



Pipeline Safety Division Investigation Report

Investigation regarding: McAllister General Contractors

UPPAC Database Record ID: 4034

Investigator: Howard Friend

Report Date: 3/13/13

The Parties

Excavator: McAllister General Contractors

Contact: Christopher McAllister, Vice President

Address (City, State): PO Box 810, Cedar Lake, IN 46303

Telephone: 219-374-9498

Facility Owner Information:

Business Name: NIPSCO

Synopsis: A natural gas facility was damaged during excavation for drainage.

Findings: The excavator had a valid locate request however, the operator failed to provide accurate locate markings. The operator did not have any records of this facility.

Conclusion: There was a failure to provide accurate locate markings.

Violation: IC 8-1-26-18(f): Operator failed to locate the facility.



150 West Market Street, Suite 600
Indianapolis, IN 46204

January 31, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 4034
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 4034

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: 10/16/2012

Event Location: 9704 Parrish Ave

Facility Owner: Northern Indiana Public Service Company

Excavator: Mcallister General Contractors

Other Party: N/A

Pipeline Division Case No. 4034

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. 4034	
Date of Event	10/16/2012
Event Location	9704 Parrish Ave
Event City	Cedar Lake
Facility Owner	Northern Indiana Public Service Company
Excavator	Mcallister General Contractors
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	McAllister General Contractors
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	PO Box 810
CITY/ STATE/ZIP	Cedar Lake, IN 46303
PREFERRED TELEPHONE	219-374-9498
CELL PHONE TELEPHONE	219-746-9188
EMAIL ADDRESS	CSANDERS@MCALLISTERSINC.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	9704 Parrish Ave
CITY/STATE/ZIP	Cedar Lake, IN 46303
NEAREST INTERSECTION	W 133 rd Ave
PRODUCT TYPE (Select One)	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
FACILITY TYPE (Select One)	
DISTRIBUTION	
GATHERING	
SERVICE/DROP	X - In-service gas stub
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	1 1/8"
PRESSURE (PSIG/INCHES)	
INTERRUPTION IN SERVICE (YES/NO)	N
NUMBER OF CUSTOMERS AFFECTED	0
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	X
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-1210162120
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1210031531
LOCATE MARKS VISIBLE (YES/NO)	Y
LOCATE MARKS CORRECT (YES/NO)	N
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)	Y
POLICE DEPARTMENT RESPONSE (YES/NO)	
AMBULANCE RESPONSE (YES/NO)	
ADDITIONAL INFORMATION/COMMENTS	
<p>Facility could not be found/located. In-service gas stub</p>	

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

Mark Schlessle tol Supervisor Nate Wolf that USIC was not at fault in this incident

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? No

WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS? No

EXTENT OF FACILITY DAMAGE Cut to line

REPLACEMENT FOOTAGE none they retired the line at the main

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO?

WHAT CONTRACTOR EQUIPMENT WAS USED?

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? No

IF YES, PLEASE LIST RECORD #(S)

NIPSCO 00595 IUPPSa 10/12/2012 14:00:03 1210031531-02A NORM 2NDR GRID

CASE #
4034

THIRD NOTICE 3RD NOTICE

Ticket : 1210031531 Date: 10/12/2012 Time: 13:56 Oper: BBASTIN Chan:045
Old Tkt: 1210031531 Date: 10/08/2012 Time: 16:04 Oper: MPLUMMER Rev: 01A

State: IN Cnty: LAKE Twp: HANOVER
Cityname: CEDAR LAKE Inside: Y Near: N
Subdivision:

Address : 9704
Street : PARRISH AVE
Cross 1 : W 133RD AVE Within 1/4 mile: Y
Location: THIS IS EAST OF THE CEDAR LAKE TRU-VALUE STORE - LOCATE THE ENTIRE
PROPERTY AND BOTH SIDES OF PARRISH AVENUE FROM RIGHT OF WAY TO RIGHT OF WAY -
AREA IS WHITE LINED

:
Grids : 4122B8727D 4122B8727C 4122C8727D 4122C8727C
Boundary: n 41.377369 s 41.373844 w -87.454285 e -87.450577

Work type : INSTALL NEW SEWER AND WATER
Done for : STRACK AND VANTIL
Start date: 10/05/2012 Time: 11:15 Hours notice: 0/0 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 YEAR Depth: 12 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 : CHRIS MCALLISTER - CELL Phone:
BestTime:
Mobile : (219)746-9188
Fax : (219)374-7017
Email : CSANDERS@MCALLISTERSINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
STILL NEEDS ALL UTILITIES TO RESPOND TO THIS TICKET ASAP--THANK YOU
Will you be white-lining the dig site area? YES

:
Submitted date: 10/12/2012 Time: 13:56
Members: COMCN IB ID7478 NIPSCO SM

NIPSCO 01025 IUPPSa 10/08/2012 16:05:45 1210031531-01A NORM 2NDR GRID

CASE #
4034

SECOND NOTICE 2ND NOTICE

Ticket : 1210031531 Date: 10/08/2012 Time: 16:04 Oper: MPLUMMER Chan:040
Old Tkt: 1210031531 Date: 10/03/2012 Time: 10:54 Oper: KSWANK Rev: 00A

State: IN Cnty: LAKE Twp: HANOVER
Cityname: CEDAR LAKE Inside: Y Near: N
Subdivision:

Address : 9704
Street : PARRISH AVE
Cross 1 : W 133RD AVE Within 1/4 mile: Y
Location: THIS IS EAST OF THE CEDAR LAKE TRU-VALUE STORE - LOCATE THE ENTIRE
PROPERTY AND BOTH SIDES OF PARRISH AVENUE FROM RIGHT OF WAY TO RIGHT OF WAY -
AREA IS WHITE LINED

:
Grids : 4122B8727D 4122B8727C 4122C8727D 4122C8727C
Boundary: n 41.377369 s 41.373844 w -87.454285 e -87.450577

Work type : INSTALL NEW SEWER AND WATER
Done for : STRACK AND VANTIL
Start date: 10/05/2012 Time: 11:15 Hours notice: 0/0 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 YEAR Depth: 12 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 : CHRIS MCALLISTER - CELL Phone:
BestTime:
Mobile : (219)746-9188
Fax : (219)374-7017
Email : CSANDERS@MCALLISTERSINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
NEED ALL UTILITIES TO MARK PROPERTY ASAP
Will you be white-lining the dig site area? YES

:

Submitted date: 10/08/2012 Time: 16:04
Members: COMCN IB ID7478 NIPSCO SM

NIPSCO 00009 IUPPSa 10/03/2012 11:13:35 1210031531-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 1210031531 Date: 10/03/2012 Time: 10:54 Oper: KSWANK Chan:063

State: IN Cnty: LAKE Twp: HANOVER
Cityname: CEDAR LAKE Inside: Y Near: N
Subdivision:

Address : 9704
Street : PARRISH AVE
Cross 1 : W 133RD AVE Within 1/4 mile: Y
Location: THIS IS EAST OF THE CEDAR LAKE TRU-VALUE STORE - LOCATE THE ENTIRE
PROPERTY AND BOTH SIDES OF PARRISH AVENUE FROM RIGHT OF WAY TO RIGHT OF WAY -
AREA IS WHITE LINED

:
Grids : 4122B8727D 4122B8727C 4122C8727D 4122C8727C
Boundary: n 41.377369 s 41.373844 w -87.454285 e -87.450577

Work type : INSTALL NEW SEWER AND WATER
Done for : STRACK AND VANTIL
Start date: 10/05/2012 Time: 11:15 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 YEAR Depth: 12 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 : CHRIS MCALLISTER - CELL Phone:
BestTime:
Mobile : (219)746-9188
Fax : (219)374-7017
Email : CSANDERS@MCALLISTERSINC.COM

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

:

Submitted date: 10/03/2012 Time: 10:54
Members: COMCN IB ID7478 NIPSCO SM

CASE #
4034

NIPSCO 00688 IUPPSa 10/16/2012 13:52:44 1210162120-00A EMER DAMG GRID

DAMAGE SEE REMARKS

Ticket : 1210162120 Date: 10/16/2012 Time: 13:49 Oper: LSTEVENSON Chan:018

State: IN Cnty: LAKE Twp: HANOVER
Cityname: CEDAR LAKE Inside: Y Near: N
Subdivision:

Address : 9704
Street : PARRISH AVE
Cross 1 : W 133RD AVE Within 1/4 mile: Y
Location: THIS IS EAST OF THE CEDAR LAKE TRU-VALUE STORE - LOCATE THE ENTIRE
PROPERTY AND BOTH SIDES OF PARRISH AVENUE FROM RIGHT OF WAY TO RIGHT OF WAY -
AREA IS WHITE LINED

:
Grids : 4122B8727D 4122B8727C 4122C8727D 4122C8727C
Boundary: n 41.377369 s 41.373844 w -87.454285 e -87.450577

Work type : INSTALL NEW SEWER AND WATER
Done for : STRACK AND VANTIL
Start date: 10/16/2012 Time: 13:49 Hours notice: 0/0 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : 1 YEAR Depth: 12 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 : CHRIS MCALLISTER - CELL Phone:
BestTime:
Mobile : (219)746-9188
Fax : (219)374-7017
Email : CSANDERS@MCALLISTERSINC.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
PER CAROL SANDERS NIPSCO LINE WAS HIT--GAS IS NOT BLOWING--LINE WAS HIT NEAR
THE SOUTH ENTRANCE ALONG PARRISH AVE---LINE 1/2INCH SERVICE YELLOW AND
PLASTIC--CREW IS ON SITE--ADVISED TO CALL 911---CAROL SANDERS WILL CALL NIPSCO
TO REPORT THE DAMAGE--PREVIOUS TICKET NUMBER IS 1210031531--THANK YOU
Will you be white-lining the dig site area? YES

:

Submitted date: 10/16/2012 Time: 13:49
Members: COMCN IB ID7478 NIPSCO SM

CASE #

4034

COMMENTS: Bachhoe caught Retired Service Approx 15' away

from main Main was located, Service lines NOT

Locate had no way of knowing stld existed!

(MS)

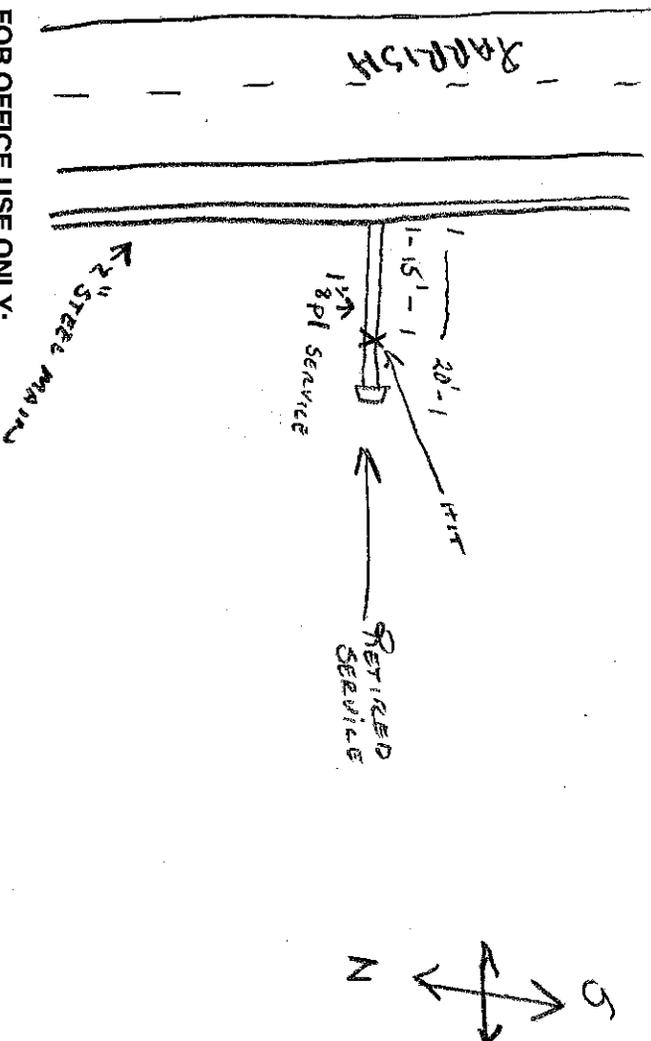
PERSON PREPARING REPORT 125704 Astoria Walk

FIELD SUPERVISOR Mark D. Sells

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: _____

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA 030 MAXIMO WO # _____

OPERATING AREA CONTACT Mark A. Schierske JOB ORDER # 573024

TRACKING NUMBER 018 2012 1016 007 LOCATE REF # _____
Locate Performed By: _____

DATE AND TIME OF ACCIDENT 10-16 2012 1 PM DATE OF REPORT 10-16-12

PLACE OF DAMAGE (INCLUDE CITY) 9704 Linscoln Plaza Cedar Lake

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

OTHER (DESCRIBE) _____

GAS: SERVICE MAIN () SIZE 1 1/2 MATERIAL: PLASTIC STEEL () METER () REG STATION () STUB ()
OTHER (DESCRIBE) _____

DEPTH OF FACILITY (inches) 16" 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 _____ TIME SHUT OFF _____ TIME RESTORED _____

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 1/4"

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

PARTY THAT CAUSED DAMAGES (NAME) McAllister

ADDRESS OF PARTY (INCLUDE CITY) P.O. Box 810 Cedar Lake

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Chris McAllister

WITNESS NAME AND ADDRESS Art Mink, Jeff Newton

WITNESS REMARKS _____

AGENCIES NOTIFIED / ONSITE: POLICE () AGENCY _____ REPORT # _____

FIRE AGENCY C-L 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
() 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



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

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

RECEIVED

November 30, 2012

DEC 28 2012

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

INDIANA UTILITY
REGULATORY COMMISSION

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 4034**

Date of Event: 10/16/2012
Event Location: 9704 Parrish Ave, Cedar Lake, Lake County
Excavator: Mcallister General Contractors
Facility Owner: Northern Indiana Public Service Company

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 **10/16/2012**, you or your business damaged a pipeline facility owned by **Northern Indiana Public Service Company** and located at **9704 Parrish Ave, Cedar Lake, 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.

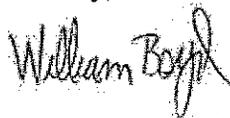
Mail: Pipeline Safety Division – Case No. 4034
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, IN 46204

Email: PipelineDamageCase@urc.in.gov

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

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

Sincerely,



William Boyd, Director Pipeline Safety Division

~~Enclosures: Summary of Procedures and Respondent's Rights~~



Summary of Procedures and Respondent's Rights

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

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

The purpose of this Act is to promote excavation and pipeline safety and to reduce imminent danger to life, health, property, or loss of service associated with unsafe digging practices.

Who reports possible violations?

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

What is the process for investigating alleged violations?

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

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

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

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

Who is on the Advisory Committee?

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

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

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

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

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

What penalties are possible?

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

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

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

What if I disagree with the assessed penalties?

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

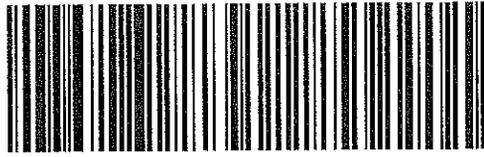
Does the Division determine criminal violations?

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

I still have questions.

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

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



Return Receipt (Electronic)

9214 8901 0661 5400 0007 5830 21

4034

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

286

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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: 4034

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: Christopher McAllister

Title (if any): Vice 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): 219-746-9188

Email Address: _____

Facility Information:

Business Name: 9704 Parrish Ave - Cedar Lake, In

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: 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/Utility

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): Parrish & 133rd 9704 Parrish Ave

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

Nearest Intersection: 133rd Ave

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: _____

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

Repair Cost (if known): \$ No

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 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 sheet

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 4034

Your Full Name: Chris McAllister

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

Your Business Title (if applicable): V.P.

Address (number and street): PO. 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: Chris McAllister Title (if any) V.P.

Please return your Narrative Statement to:

**Pipeline Safety Division – Case Number 4034
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204**

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov

BURT MEIER

ON TUESDAY OCT 17 2012 I WAS EXCAVATING GROUND ON THE SOUTH EAST CORNER OF SVT JOB. I WAS CLEARING TOP SOIL FOR DRIVEWAY ENTRANCE PREPARATIONS DURING DIGGING A 1/2" GAS SERVICE WHICH WAS NOT MARKED WAS CLIPPED & IT BEGAN TO LEAK. WE KINKED THE PLASTIC LINE & THE LEAK STOPPED. CHRIS CALLED CAROL TO REPORT THE HIT.

Burt Meier
10/18/12

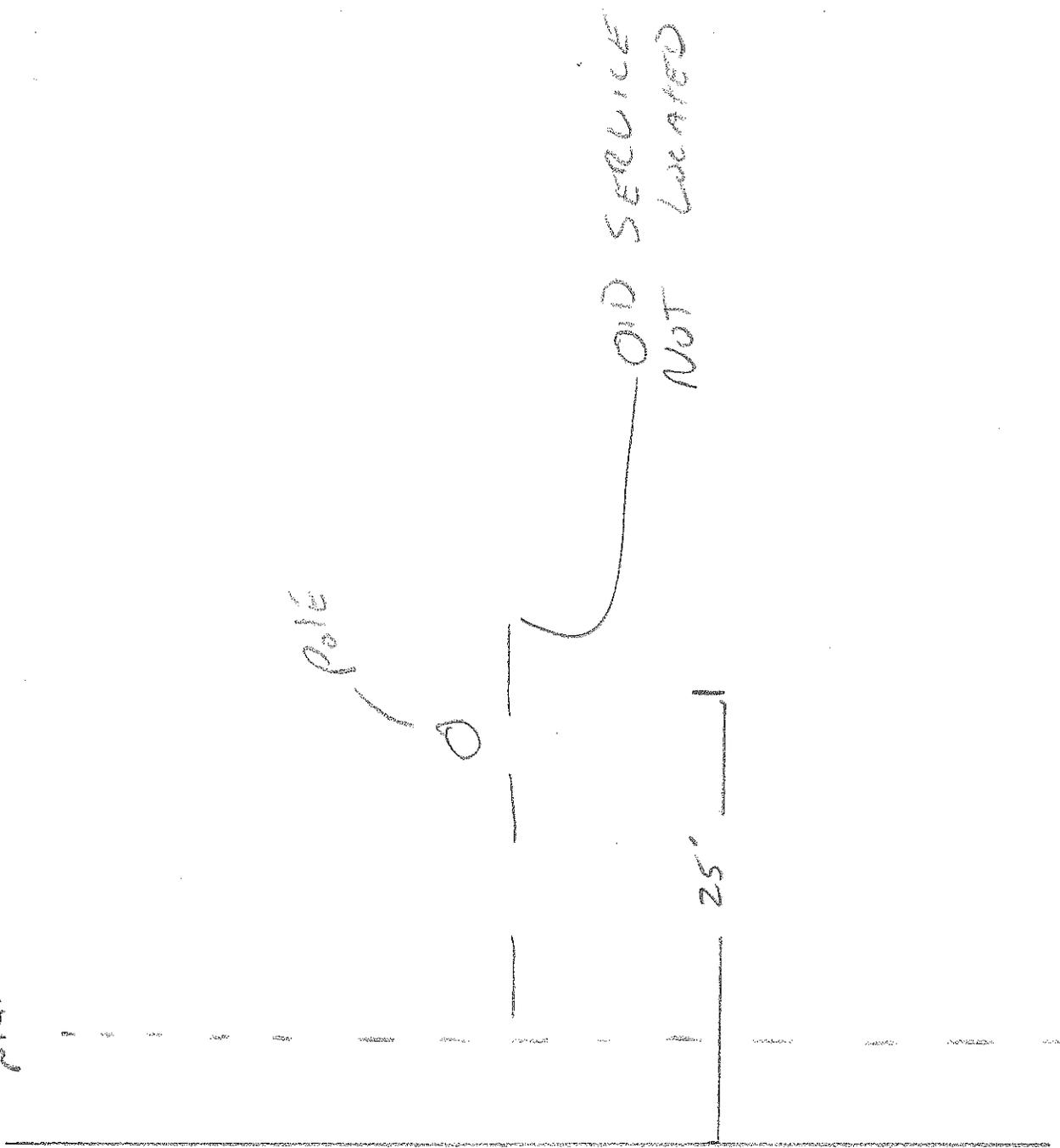
main WAS LOCATED

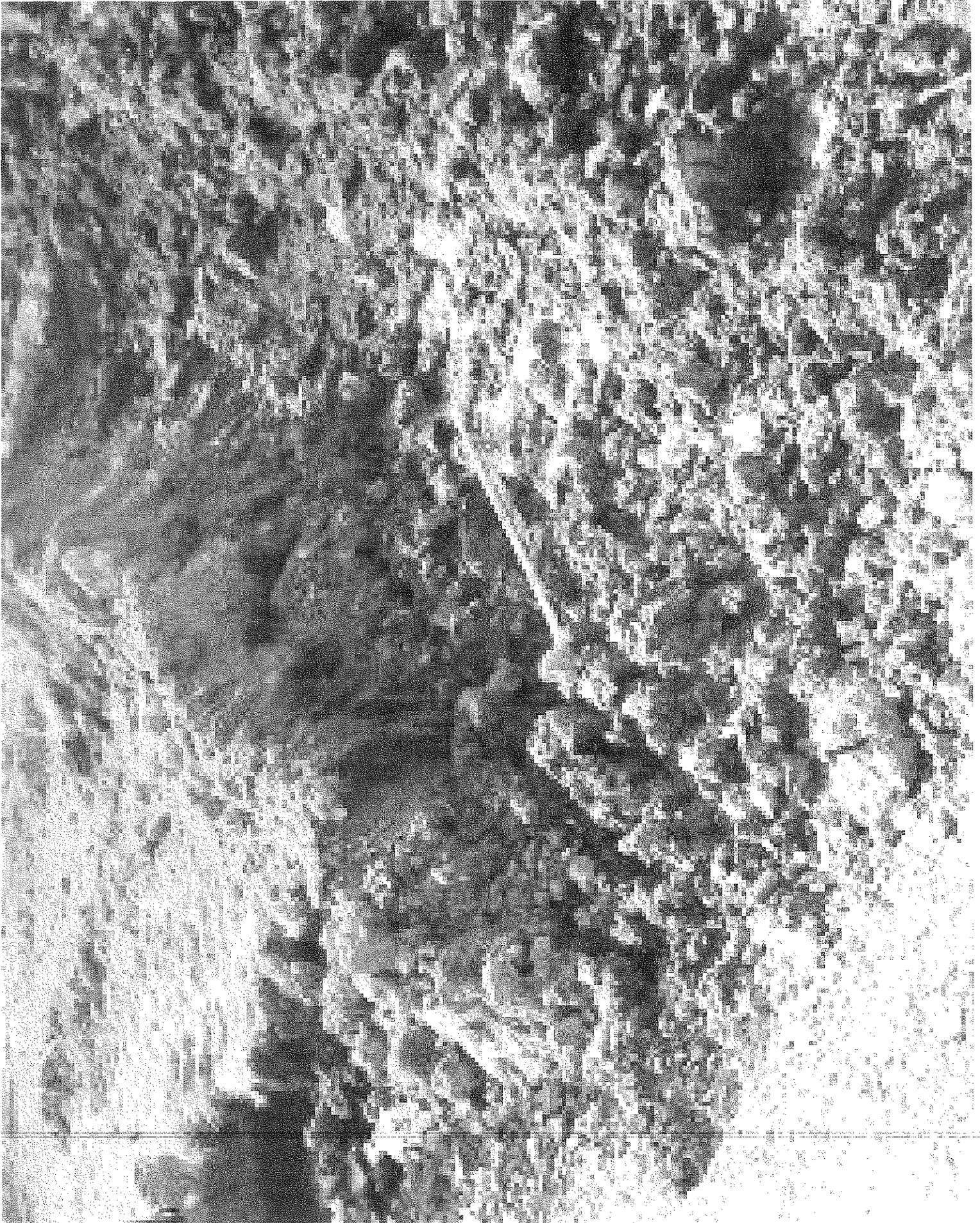
Pole

OLD SERVICE
NOT
LOCATED

25'

Pipes





LAS





SOUTH
H.H.

NEW



