



Pipeline Safety Division Investigation Report

Investigation regarding: **Kathy Smith**

UPPAC Database Record ID: 4046

Report Date: 7/11/2013

Investigator: Mike Orr

Damage Date: 10/21/2012 12:48:23 PM

Damage Address: 904 W King St, Altona, Dekalb

The Parties

Excavator: **Kathy Smith**

Address: 601 East Houston Street, Garrett, In 46738

Facility Owner: **NIPSCO**

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Type of Equipment: Backhoe/Trackhoe

Type of Work Performed: Sewer

Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$1281

Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1210162726

Original Start Date:

Locate Instructions: LOCATE THE ENTIRE EAST SIDE OF THE PROPERTY

Follow-Up Locate Instructions (if applicable):

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

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 12/28/2012. The excavator had a valid locate ticket; however, the gas operator self reported a failure to properly locate the service facility.

Conclusion: There was a failure to provide a facility locate as requested.

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

February 4, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 4046
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 4046

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: 10/21/2012

Event Location: 904 W King St

Facility Owner: Northern Indiana Public Service Company

Excavator: Kathy Smith

Other Party:

Pipeline Division Case No. 4046

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. 4046	
Date of Event	10/21/2012
Event Location	904 W King St
Event City	Altona
Facility Owner	Northern Indiana Public Service Company
Excavator	Kathy Smith
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	Kathy Smith
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	601 East Houston Street
CITY/ STATE/ZIP	Garrett, IN 46738
PREFERRED TELEPHONE	260-357-5274
CELL PHONE TELEPHONE	260-750-7835
EMAIL ADDRESS	K-SMITH57@LIVE.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	902 W King St (904 on ticket)
CITY/STATE/ZIP	Garrett, IN 46738
NEAREST INTERSECTION	N Union St
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	
Sewer (Sanitary/Storm)	X
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- 1210210089
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1210162726
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)	Y
POLICE DEPARTMENT RESPONSE (YES/NO)	
AMBULANCE RESPONSE (YES/NO)	
ADDITIONAL INFORMATION/COMMENTS	
<p>Incomplete marks on site. Nipsco emergency repair ticket 1210210087</p>	

NIPSCO 00847 IUPPSa 10/16/2012 16:13:09 1210162726-00A NORM NEW GRID

NORMAL NOTICE

Ticket : 1210162726 Date: 10/16/2012 Time: 15:53 Oper: SLUCAS Chan:060

State: IN Cnty: DEKALB Twp: KEYSER
Cityname: ALTONA Inside: Y Near: N
Subdivision:

Address : 904
Street : W KING ST
Cross 1 : N UNION ST Within 1/4 mile: Y
Location: LOCATE THE ENTIRE EAST SIDE OF THE PROPERTY
:
Grids : 4120A8508B 4121D8508E 4120A8508A 4121D8508A 4120A8509D
Grids : 4121D8509D
Boundary: n 41.351467 s 41.348713 w -85.151939 e -85.145180

Work type : REPAIRING SEWER
Done for : KATHY SMITH
Start date: 10/18/2012 Time: 16:15 Hours notice: 48/48 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 3 DAYS Depth: 8 FEET

Company : KATHY SMITH Type: HOME
Co addr : 601 EAST HOUSTON STREET
City : GARRETT State: IN Zip: 46738
Caller : KATHY SMITH Phone: (260)357-5274
Contact : DAVE STRITMATTER - CELL Phone:
BestTime:
Mobile : (260)750-7835
Email : K-SMITH57@LIVE.COM

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

Submitted date: 10/16/2012 Time: 15:53
Members: ID2708 ID2885 ID3146 ID8000 NIPSCO SM

CASE #
4046

NIPSCO 00019 IUPPSa 10/21/2012 12:48:33 1210210089-00A EMER DAMG GRID

DAMAGE DAMAGE

CASE #
4046

Ticket : 1210210089 Date: 10/21/2012 Time: 12:44 Oper: NBOYD Chan:002

State: IN Cnty: DEKALB Twp: KEYSER
Cityname: ALTONA Inside: Y Near: N
Subdivision:

Address : 904
Street : W KING ST
Cross 1 : N UNION ST Within 1/4 mile: Y
Location: LOCATE THE ENTIRE EAST SIDE OF THE PROPERTY

:
Grids : 4120A8508B 4121D8508B 4120A8508A 4121D8508A 4120A8509D
Grids : 4121D8509D
Boundary: n 41.351467 s 41.348713 w -85.151939 e -85.145180

Work type : REPAIRING SEWER
Done for : KATHY SMITH
Start date: 10/21/2012 Time: 12:44 Hours notice: 0/0 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : 3 DAYS Depth: 8 FEET

Company : KATHY SMITH Type: HOME
Co addr : 601 EAST HOUSTON STREET
City : GARRETT State: IN Zip: 46738
Caller : KATHY SMITH Phone: (260)357-5274
Contact : KATHY SMITH - CELL Phone:
BestTime:
Mobile : (260)750-1369
Email : K-SMITH57@LIVE.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
PER KATHY - NIPSCO GAS LINE DAMAGED IN THE FRONT OF THE PROPERTY BY THE STREET -
CANNOT DESCRIBE THE LINE - NIPSCO AND FIRE DEPARTMENT NOTIFIED AND ON SITE -
PROPERTY OWNER WILL BE ON SITE - UNSURE IF LINE IS BLOWING - PREVIOUS TICKET
1210162726

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

:
Submitted date: 10/21/2012 Time: 12:44
Members: ID2708 ID2885 ID3146 ID8000 NIPSCO SM

Fact Based Investigation Report

NOTIFICATION ID: 01820121021001

DISTRICT: Northern IN

DAMAGE DATE: 10/21/2012 10:20:00 AM

NOTIFICATION DATE: 10/21/2012 11:52:16 AM

NOTIFIED BY: TODD Facility Owner

DAMAGE ADDRESS: 904 W KING ST X N UNION ST

CITY: GARRETT

ST: IN ZIP:

DAMAGED CUSTOMER: NIPSCO

INVESTIGATION DATE: 10/21/2012

FROM: 13:30:00

TO: 14:00:00

EXCAVATOR INVOLVED: Homeowner

TYPE OF EXCAVATION: SEWER

ORIG. LOCATE REQ.: 1210162726

START DATE/TIME:

TYPE OF TICKET:

LOCATE REQ. INFO N/A:

DIG UP/DAMAGE REQ.: 1210210089

START DATE/TIME:

PICTURES TAKEN BY: MIKEOBERLIN

DATE/TIME: 10/21/2012 1:30:00 PM

PHOTOGRAPHY TYPE: Digital

FRAME #:

INVESTIGATOR EMP#: 113397

INVESTIGATOR NAME: MIKEOBERLIN

BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED? Possibly

Fact Based Investigation Customer Information

NOTIFICATION ID: 01820121021001

SELECT A CUSTOMER: NIPSCO

CUSTOMER #: (optional)

FACILITY DESCRIPTION: LOWPROF

FACILITY ID: Gas Service

LOCATOR NAME & EMP #: Meeks Ronald - 117956

LOCATOR NOT KNOWN:

CHECK ALL THAT APPLY TO INVESTIGATION:

Other

Other: MARKED FAR ENOUGH

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

INVESTIGATOR STATEMENT/CAUSAL FACTORS:

TICKET CALLED FOR EAST SIDE OF PROPERTY. LINE HIT ON EAST SIDE OF PROPERTY BY ROAD. CONTRACTOR SAW THE SERVICE FROM NEXT DOOR ARROWED TO THE STREET. DID NOT CALL BACK FOR MARKINGS ON SOUTH SIDE OF PROPERTY. LOCATOR DID NOT MARK THE LINE FAR ENOUGH

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

U/K

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

U/K

LIST ANY OTHER INDIVIDUALS ON SITE:

U/K

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? No

EXTENT OF FACILITY DAMAGE PLASTIC SERVICE

REPLACEMENT FOOTAGE 4'

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)

NORTHERN INDIANA PUBLIC SERVICE COMPANY FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA Angola MAXIMO WO # M 588198

OPERATING AREA CONTACT Joe Thomas JOB ORDER # 589756

TRACKING NUMBER OIA 2012 1021 001 LOCATE REF # 1210162726

Locate Performed By: _____

DATE AND TIME OF ACCIDENT 10-21 2012, 11:48 AM DATE OF REPORT 10-21-12

PLACE OF DAMAGE (INCLUDE CITY) 902 W. King Garrett

DAMAGE WAS TO:

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

OTHER (DESCRIBE) _____

GAS: SERVICE MAIN () SIZE _____ MATERIAL: PLASTIC STEEL () METER () REG STATION () STUB ()

OTHER (DESCRIBE) _____

DEPTH OF FACILITY (inches) 22 In PRESSURE (PSI) 40 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 11:48 AM TIME SHUT OFF 1:09 PM TIME RESTORED 3:00 PM

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 3/4"

LOCATE MARKS ON SITE: YES DISTANCE BETWEEN FACILITY AND LOCATE MARKS 5' out from gas riser NO ()
HOW LOCATED: PAINT FLAGS BOTH WHITE LINED ()

PARTY THAT CAUSED DAMAGES (NAME) Dave Stritmatter

ADDRESS OF PARTY (INCLUDE CITY) 1015 S. Lee Garrett

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Kathy Smith

WITNESS NAME AND ADDRESS _____

WITNESS REMARKS _____

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

FIRE AGENCY Garrett Fire REPORT # 355

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

PHOTOS TAKEN: YES NO () TAKEN BY: O21A39 SL (ATTACH PHOTOS TO REPORT)
MEDIA ON SITE YES () NO

WORK IN PROGRESS WHEN FACILITY DAMAGED - CHECK APPROPRIATE CHOICE BELOW

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

TYPE OF EQUIPMENT USED - CHECK APPROPRIATE CHOICE BELOW

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

REASON DAMAGE OCCURRED - CHECK APPROPRIATE CHOICE BELOW

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

• SEE REVERSE SIDE FOR COMMENTS AND DIAGRAM

COMMENTS :

PERSON PREPARING REPORT

Bryce Gordon

FIELD SUPERVISOR

Jason Sprunger

FIELD MANAGER

Rachel Dumm

- 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: _____



INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION - PIPELINE SAFETY DIVISION

RECEIVED

DEC 28 2012

INDIANA UTILITY
REGULATORY COMMISSION

Case Number: 4046

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: _____

Responsible Party Personal Name: Dave Stritmatter

Title (if any): Neighbor

Address (number and street): 1015 S. Lee St

City, State and ZIP Code: Garrett, IN 46738

Preferred Telephone Number (area code): 260-357-1928

Cellular Telephone Number (area code): 260-750-7835

Email Address: M.Stritmatter@live.com

Facility Information:

Business Name: Kathy Smith

Responsible Party Personal Name: Kathy Smith

Title (if any): OWNER

Address (number and street): 904 W. King St Garrett, IN 46738

City, State and ZIP Code: _____

Preferred Telephone Number (area code): 260-357-5274

Cellular Telephone Number (area code): 260-750-1369

Email Address: k-smith57@live.com

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): Drainage

Other Information (Witness, Police, Fire, Other):

Personal Contact: Dana Treesh - Fire Department

Business/Organization Name: _____

Title (if any): _____

Address (number and street): _____

City, State and ZIP Code: Garrett

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Utility Line Impact

Location of Damage:

Address (number and street): 902 W King St

City, State and ZIP Code: Garrett, IN 46738

Nearest Intersection: Urban, W. King St

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:** 1

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

Repair Cost (if known): \$ 1280.79

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: 1210162726

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: 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

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 4046

Your Full Name: Kathy Smith Dave Stritmatter

Full Name of Business / Entity (if applicable): _____

Your Business Title (if applicable): _____

Address (number and street): _____

City: _____ State: _____ ZIP Code: _____

Your E-mail Address: _____

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

Your Signature: Kathy Smith Title (if any) Home owner

Please return your Narrative Statement to:

Pipeline Safety Division – Case Number 4046
Indiana Utility Regulatory Commission
101 West Washington Street, 1500E
Indianapolis, IN 46204

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov



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

Kathy Smith
601 East Houston Street
Garrett, In 46738

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 4046**

Date of Event: 10/21/2012
Event Location: 904 W King St, Altona, Dekalb County
Excavator: Kathy Smith
Facility Owner: Northern Indiana Public Service Company

Dear Kathy Smith,

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 **10/21/2012**, you or your business damaged a pipeline facility owned by **Northern Indiana Public Service Company** and located at **904 W King St, Altona, Dekalb 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. 4046
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.

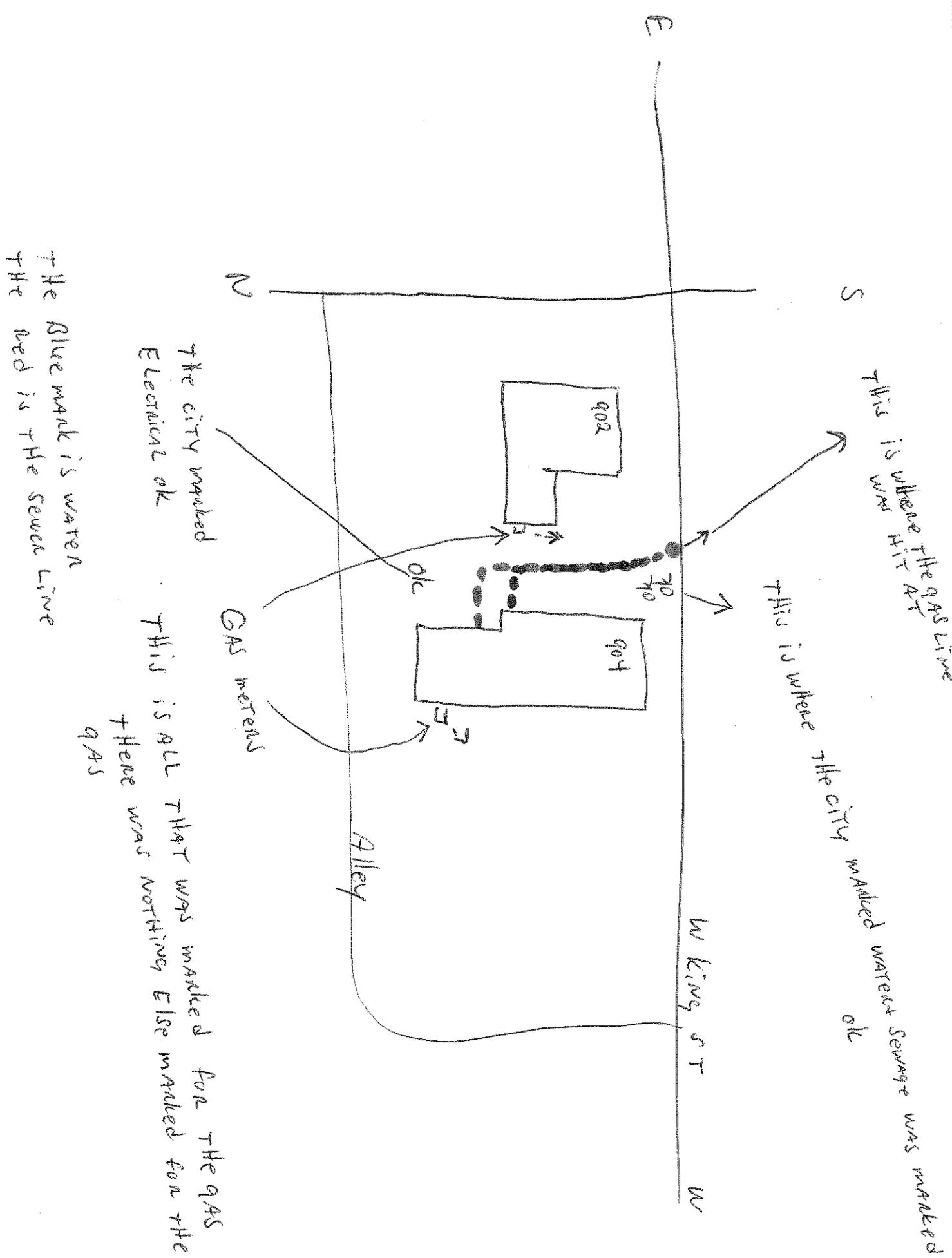
For technical questions, you can contact the Division Director, Bill Boyd, at (317) 232-2718. Legal inquiries should be directed to DeAnna L. Poon, Advisor to the Advisory Committee and Assistant General Counsel at the IURC, at (317) 232-6735.

On Sunday October 2012, I was digging up the sewer line at 904 west king street. I got to the sidewalk and I had to remove the sidewalk. The sewer went down under the sidewalk. I was digging on the north side of the walk, and I had to make one loader bucket width on the south side of the walk so I could remove the concrete. We could not break up the concrete with the backhoe. As soon as I put the bucket in the ground I hit the gas line. I shut off the backhoe and called 911. When the fire department arrived, fire chief Dana Treesh wanted to see were at on the sidewalk I hit the gas line. I took him to the area and showed him where it was at. He looked at the ground area where it was, and said that there were no markings from underground locate service, just two from the city for the water and electrical lines. I told him that nothing on the side of the house was marked for gas and that nothing out front was marked, only what the city had marked. So he asked to see what they had marked, I showed him on the west side of the house is where the gas meter is at, it was marked with two flags and two yellow lines and an arrow about 6ft in length, we proceeded to the back side of the property and showed him the line the city had marked for the electric and water lines. On the east side of the house the line from the neighbor to the east was marked it went about 8ft. I had piled dirt there and I told him where the line stopped. There were no gas markings after that. Steve from the gas company showed up then and I showed him the same things I showed Dana. He also commented that there was nothing out there where I hit the line; no markings at all for gas just water and electric. He dug up were I hit the line he said he would have to call in a repair crew. Then a little later a locate guy that only does overhead showed up, he walked around like he was right about how the lines were property was marked. He took pictures and said that it was my fault that I hit the line, that the gas from the house to the east was marked all the way down to the sidewalk and the reason they couldn't see it was because I piled dirt on it. After he kept telling the owner it was there fault I got my son and we shoveled the dirt where the line and last arrow was at that was marked. We did this because I was tired of being told that I was lying about the line. We uncovered the lines and arrow and then he said that he didn't think that looked like an arrow to him. The gas man steve landis and the two guys to repair the break looked at it and told him that it was a yellow arrow. After they told him that he left in a hurry because I proved him wrong. While we were waiting for the city to mark so they could fix the line both of the repair men and steve landis said that the locator people didn't mark the property right at all they couldn't believe that nothing out front was marked. Everyone that responded to the leak were very courteous except the locate man, he was very rude and acted very snobbish towards me and the owners of the property. But as soon as me and my son uncovered the markings on the west side of the house and the three nipsco guys told him him that it was an arrow, the locator guy got really quiet and left immediately.

Daniel Stue

12/21/12

On the day that I called I talk to a gentleman first.While I was talking to him we were disconnected.I called back I did not get the gentleman I was talking to first. I was talking to a woman I ask her did we have to start over and she said no. She said I was done there was nothing else she needed.I did ask if there was any way I could talk to the gentleman i was talking to first and she said no.She did say it was their phones why we were disconnected. Thank You Kathy Smith 12-21-2012



This is where the gas line was hit
 This is where the city marked water & sewer was marked ok

The city marked Electrical ok

This is all that was marked for the gas there was nothing else marked for the gas

The blue mark is water
 The red is the sewer line

Gas meters

Alley

W King St

N

S

E

902

904

ok

ok

ok

ok



CAUTION

CAUTION

CAUTION

CAUTION

10
11
12









