



Pipeline Safety Division Investigation Report

Investigation regarding: Desabatine Brothers Excavating

UPPAC Database Record ID: 4082

Report Date: 7/11/2013

Investigator: Mike Orr

Damage Date: 10/31/2012 12:08:25 PM

Damage Address: 915 N Monticello St, Winamac, Pulaski

The Parties

Excavator: **Desabatine Brothers Excavating**

Address: 107 E Main Street Po Box 128, Winamac, In 46996

Facility Owner: **NIPSCO**

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

Type of Equipment: Hand Tools

Type of Work Performed: Sewer

Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: False

Number of Customers Affected: 0

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1210250842

Original Start Date:

Locate Instructions: LOCATE THE WEST SIDE OF THE PROPERTY AND THE ALLEY

Follow-Up Locate Instructions (if applicable):

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

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 3/26/2013. The excavator had a valid locate ticket ; however, the gas operator self reported a failure to provide accurate locate markings.

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

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 1, 2013

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 4082
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 4082

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: 10/31/2012

Event Location: 915 N Monticello St

Facility Owner: Northern Indiana Public Service Company

Excavator: Desabatine Brothers Excavating

Other Party: N/A

Pipeline Division Case No. 4082

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. 4082	
Date of Event	10/31/2012
Event Location	915 N Monticello St
Event City	Winamac
Facility Owner	Northern Indiana Public Service Company
Excavator	Desabatine Brothers Excavating
Date of IURC Information Request	12/5/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	Desabatine Brothers Excavating
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	1935 North 200 East
CITY/ STATE/ZIP	Winamac, IN 46996
PREFERRED TELEPHONE	574-946-4260
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
FACILITY INFORMATION - OWNER/OPERATOR OF UTILITY LINE:	
BUSINESS NAME	NORTHERN INDIANA PUBLIC SERVICE COMPANY
RESPONSIBLE PARTY PERSONAL NAME	LUKE SELKING
TITLE	
ADDRESS	1501 HALE AVENUE
CITY/STATE/ZIP	FORT WAYNE, IN 46802
PREFERRED TELEPHONE	260/439-1290
SECONDARY TELEPHONE	
EMAIL ADDRESS	LSELKING@NISOURCE.COM
LOCATOR SERVICE INFORMATION	
BUSINESS NAME	USIC
RESPONSIBLE PARTY PERSONAL NAME	Morgan Thompson
TITLE (IF ANY)	Claims Coordinator
ADDRESS	9045 N. River Rd. Suite 300
CITY/ STATE/ZIP	Indianapolis, IN 46240
PREFERRED TELEPHONE	1-317-538-7301
CELL PHONE TELEPHONE	Same
EMAIL ADDRESS	morganthompson@usicinc.com
OTHER (WITNESS, POLICE, FIRE, OTHER) INFORMATION	
PERSONAL CONTACT	
BUSINESS/ORGANIZATION NAME	
TITLE (IF ANY)	

ADDRESS	
CITY/ STATE/ZIP	
PREFERRED TELEPHONE	
CELL PHONE TELEPHONE	
EMAIL ADDRESS	
UTILITY LINE IMPACT	
LOCATION OF DAMAGE	
ADDRESS	915 N Monticello St
CITY/STATE/ZIP	Winamac, IN 46996
NEAREST INTERSECTION	W 17 th St
PRODUCT TYPE (Select One)	
NATURAL GAS	X
LIQUID PIPELINE	
UNKNOWN/OTHER	
FACILITY TYPE (Select One)	
DISTRIBUTION	X
GATHERING	
SERVICE/DROP	
TRANSMISSION	
UNKNOWN/OTHER	
SIZE (DIAMETER/ETC.)	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) (\$)	
CAUSE OF DAMAGE INFORMATION:	
TYPE OF EQUIPMENT (Select One)	
Auger	
Backhoe/Trackhoe	
Boring/Drilling	
Directional Drilling	
Explosives	
Farm Equipment	
Grader/Scraper	
Hand Tools	X
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- 1210311466
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	Y

INDIANA 811 LOCATE TICKET NUMBER	1210250842
LOCATE MARKS VISIBLE (YES/NO)	Y
LOCATE MARKS CORRECT (YES/NO)	N
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)	
POLICE DEPARTMENT RESPONSE (YES/NO)	
AMBULANCE RESPONSE (YES/NO)	
ADDITIONAL INFORMATION/COMMENTS	
<p>Facility could not be found/located.</p> <p>No tone on plastic service test stand put in for future locating</p> <p>Nipsco emergency repair ticket 1210311558</p>	

Fact Based Investigation Report

NOTIFICATION ID: 01820121031009 DISTRICT: Northern IN
DAMAGE DATE: 10/31/2012 12:08:37 PM NOTIFICATION DATE: 10/31/2012 12:10:18 PM
NOTIFIED BY: DAVE DESABATINE
DAMAGE ADDRESS: 915 N MONTICELLO ST
CITY: WINAMAC ST: IN ZIP:

DAMAGED CUSTOMER: NIPSCO

INVESTIGATION DATE: 10/31/2012
FROM: 13:15:00 TO: 15:00:00

EXCAVATOR INVOLVED: DESABATINE BROTHERS EXCAVATING
TYPE OF EXCAVATION: SEWER REPAIR

ORIG. LOCATE REQ.: 1210250842 START DATE/TIME:
TYPE OF TICKET: LOCATE REQ. INFO N/A:

DIG UP/DAMAGE REQ.: 1210311466 START DATE/TIME:

PICTURES TAKEN BY: BRAD WELLMAN DATE/TIME: 10/31/2012 2:00:00 PM
PHOTOGRAPHY TYPE: Digital FRAME #: NA

INVESTIGATOR EMP#: 117330 INVESTIGATOR NAME: BRAD WELLMAN
BASED ON YOUR INVESTIGATION, IS FURTHER INVESTIGATION NEEDED? No

Fact Based Investigation Customer Information

NOTIFICATION ID: 01820121031009
SELECT A CUSTOMER: NIPSCO
CUSTOMER #: (optional)

FACILITY DESCRIPTION: LOWPROF FACILITY ID: main - 2"
LOCATOR NAME & EMP #: Irwin Bradley - 132791
LOCATOR NOT KNOWN:

CHECK ALL THAT APPLY TO INVESTIGATION:
Other

Other: FALSE TONE, ONLY SIGNAL IS ON RETIRED 2 INCH STEEL

CHECK ALL THAT APPLY TO METHOD OF INVESTIGATION (at least one must be checked):

Visual, Facility Exposed At Time Of Investigation,
Investigator Verified Existing Marks By Hooking Up,
Investigation Results Verified By Utility Representative

INVESTIGATOR STATEMENT/CAUSAL FACTORS:
THE CONTRACTOR PUNCTURED A 2 INCH PL. GAS MAIN, OUR MARKS ARE APPROX. 6 FT OFF, RIGHT ON

ABANDONED STEEL MAIN, NO TONE ON PL. THE SERVICES IN THIS ALLEY ARE STEEL THEN TRANSITION OVER TO PL IN ALLEY WHEN NEW MAIN WAS PUT IN.

NAMES OF UTILITY REPRESENTATIVES CONTACTED OR ON SITE AND STATEMENT:

DAVE PRATHER - MONTICELLO LOA GAS SUPERVISOR, PLASTIC MAIN WONT TONE RIGHT, WE ARE GOING TO PUT UP TEST STAND.

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

NA

LIST ANY OTHER INDIVIDUALS ON SITE:

NA

WERE ANY MARKINGS VISIBLE ON THE DAMAGE SITE UPON ARRIVAL? Yes

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

WAS THE EXCAVATION WITHIN THE TOLERANCE ZONE OF MARKS? No

EXTENT OF FACILITY DAMAGE PUNTURED 2 INCH PL

REPLACEMENT FOOTAGE BUILT BYPASS AND 3FT REPLACEMENT

WAS CONTRACTOR ASSISTANCE REQUIRED? IF YES, WHO? No

WHAT CONTRACTOR EQUIPMENT WAS USED? NA

IS THE FACILITY SHOWN ON THE UTILITY RECORDS? Yes

IF YES, PLEASE LIST RECORD #(S) FB

NIPSCO 00280 IUPPSa 10/25/2012 09:48:23 1210250842-00A NORM NEW STRT

NORMAL NOTICE

Ticket : 1210250842 Date: 10/25/2012 Time: 09:41 Oper: SMCCLURE Chan:049

State: IN Cnty: PULASKI Twp: MONROE
Cityname: WINAMAC Inside: Y Near: N
Subdivision:

CASE #
4082

Address : 915
Street : N MONTICELLO ST
Cross 1 : W 17TH ST Within 1/4 mile: Y
Location: LOCATE THE WEST SIDE OF THE PROPERTY AND THE ALLEY

:
Grids : 4103B8636C
Boundary: n 41.061543 s 41.059177 w -86.606346 e -86.604614

Work type : REPAIR SEWER
Done for : JASON PERRY
Start date: 10/29/2012 Time: 10:00 Hours notice: 96/48 Priority: NORM
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N
Duration : 1 DAY Depth: 7 FEET

Company : DESABATINE BROTHERS EXCAVATING Type: CONT
Co addr : 1935 NORTH 200 EAST
City : WINAMAC State: IN Zip: 46996
Caller : DAVE DESABATINE Phone: (574)946-4260
Contact : DAVE DESABATINE-OFFICE Phone:
BestTime:
Mobile : (574)946-4260

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

:
Submitted date: 10/25/2012 Time: 09:41
Members: ID2034 ID3451 ID7101 ID8338 NIPSCO ID5857

NIPSCO 00407 IUPPSa 10/31/2012 12:08:37 1210311466-00A EMER DAMG STRT

DAMAGE DAMAGE

Ticket : 1210311466 Date: 10/31/2012 Time: 12:06 Oper: RJOHNSON Chan:002

State: IN Cnty: PULASKI Twp: MONROE
Cityname: WINAMAC Inside: Y Near: N
Subdivision:

CASE #
4082

Address : 915
Street : N MONTICELLO ST
Cross 1 : W 17TH ST Within 1/4 mile: Y
Location: LOCATE THE WEST SIDE OF THE PROPERTY AND THE ALLEY
:
Grids : 4103B8636C
Boundary: n 41.061543 s 41.059177 w -86.606346 e -86.604614

Work type : REPAIR SEWER
Done for : JASON PERRY
Start date: 10/31/2012 Time: 12:06 Hours notice: 0/0 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : 1 DAY Depth: 7 FEET

Company : DESABATINE BROTHERS EXCAVATING Type: CONT
Co addr : 1935 NORTH 200 EAST
City : WINAMAC State: IN Zip: 46996
Caller : DAVE DESABATINE Phone: (574)946-4260
Contact : DAVE DESABATINE-OFFICE Phone:
BestTime:
Mobile : (574)946-4260

Remarks : All tickets are taken and processed on Eastern Daylight Time
GAS LINE HAS BEEN DAMAGED--NIPSCO IS THE UTILITY COMPANY INVOLVED--UNKNOWN IF
GAS LINE IS BLOWING--LINE IS DAMAGED IN THE ALLEY--ORANGE LINE--UNKNOWN SIZE AND
MATERIAL--HAVE NOT CALLED 911--CREW IS ON SITE--HAVE NOT CALLED NIPSCO TO REPORT
THE DAMAGED LINE--GAVE NUMBER--PREVIOUS TICKET 1210250842
Will you be white-lining the dig site area? NO
:

Submitted date: 10/31/2012 Time: 12:06
Members: ID2034 ID3451 ID7101 ID8338 NIPSCO ID5857

LEAK INVESTIGATION FORM

Section 1 - To be Completed by the First Responder (information known during initial investigation)

CIS Ticket Number: 915715203 Date Reported: 10 - 31 - 12 Time Leak Reported (Military): 15 : 00
LOA: W. Main GPS Coordinates: Latitude 'N Longitude 'W
City Name: W. Main
Address or Location: 915 N Main

Leak Location:

- 1. No Leak Found
- 2. Customer Equip.
- 3. Main
- 4. Service
- 5. Meter Loop (Lockwing and above)
- 6. Regulator Station

For Services Only:
Re-tested at 91 PSIG for 17 minutes

- Leak Grade:**
- 1 Hazardous
 - 2 Non-Hazardous, Scheduled Repairs
 - 3 Non-Hazardous, Monitored

- Leak Resolution**
- 1. Leak Repaired
 - 2. Pipe Replaced
 - 3. Pipe Retired
 - 4. Grade 2 or 3 Leak Not Repaired To be scheduled for re-evaluation/repair
- Leak Closed

If marked and not making repairs you must complete **bold box** below. If repairs are made, complete all Section 2.

Residual Gas Present: Yes No (Grade 1 Leak Only)

1st Responder: User ID: 118519 Rick (FIRST NAME) L (MI) FRANK (LAST NAME) Leak Referred to: Street

Section 2 - To be Completed by the Person Making Repairs to a Grade 1, 2 or 3 Leak

Comments: Replaced 2' of 2" plastic main

Repaired/Inspected: 10 - 31 - 12 Time: 17 : 00 (Military) User ID: 117364 Jared J (FIRST NAME) J (MI) Tribbett (LAST NAME)

Cause of Leak:

- A. Material or Welds**
- 1. Faulty weld, dent, gouge, excess stress
 - 2. Manufacturing defect
- B. Corrosion**
- 1. External
 - 2. Internal
 - 3. Stress Corrosion Cracking (must be confirmed by Corrosion group)

- C. Weather/Outside Forces**
- 1. Natural Forces (weather, washouts, frost heave, frozen equipment etc.)
 - 2. Other Outside Forces (fire, explosion, vandalism etc.) (explain in comments)
- D. Excavation**
- 1. Company Crew
 - 2. Contractor Crew
 - 3. Third Party

- E. Equipment Failure and Operations**
- 1. Inadequate or failure to follow correct procedures
 - 2. Equipment Malfunction (i.e. gasket/o-ring failure, stripped threads etc.)
- F. Other (Explain in comments) (includes thread leaks)**

Identificaton: Contractor Crew: RD
Third Party Name: DESABATINES BROS

Locate Information:

- 1. No Locate Request
- 2. Request, No Locate
- 3. Mislocated
- 4. Accurate Locate

CIS Grid Number: Pipe Size: 2 inches Soil Condition: dry moist wet
Corrosion CP Section Number (Steel): Transmission Line section

Section 3 - For Reporting Results of a Scheduled Re-inspection or Repair ONLY.

- Re-evaluated Leak Resolution**
- 1. Leak Repaired
 - 2. Pipe Replaced
 - 3. Pipe Retired
 - 4. No Leak Found
 - 5. Leak Re-classified
 - 6. Grade 2 or 3 Leak, Schedule for repair/re-evaluation
- Leak Closed
- Re-classified Leak Grade:**
- 1 Hazardous
 - 2 Non-Hazardous, Scheduled Repairs
 - 3 Non-Hazardous, Monitored

- Material:**
- 1. Coated Steel
 - 2. Bare Steel
 - 3. Plastic
 - 4. Cast Iron
 - 5. Copper
 - 6. Wrought Iron
- Pipeline Identifier:**
- 1. Distribution
 - 2. Transmission
 - 3. Transmission HCA

Re-evaluation Comments:

Repaired/Re-evaluated: - - Time: : (Military) User ID: (FIRST NAME) (MI) (LAST NAME)

NORTHERN INDIANA PUBLIC SERVICE COMPANY
FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA Maxwell MAXIMO WO #
OPERATING AREA CONTACT Dave Platina JOB ORDER # 575138
TRACKING NUMBER 018-2012-1031-009 LOCATE REF #
Locate Performed By:

DATE AND TIME OF ACCIDENT Oct-31 2012 M DATE OF REPORT Oct-31-2012
PLACE OF DAMAGE (INCLUDE CITY) 915 N Maxwell ST WINAMA INDIAN

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

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

DEPTH OF FACILITY (Inches) 30" 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:

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

PARTY THAT CAUSED DAMAGES (NAME) Desabater Bros

ADDRESS OF PARTY (INCLUDE CITY) 1935 N 200E Winama

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

WITNESS NAME AND ADDRESS

WITNESS REMARKS

AGENCIES NOTIFIED / ONSITE: POLICE () AGENCY REPORT #
FIRE () AGENCY REPORT #
OTHER () Any Injuries? () YES # () NO

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

- WORK IN PROGRESS WHEN FACILITY DAMAGED -- CHECK APPROPRIATE CHOICE BELOW
() AGRICULTURE/FARMING () 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

COMMENTS:

Do Not Bill This is an Untouchable ~~Main~~ Main
Steel and Plastic we have Added another
Fink Station to Help Tow upon Repair

PERSON PREPARING REPORT

Rickie Proter

FIELD SUPERVISOR

FIELD MANAGER

John Todd

- 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: _____

MURRAY LAW

Timothy J. Murray
Attorney, Counselor & Mediator

107 E. Main Street - P.O. Box 128 - Winamac, IN 46996
574-946-7819 - Fax 574-946-3391
Email tim@tmurraylaw.com - www.tmurraylaw.com

March 21, 2013

**CERTIFIED MAIL
RETURN RECEIPT REQUIRED**

Mr. William Boyd
Director Pipeline Safety Division
Indiana Utility Regulatory Commission
101 E. Washington Street – Suite 1500E
Indianapolis, IN 46204-3407

RECEIVED

MAR 26 2013

INDIANA UTILITY
REGULATORY COMMISSION

Re: Case No. 4082
INITIAL DOCUMENTS - EXCAVATOR

Dear Mr. Boyd:

I've been asked to represent DeSabatine Brothers Excavating in responding to your Notice of Preliminary Determination of Violation dated November 30, 2012. I am obviously requesting an extension of time beyond the 30 days to submit the response and information for this event. My apologies for not getting it in sooner. DeSabatine Brothers Excavating, Inc. was performing work on October 31, 2012, at 915 N. Monticello Street, Winamac, Indiana in Pulaski County. The original trace for this job had been done on October 25, 2012, trace# 1210250842. The trace missed the gas line that was hit by six feet five inches as indicated on our enclosed diagram and the color photo. A second trace was performed on October 31, 2012, trace# 1210311466 after the line was hit. It is our position and it is quite obvious that the first trace was completely inaccurate by over six feet and that DeSabatine Brothers Excavating, Inc. complied with all statutory regulations concerning properly locating facilities, maintaining clearance based on the location of the trace originally supplied, the markings and notice of excavation. Further, the waste water treatment manager for the Town of Winamac, Indiana, Brad Zellers, was present and witnessed the incident. His contact information is: work phone number 574-946-3494 and his cell phone number is 574-595-0469. It is the position of the DeSabatine Brothers Excavating, Inc. that the line was improperly traced and marked, and they are not responsible for the damage to the gas line or any subsequent damages caused by the breach of the gas line.

MURRAY LAW

Timothy J. Murray
Attorney & Counselor

If I can be of any further assistance, or offer any further documentation or diagrams, I would be happy to assist. Please contact me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy J. Murray", with a long, sweeping underline.

Timothy J. Murray

TJM/jac
Enclosure

Locate
of gas line

Found 2" steel
line

Service to
Home

Alley

gas line
Hit

No
MARKINGS

6.5'
Distance
From locate
MARKINGS

10' to 12' wide



