10/05/2012 13:36:09 1210052124-00A EMER DAMG STRT

DAMAGE SEE REMARKS

Ticket : 1210052124 Date: 10/05/2012 Time: 13:34 Oper: SPOPE Chan:044

State: IN Cnty: ST JOSEPH Twp: CLAY
Cityname: GRANGER Inside: N Near: Y
Subdivision: KNOLLWOOD WEST

CASE #
3999

Address : 50787
Street : TARRINGTON WAY
Cross 1 : RIDGEFIELD CT Within 1/4 mile: Y
Location: LOCATE THE SOUTH SIDE OF THE REAR PATIO AND LOCATE THE FRONT OF THE
PROPERTY SOUTH OF THE DRIVEWAY

Grids : 4145C8612D
Boundary: n 41.757553 s 41.754776 w -86.202820 e -86.200378

Work type : LANDSCAPING
Done for : TROY KERWIN
Start date: 10/05/2012 Time: 13:34 Hours notice: 0/0 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : 1 DAY Depth: 6 FEET

Company : CUSTOM AND MOORE TREE EXPERTS INC Type: CONT
Co addr : 12945 STATE ROAD 23
City : GRANGER State: IN Zip: 46530
Caller : BARBARA CHERRYHOLMES Phone: (574)272-1900
Contact : BARBARA CHERRY HOLMES - OFFICE Phone:
BestTime:
Mobile : (574)272-1900
Fax : (574)272-1793
Email : TREE@CUSTOMMOORE.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
NIPSCO GAS LINE HAS BEEN CUT--DOES NOT KNOW WHERE LINE WAS CUT--DOES NOT KNOW IF
LINE IS BLOWING--SIZE/COLOR UNKNOWN--NIPSCO HAS BEEN NOTIFIED--CREW ON
SITE--PREV TICKET 1210012140--THANK YOU
Will you be white-lining the dig site area? NO

Submitted date: 10/05/2012 Time: 13:34
Members: AEPIN COMCN ID5610 NIPSCO SBCIN SM

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA 060 MAXIMO WO #
OPERATING AREA CONTACT Armstrong JOB ORDER #
TRACKING NUMBER 018 0012 1005 009 LOCATE REF #
Locate Performed By:

DATE AND TIME OF ACCIDENT 10-05 2012, 1400 M DATE OF REPORT 10-5-12
PLACE OF DAMAGE (INCLUDE CITY) 50787 Jarrington Way, Granger

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)

DEPTH OF FACILITY (inches) 18" PRESSURE (PSI) 35# 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 14:00 TIME RESTORED 17:00

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: Cut 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) Custom Moore Tree Experts

ADDRESS OF PARTY (INCLUDE CITY) 12945 St. Rd 23 Granger, In

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Dave

WITNESS NAME AND ADDRESS Same as above

WITNESS REMARKS Gone

AGENCIES NOTIFIED () POLICE () AGENCY REPORT #

FIRE () AGENCY Clay REPORT #

OTHER () Any Injuries? () YES # () NO

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

WORK IN PROGRESS WHEN FACILITY DAMAGED - CHECK APPROPRIATE CHOICE BELOW

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

TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW

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

REASON DAMAGE OCCURRED - CHECK APPROPRIATE CHOICE BELOW

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

SEE REVERSE SIDE FOR COMMENTS AND DIAGRAM

COMMENTS :

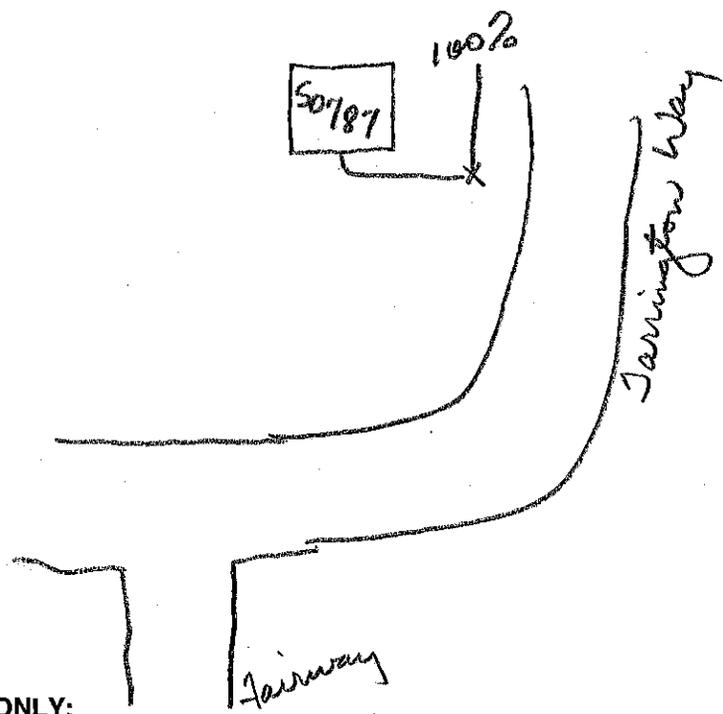
PERSON PREPARING REPORT

FIELD SUPERVISOR *Hayes*

FIELD MANAGER *Hayes*

- 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: _____



CUSTOM & MOORE TREE EXPERTS, INC.

DAVID A. DUNCAN – President

12945 STATE ROAD 23 • GRANGER, INDIANA 46530 • TEL. (574) 272-1900 • FAX: (574) 272-1793 • Email: tree@custommoore.com



December 5, 2012

Pg. 1 of 2

William Boyd
Director Pipeline safety Division

Re: “Initial Document – Excavator”
Case No. 3999

RECEIVED
DEC 10 2012

INDIANA UTILITY REGULATORY COMMISSION

Date of Event: 10-5-2012

Location: Resident home site: 50787 Tarrington Way
Granger IN. 46530

Facility: NIPSCO

Dear William Boyd,

My name is David A Duncan and I am the President of Custom & Moore and I have the legal authority to represent this entity. I am also responsible for its actions and/or its errors. Mrs. Cherryholmes is our receptionist and was the acting phone liaison in reporting this mishap as well as phoning in utility check requests and receiving responding Emails and phone recordings.

On Monday 10-1-2012 Mrs. Cherryholmes “Barbara” phoned in a utility check for this site and one on Woods Run Ct. also in Granger. Both sites were to be checked by 1 PM on the 3rd of Oct. Both site customers received a follow up scheduling phone call on the 3rd. Both site customers said that the utilities had been marked and Friday the 5th was good for them.

We went to the Woods Run site first. For your reference “ticket # 1210012155”. The area we would be digging was a not-to-exceed 5’ hole which was a near perfect center of the yard and near the back lot line. Because of all the other plant material and to be precise a pink “not white” line was painted more than 5 times larger than the dig site, and called in as such. When the crew showed up on site all the marking flags were on the other side of the yard, nothing in the back yard at all and no OK’s painted in our big pink circle. This job was a hand plant anyway and there were no problems on this site.

The crew proceeded to the next site, “ticket # 1210012140” this house faces east and here again all the flags were on the other side headed to the west utility easement. They laid down our portable road yard protection for the tree spade truck to back on to the yard. The front yard north of the drive is heavily populated with trees but the small yard south of the drive is vacant and obviously in need of a tree so white lining was not required and there was no flags, marks or lines for us to maintain a (2) feet clearance from with our blind digging tree spade.

After the line was hit the spade operators first concern was the safety of the home owner, he informed him of what had happened and went through the house with him to make sure that nothing gas powered would be coming on while he has Barbara at the office call in the report. He then moved the spade truck to the side street, marked the damage and waited for the repair crew to show, and then left.

It has been our experience that the team that does the locating in our area has proven to be very diligent. We have often seen the marking start on the same day of a morning request and nearly always done with in 24 hours, we always try to schedule in extra time for them so as not to waste a trip going to a site that has not been marked yet. This time we waited four days or 100 hours not 2/48.

After this job we called for a special crew meeting to discuss the incident and establish new procedures in regards to underground utilities. This part of our training manual is being rewritten and the crew utility correspondence sheet has been expanded to include a site check list.

We will also be making a lot more utility check request now because we were not calling in for one every time we cut a stump. The standard stump cutting is only 8-10" below grade and if it was obviously not in the utility run area we didn't call for a check. So we will be running the locators a lot harder now and using more white paint.

These small jobs in a highly competitive market have a small opportunity to make a profit, one extra or wasted trip and you're working for free. One utility repair bill like the one we just received from NIPSCO for \$558.35 for this job can take a while to recover, one small fine could cost you the seasons profit and a larger one could sink you.

We thank God no one was hurt and we are wiser now from his grace.

Thank you for your time and considerations

David A Duncan
President
Custom & Moore



Enc 3

STATE OF INDIANA



RECEIVED

DEC 3 2012

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

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

November 30, 2012

Barbara Cherryholmes
Custom And Moore Tree Experts Inc
12945 State Road 23
Granger, In 46530

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 3999**

Date of Event: 10/5/2012
Event Location: 50787 Tarrington Way, Granger, St Joseph County
Excavator: Custom And Moore Tree Experts Inc
Facility Owner: Northern Indiana Public Service Company

Dear Barbara Cherryholmes,

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 10/5/2012, you or your business damaged a pipeline facility owned by **Northern Indiana Public Service Company** and located at **50787 Tarrington Way, Granger, St Joseph 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.



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.

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



Return Receipt (Electronic)

9214 8901 0661 5400 0007 5826 73

3999

BARBARA CHERRYHOLMES
CUSTOM AND MOORE TREE EXPERTS IN
12945 ADAMS RD
GRANGER, IN 46530-8863

261

CUT / FOLD HERE

6"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE