



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

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

Pipeline Safety Division Investigation Report

Investigation regarding: Eric Hamman And Carey Excavation, Inc.

UPPAC Database Record ID: 4544

Report Date: 7/18/2013

Investigator: Mike Orr

Damage Date: 3/8/2013 12:24:30 PM

Damage Address: 2738 E Shore Dr, Culver, Marshall

The Parties

Excavator: **Eric Hamman And Carey Excavation, Inc.**

Address: 2803 Widaman St., Winona Lake, In 46590

Facility Owner: **NIPSCO**

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

Type of Equipment: Backhoe/Trackhoe

Type of Work Performed: Demolition

Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 3

Injuries:

Fatalities:

Repair Cost (if known): \$

Excavator Activities/Cause of Damage Information:

Excavator Request Locates: No

Indiana 811 Ticket Number: Original Start Date:

Locate Instructions: DEMOLITION OF TWO BUILDINGS ON THE PROPERTY

Follow-Up Locate Instructions (if applicable):

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

Findings: Reported by Indiana 811; excavator's response to initial notice was received on 4/23/2013. The excavator did not call in locates prior to excavating. Excavator's response indicates it may have been a miscommunication between the property manager and the contractor, with each assuming the other called in locates.

Conclusion: There was a failure to provide notice of excavation.

Violation: IC 8-1-26-16(g) Failure to provide notice of excavation.



150 West Market Street, Suite 600
Indianapolis, IN 46204

April 23, 2012

Via Electronic Transmission – PipelineDamageCase@urc.in.gov

Pipeline Safety Division – Case No. 4544
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 East
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 4544

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: 3/8/2013

Event Location: 2738 E Shore Dr

City: Union

Facility Owner: Northern Indiana Public Service Company

Excavator: Lml Estate Management Corp

Other Party: N/A

Pipeline Division Case No. 4544

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. 4544	
Date of Event	3/8/2013
Event Location	2738 E Shore Dr
Event City	Union
Facility Owner	Northern Indiana Public Service Company
Excavator	Lml Estate Management Corp
Date of IURC Information Request	3/27/2012
THE PARTIES	
EXCAVATOR:	
BUSINESS NAME	LML Estate Management Corp
RESPONSIBLE PARTY PERSONAL NAME	
TITLE (IF ANY)	
ADDRESS	5728 N Michigan Road
CITY/ STATE/ZIP	Indianapolis / IN / 46228
PREFERRED TELEPHONE	(317)536-0013
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	2738 E Shore Lane
CITY/STATE/ZIP	Culver / IN / 46511
NEAREST INTERSECTION	IN RT 117
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)	Y
NUMBER OF CUSTOMERS AFFECTED	3
EVACUATION (YES/NO)	N
IF YES, HOW MANY EVACUATED	
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	

Trencher	
Vacuum Equipment	
Unknown/Other	
TYPE OF WORK PERFORMED (Select One)	
Agriculture	
Cable TV	
Curb/Sidewalk	
Bldg. Construction	
Bldg. Demolition	X
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)	
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 – 1303081158
LOCATE INFORMATION:	
EXCAVATOR REQUEST LOCATE (YES/NO)	N

INDIANA 811 LOCATE TICKET NUMBER	N/A
LOCATE MARKS VISIBLE (YES/NO)	N/A
LOCATE MARKS CORRECT (YES/NO)	N/A
EXCAVATOR "WHITE LINED" (YES/NO)	N/A
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)	N/A
POLICE DEPARTMENT RESPONSE (YES/NO)	N/A
AMBULANCE RESPONSE (YES/NO)	N/A
ADDITIONAL INFORMATION/COMMENTS	
<p>No notification made to the one-call center.</p> <p>Emergency ticket# 1303080473.</p>	

Facility: Transmission Lines; Folder: N/A; Assigned To: N/A

NIPSCO 00252 IUPPSa 03/08/2013 12:24:34 1303081158-00A EMER DAMG GRID

DAMAGE SEE REMARKS

Ticket : 1303081158 Date: 03/08/2013 Time: 12:04 Oper: AOWENS Chan:041

State: IN Cnty: MARSHALL Twp: UNION
Cityname: CULVER Inside: N Near: Y
Subdivision:

Address : 2738
Street : E SHORE DR
Cross 1 : IN RT 117 Within 1/4 mile: Y
Location: DEMOLITION OF TWO BUILDINGS ON THE PROPERTY
:
Grids : 4110B8622A 4110C8622A
Boundary: n 41.177299 s 41.172044 w -86.382424 e -86.379725

Work type : STRUCTURE DEMOLITION
Done for : FRED FEHSENFELD
Start date: 03/08/2013 Time: 12:18 Hours notice: 0/000 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : UNKNOWN Depth: UNKNOWN

Company : LML ESTATE MANAGEMENT CORP Type: CONT
Co addr : 5728 N MICHIGAN RD
City : INDIANAPOLIS State: IN Zip: 46228
Caller : NICK KINKLEY Phone: (317)536-0013
Contact : NICK KINKLEY---CELL Phone:
BestTime:
Mobile : (317)697-7046
Fax : (317)536-0021
Email : NICKKINKLEY@LMLESTATEMANAGEMENT.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time
CREW DROVE OVER A NIPSCO GAS MAIN SERVICE LINE IN THE MIDDLE OF THE
PROPERTY--THE LINE IS A BLACK 2 INCH LINE--CREW ON SITE--NIPSCO ON SITE--NO
PREVIOUS TICKET NUMBER

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

:

Submitted date: 03/08/2013 Time: 12:04
Members: ID2034 ID3161 ID5857 ID7634 NIPSCO SBCIN SM

Facility: Transmission Lines; Folder: N/A; Assigned To: N/A

NIPSCO 00092 IUPPSa 03/08/2013 09:42:52 1303080473-00A EMER NEW STRT

EMERGENCY SEE REMARKS

Ticket : 1303080473 Date: 03/08/2013 Time: 09:40 Oper: JSMITH Chan:088

State: IN Cnty: MARSHALL Twp: UNION
Cityname: CULVER Inside: Y Near: N
Subdivision:

Address : 2738
Street : E SHORE LN
Cross 1 : IN RT 117 Within 1/4 mile: Y
Location: LOCATE THE ENTIRE PROPERTY
:
Grids : 4111A8623B 4111A8623C 4111B8623B 4111B8623C 4111C8623B
Boundary: n 41.196677 s 41.191638 w -86.394557 e -86.390688

Work type : REPAIRING GAS LEAK
Done for : NIPSCO
Start date: 03/08/2013 Time: 09:41 Hours notice: 0/000 Priority: EMER
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y
Duration : 1 DAY Depth: 6 FEET

Company : NIPSCO Type: MEMB
Co addr : 801 EAST 86TH AVENUE
City : MERRILLVILLE State: IN Zip: 46410
Caller : ANGELA SCHUFFERT Phone: (800)322-2806
Contact : BOB SUMMERS--CELL Phone:
BestTime:
Mobile : (574)274-2451
Fax : (219)647-4764

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

Submitted date: 03/08/2013 Time: 09:40
Members: ID7634 NIPSCO SBCIN SM

Fact Based Investigation Report

Notification ID 01820130308001
Damage Date 03/08/2013 09:45
Notified By Angela Shuper (Facility Owner)
Damage Address 2738 E Shore Ln x Rt 117 (MARSHALL CTY)
Culver (UNION TWNSHP), IN
District Northern Indiana
Notification Date 03/08/2013 09:50

Damaged Customer NIPSCO

Investigation Date From 03/08/2013 12:20:00 **To** 03/08/2013 12:00:00

Excavator Involved LML ESTATE
Type of Excavation Removing Trees

Orig. Locate Request 1303080473 **Start Date**
Type of Ticket **Locate Req. Info** N/A Yes

Damage Request # M80717694 **Start Date** 03/08/2013 12:15

Pictures Taken By Jim Hostetler **Date** 03/08/2013 12:55
Photography Type Digital **Frame #**

Investigator Emp. # 128296 **Investigator Name** Sean Travis
Based on your investigation, is further investigation needed? No

Fact Based Investigation Customer Information
Facility Description Low Profile **Facility ID** service
Locator Name & EMP # - **Locator Not Known** Yes

Investigation Findings
No Locate Req. By Contractor
Other Notes

Investigation Methods
Investigator Verified Existing Marks By Hooking Up
Visual, Facility Exposed At Time Of Investigation

Investigator Statement/Causal Factors
Jim arrived on site - no prior ticket - no contractor was onsite but there were trucks from the tree company.
Photo documented trucks on-site. Gas service was damaged pulling up a tree.

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

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	damaged gas service
Replacement Footage	n/a
Was contractor assistance required? If yes, who?	No
What contractor equipment was used?	unknown
Is the facility shown on the utility records?	No
If yes, list record numbers	n/a

NORTHERN INDIANA PUBLIC SERVICE COMPANY FACILITY DAMAGE REPORT

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

REPORTING OPERATING AREA Plymouth MAXIMO WO # C0399247203
 OPERATING AREA CONTACT Bob Somers JOB ORDER # 604603
 TRACKING NUMBER 0182013038001 LOCATE REF # _____
 Locate Performed By: VSIC

DATE AND TIME OF ACCIDENT 3/8 2013 8:56AM DATE OF REPORT 3/8/13
 PLACE OF DAMAGE (INCLUDE CITY) 2738 E. Shore Ln, Bldg Guest Hm. Culver

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) 24 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: 3

DURATION OF INTERRUPTION: TIME REPORTED 8:56AM TIME SHUT OFF 1400 EST TIME RESTORED 2000 EST

DIAMETER/MEASUREMENT OF HOLE IN GAS FACILITY: 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) Jeff Carey 527-5012 Dave Carey
Excavating & Trucking Inc.

ADDRESS OF PARTY (INCLUDE CITY) Warsaw

WHO WAS IN CHARGE OF THE WORK SITE AT TIME OF DAMAGE Eric Hammond (LML Estate mgr)
 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: Contractor demolition of house broke into
2" gas main

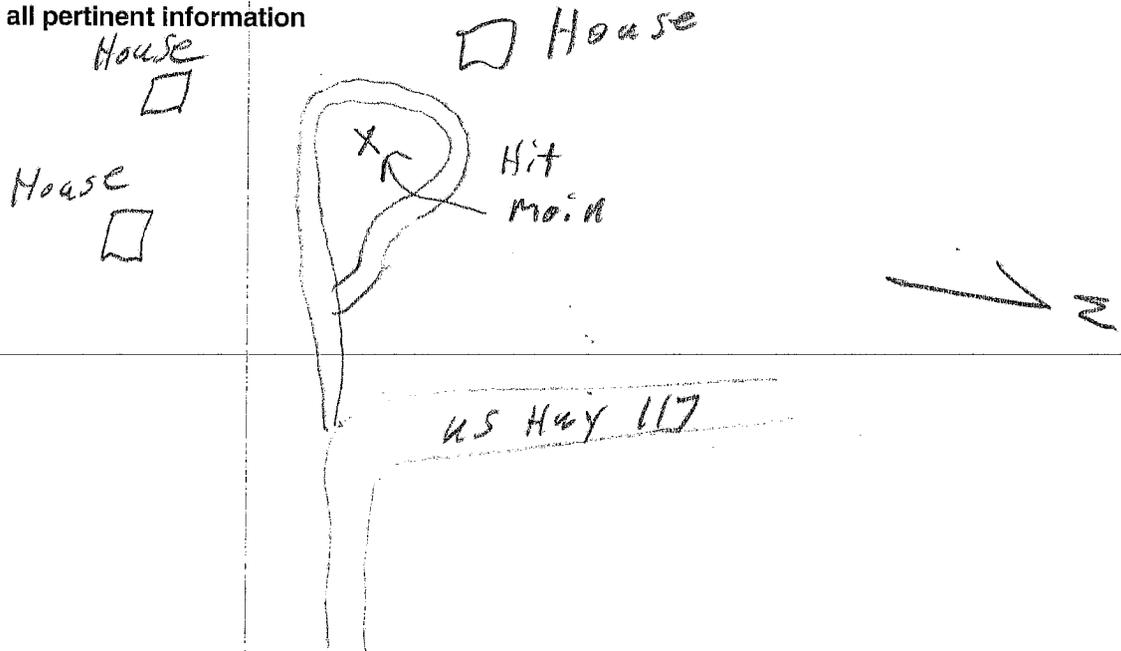
PERSON PREPARING REPORT David Lempecki

FIELD SUPERVISOR Bob Somers

FIELD MANAGER Rick Gray

- ORIGINAL REPORT AND SUPPORTING INFORMATION IS TO BE SENT TO FACILITY DAMAGE RECOVERY
- COPY OF REPORT IS TO BE SENT TO DAMAGE PREVENTION

SKETCH: - Show position of all pertinent information



FOR OFFICE USE ONLY:

- DID EXCAVATION OCCUR BEFORE LOCATES WERE DUE YES NO
- NO IN 811 LOCATE CALLED IN YES NO
- DAMAGE CAUSED FROM EXCAVATION WITHIN 24" ZONE YES NO
- EXPIRED LOCATE YES NO
- WAS WHITE LINING INDICATED ON LOCATE REQUEST YES NO

COMPLETED BY: David Lempecki DATE: 3/8/13



Property of United States Infrastructure Corporation
Photo taken on 3/8/2019 12:38:38 PM



Property of United States Infrastructure Corporation
Photo taken on 1/8/2013 11:44:14 AM



INFORMATION REQUEST

State Form 54909 (R / 3-13)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: 4544

Date of Damage (month, day, year): 03/08/2013

Location of Damage:

Address (number and street): 2738 East Shore Drive

City, State and ZIP Code: Culver, IN 46511

Nearest Intersection: HWY 117

Excavator Information:

Business Name: Eric Hamman and Carey Excavation, Inc.

Responsible Party Personal Name: Eric Hamman

Title (if any): _____

Address (number and street): 2803 Widaman Street

City, State and ZIP Code: Winona Lake, IN 46590

Preferred Telephone Number (area code): 574-606-7402

Email Address: ehamman2@yahoo.com

Utility Information:

Utility Name: NIPSCO

Contact Person: Cheryl 219-647-5437 Joe 574-780-7785 Ashley 800-464-7726

Title (if any): Office Rep 2nd Shift Supervisor Office Rep

Cause of Damage Information

Type of Equipment (select one):

Backhoe/Trackhoe / Dump Truck

Type of Work Performed (select one):

Bldg. Demolition

Repair Cost: \$ _____

Did a leak result from damage: Yes No

Was there ignition: Yes No

Excavator Notify 911 due to leak: Yes No

Excavator Notify 811 upon damage: Yes No

Excavator Notify Utility upon Damage: Yes No

Locate Information

Excavator Request Locate: Yes No

Indiana 811 Locate Ticket Number: _____

Locate Marks Visible: Yes No

Locate Marks Correct: Yes No

Excavator "White Lined": Yes No

Was Locate Provided within Two (2) Working Days: Yes No

Utility Employees On-site during Excavation: Yes No

Incident Information:

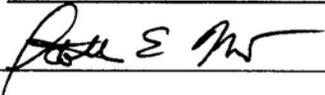
Fire Department Response: Yes No

Police Department Response: Yes No

Ambulance Response: Yes No

Additional Information / Comments

We will be sending additional information by e-mail. The files will be titled; "Fehsenfeld Culver demolition site notes". pdf and attachment 1-NIPSCO report gas leak history.pdf.

Printed Name: SCOTT E MORRIS
Signature:  Date (month, day, year): 4/18/13

**If submitting this form electronically, typing your name in the signature box will act as an electronic signature.*

Please return completed form to:

PipelineDamageCase@urc.in.gov

Or mail to:

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

**Or fax to:
317-233-2410**

Fehsenfeld Culver Demolition Site Notes

(Nick Kinkley)

18-Feb Property owner's representative, Jack White, gives go ahead for demo project to move forward. As the landscape company, we contacted the excavation company to let them know we would be moving forward. We let them know that we would be calling the electric and gas companies on behalf of the property owner to have the services disconnected and retired.

20-Feb Called NIPSCO to have two electrical services retired for the two structures with the known shared address of 2738 E. Shore Drive, Culver, IN. Was informed by NIPSCO that the gas services were retired for 2710 E Shore Ln 4/17/2003; House at 2738 E Shore Dr gas retired 08/30/2011; Workshop/garage gas retired 08/23/2011.

No active gas service was developed or observed in Building-Cottage or Building-House.

21-Feb NIPSCO retired the electric services, meters were pulled, lines were cut and dropped. This was confirmed by a phone call received on Feb.22 at 8:00 am by the electric lineman supervisor.

22-Feb 3:01 pm called and left a message for Eric Hamman to provide a Certificate of Insurance. I emailed Eric Hamman at 3:17 and 3:27 pm requesting him to arrange the well capping company and to give us a planned start date. I also informed him we would have the Town of Culver demo permit on Feb 25 and ask him to provide us Certificate of Insurance for liability.

A return Email was received saying we would get a certificate Monday 25th.

25-Feb 8:38 am called Eric H. to let him know the buildings had no gas service and remind him of the need for certificate and to let him know I was getting the demo permit from Town of Culver since we were the landscape company that would be installing the erosion control silt fencing.

10:40 am I called Eric H. to let him know that the electric services were retired, that I had the demo permit and to inform him of a gas leak reported at the street, also to let him know we were there on site to remove doors, windows, glass and other items to lessen the impact of broken glass and other debris on site as a result of him demolishing the buildings.

He said he would be having a certificate of insurance faxed and that he was to be listed as an additional insured on a policy for Carey Excavating, Inc. P.O. Box 191, Warsaw, IN 46580. I again gave him our fax number.

We began removal of windows, doors etc., and installed 700 feet of silt fence.

Confirmed no sign or evidence of NIPSCO repairing the "grade 2" gas leak at the street Heather first reported 02/21/13. Contacted NIPSCO and later confirmed with Cheryl of NIPSCO 1-219-647-5437 that the presence of the equipment being used in the demolition of the houses on the nearby property and the trucks driving by the "grade 2" leak was not an issue of concern. She said it should not be a problem and we could proceed with our work. I asked for written confirmation and she said she would send an email, but none was received.

26-Feb Called 1:31pm asking Eric if he had faxed the insurance certificate. Received call 1:45 pm from Eric he said the agency faxed it, I said we didn't get. He was going to look into it, thinking it might have gone to Ft Wayne.

Emailed 11:36 am to Jack White informing him of gas leak at the street and that NIPSCO had been contacted and sent him copies of our notes of contact with NIPSCO. (see attachment #1)

27-Feb Returned to job site to remove remainder of windows, bath tubs etc. No sign of NIPSCO repair of gas leak at the street.

28-Feb Phone call 9:45am. Had a phone conversation with Eric Hamman the excavator who was being contracted to do the demolition work and Scott Morris(LML) about Eric's bid on Scott's phone. Eric said he would likely mobilize Friday March 1st and be starting demolition of the structures Monday, March 4th.

Email received 4:33 pm from Eric with PDF of certificate of insurance. It was in fact a certificate of insurance for Carey Excavation, Inc. and Eric Hamman was noted as an "Additional Insured". The policy is issued through the Wetzel Insurance Agency with State Auto Insurance Co. I Printed it and provided the copy to Scott.

4-Mar Phone call 10:53 am received from Eric saying they were on site and beginning work. I was asked when I would be there and I let him know I was at a job site in Geist and would be on my way shortly to arrive about 2:00 pm.

Arrived at job site about 2:00 pm and white house was already down and half of green house down by 2:30pm. I left the site to look at another project location at 4:00 pm and when I arrived back at the job site about 4:30 pm, one truck had become stuck in the mud. When pushed out it exposed a portion of a black pipe. We could not determine what type of pipe. It was approx. 12 inches below grade. Eric thought it might have been an abandoned piece of pipe. I said I did not know. Eric then said he thought I said the property was clear. I replied I only said the buildings were clear and thought he had called for locates. I asked him if he had called 811. He hadn't.

I left the job site approximately 5 minutes later, as Eric and his crew continued to work on tearing down the last portions of the green house. I returned to the office in Indy at approximate 7:00 pm.

5-Mar Attempted phone calls to Eric H at 8:29 am and 9:29 am to confirm he was working on site because of wet and snowy conditions. No answer to calls. Received Text saying he was working. Left the office at 9:30am.

Called Eric at 10:22 am to let him know I was almost there.

10:57 I received a text from Eric saying they would be leaving around 12 noon because of the driving rains and then the almost white out snow storm conditions.

When I arrived about 11:45 am. The wells were capped and plugged by Pierceton. I spoke with their rep and gave him our email, fax and address, so the billing will come direct to LML. At the same time, the excavator had already been pulled out and was being cleaned. Eric was in process of grading over the disturbed ground with a dozer because of, and in preparation for, the rain and snow which had started. He said they had removed a couple of loads, but were closing things down because of the weather, i.e. rain, snow white outs, and high wind. He was working fast to get the grade done. I stopped him long enough to inform him of the trees we wanted to take down when he was ready and that we could be there Friday. The pipe exposed the previous day was covered and because of the nature of the situation I failed to ask if he had called for locates. I left the site at 12:00pm.

I called Seth(LML) at 12:15 to let him know I was on my way back to Indy and of the work situation on site.

8-Mar Call to Eric 7:58am to find out if they were working and to let him know we were on our way. He said he was sick and would not be on site, but his guys were there.

Received a call from Eric 8:45 am saying his guys hit a gas line. Eric had called NIPSCO and he said they were on the way. I realized at that time I had forgotten to ask him if he called 811 to confirm a ticket was issued for locates. I asked him to call 811.

Call to Eric 9:10am saying we were about 30-45 minutes away from site. Eric said he called 811 but did not have any info on the property or owners for them to find a ticket. He said he thought the site was clear and I repeated I only said there was no electric or gas services in the buildings. I confirmed neither of us called for locates. I was under the assumption he had called and he thought the same of us.

I made a call to 811 regarding any recent tickets for the property at 9:20am to possibly cover our errors, none found.

I called Eric 9:35 am to say we arrived and confirmed NIPSCO was on site. Once we arrived I spoke with the NIPSCO first responder and he said he had gotten the names of the guys doing the work and their company. I asked Max the operator, how he hit the line. He said he was trying to remove the snow and mud in order to get the dump trucks closer. I ask him why he was doing that there because he knew the pipe was there. I did not get an answer and Eric's guys then left the site saying they were going to get something to eat.

Called Scott(LML) 9:42am to inform him of the situation, left a message on voicemail.

Eric's crew returned briefly around 11:00am+/- or so and asked how long it was going to be and I said several hours, so the left again.

Additional NIPSCO crews arrived. I tried to obtain more information from NIPSCO crews about repair procedures, time etc. Spoke with the field supervisor on site, "Bob", and the NIPSCO safety agent. Confirmed with them we did not have an 811 ticket.

Called 811 at 12:13pm when finished with NIPSCO rep to report damage and to get a damage ticket on record and let them know that NIPSCO was already on site and repairing the break. Obtained Ticket # 1303081158.

Called LML Office 12:43 and spoke with Ginger and explained the situation, asked her to also inform Scott and Neekol. She promptly sent an email to both apprising them of the situation.

Received a call from Eric 1:17pm asking for an update, and said he was too sick to come to site. I told him what the NIPSCO reps said regarding the repair. I let him know that they were still trying to determine where the line actually went and what was connected to it in order to determine how to shut it down to minimize the effects on other customers. I also let him know that his crew had left the site and hadn't returned. Eric again said he thought the property was clear and I repeated again that I told him only the buildings were clear of gas, electric etc. not the entire property and that neither of us called for locates.

The locator took approx. 1 ½ hours to pin down its location of origin and termination and the affected homes, because there was no gas service on the premises for him to connect to. He went to the adjacent homes and connected to them to trace back to the pipe we had hit. He said in passing if it wasn't for us exposing the line, he may not have been able to locate the line since there was not a service on the property. Without actually knowing it was there it would have been more difficult.

From what I could determine by conversations I was witness to, the NIPSCO responding crews did not have a detailed plan to determine exactly where the line ran and who it might service. They were waiting for another supervisor to arrive on site with an archived plan that they could not pull up on their computers. They were using electric pole numbers to determine its location on their maps. They determined it was a 2

inch, end leg pipe that provides service to three homes to the north, which was later confirmed by the field supervisor after they were able to pull the drawings.

The NIPSCO crew was working to put a shut off valve in the line in the east-west portion of the line located under Fehsenfeld's gravel drive before it turned north as determined by the locator. The supervisor arrived and the drawing he produced showed the line (2" main line) running north and south between two separate parcels and under a gravel road, which has since been abandoned. Evidence of this road no longer exists and the two old parcels now make up the one new parcel, which includes the former gravel road. The NIPSCO crews and the safety rep. discussed the need to have the line moved or capped and that the three homes serviced by the damaged line should be added to the line coming down from the north. They concluded the NIPSCO engineer would have to make that call at a later time. They did agree that the main should not go through the middle of the property and that it should be more than 12"-16" underground.

Fehsenfeld's service was not affect as theirs came from the street to the east, but pressure was lost to the three homes to the north. The field supervisor had already begun the process of trying to notify the home owners, all of whom were not local. The houses are currently unoccupied for the winter.

I was able to get a call through to Neekol at 1:41 pm after a couple tries to inform her of the situation and facts of the matter as I knew them to be, including that locates had not been called. She was on her way to Bloomington for her daughter who had been in an accident.

I received a call from Scott 2:11 pm asking about the situation. I informed him that the first NIPSCO rep on site got Eric's crew's names and the company info as the ones who actually hit the line. I also informed him I had called in the damage ticket with 811.

Sent text 2:17pm to Scott with details of events so far. Scott sent response text at 2:31pm saying we would talk on Monday. I returned a text 2:35pm letting him know more info as I was able to develop it. At 2:38pm I received a text from Scott instructing me that Eric needed to complete all paperwork since he is the hired contractor.

I do not know the exact time of when the gas was shut off but I believe it to have been around 2:30pm.

I sent a text at 2:43pm to Eric saying he needed to complete all paperwork since he was the contractor. At 2:44 pm I sent a text to Eric H. again and asked if he had provided NIPSCO his contact and business information earlier in the day. He replied he didn't and that they hadn't asked for it either.

3:05pm Eric text me saying he should probably call Scott Monday when he gets back. I returned a text saying, "yes I would say so"

Sent Scott a text at 8:29pm saying I was leaving the office and provided updated details on the repair of the pipe and general status.

9-Mar 8:02am I called the evening NIPSCO field supervisor "Joe" and asked for an update. He said all work was completed the previous evening and they were waiting on the home owners to get into the houses.

Sent Scott a text at 8:13 am to let him know all repairs and testing on the line was complete and NIPSCO was just waiting to make contact with the home owners to get the service back on to their homes.

8:29am I forwarded a text to Eric H. letting him know the status that the repairs were complete and NIPSCO was just waiting to get into the three houses.

I received a call from Eric H. at 8:35am and discussed the status and extent of the repairs, asking about what all they had to do to fix it. He voiced his concerns about the anticipated cost of the repair and who was going to be expected to pay for it. I indicated it could be either of us and said that Scott would be reviewing and discussing the facts of the situation on Monday and that I was not certain what his decision would be. I told him that I would not lie about any of the situation and Eric commented he wouldn't either and that LML had been a good customer and that he would have to talk with Jeff(?) At Carey Excavation with whom he is an "also insured" on the certificate of insurance and that he didn't want any bad blood between himself and LML.

Shortly thereafter, Scott received an email from Eric stating his defense, followed by a response from Scott to Eric and me stating nothing is agreed upon until he has gathered all of the facts.

Called Joe at NIPSCO at 4:04 pm for an update. He said he was not working and did not have any additional information for me and told me to call 1-800-4NIPSCO and they should be able to update us.

Called NIPSCO at 5:22 pm for status update. Spoke with Ashley. She said she only had two orders out yet for houses on E Shore Lane to get service restored and that calls had been made to all of the numbers provided and all were said to be good numbers.

- 11 Mar Visited site to confirm repairs and to clarify addresses for the houses to be reconnected. The blue house, known as 2710 East Shore Lane on GIS, had services as did 2628 East Shore Lane, but 2655 East Shore Lane had not been reconnected. There was a tag on the door and the gas valve was in the off position.
- 11 Mar 9:31am called to follow up with Eric to determine if he was on site. He said he was and that they should be wrapping up today.
- 11 Mar 10:34am Called NIPSCO to confirm current status of reconnects. I spoke with Lashera(sp) and she said neither 2628 or 2655 had returned calls and that NIPSCO will only make one call and leave one message for them to return a call. NIPSCO will not make a follow up call.

Later in the day, through contacts of our own in the Culver area, we were able to determine that the Barnes Trust owned the Barnes residence. We developed a phone number for a family member and at the same time we had developed through a different source the individual who worked with the property owners and arranged for them to contact NIPSCO to have the interior gas service restored.

- 12 Mar The interior service was restored to the last remaining home through our efforts to find the correct contact for the property to get inside.
- 01 Apr We called for new 811 locates on the property in order for us to prepare the ground for grass seeding. Ticket number 1304013838 which was to be marked by 4:45 pm April 3rd.
- 04 Apr We arrived on premises and no utilities had been marked. We contacted 811 and advised they were not marked and that we had a crew on site. A second request was issued. The locator contacted me and came out as soon as possible and said he never got the first request. After he remarked the property we finished our rough grading, seeding and strawing. We left the utility marking flags in place.

Noted "grade 2" gas leak at street had still not been repaired.

ATTACHMENT #1

NIPSCO – gas leak reported at or near 2740 East Shore Drive, Culver, IN

First Call:

Heather (LML) contacted 1-800-464-7726 February 21, 2013 @ 1:19pm call length 5min 43sec.

Spoke with NIPSCO rep. "Kelly" and reported the gas leak. Rep. said they would notify the area supervisor to investigate the leak.

Second Call:

Heather (LML) made follow up call to 1-800-464-7726 February 22, 2013 @ 8:08am call length 6min 20sec.

Heather inquired about the status of the investigation and repair of the reported gas leak. The NIPSCO rep was rude and unhelpful.

Third Call:

Heather (LML) made an additional inquiry call to 1-800-464-7726 February 22, 2013 @ 12:58pm call length 5 min 26 sec

Heather's third inquiry developed that the leak had investigated and its location marked. It was determined to be a minor leak "grade level 2" in the street and determined not an emergency. It was referred to the street repair department of NIPSCO and she was told it would be repaired as soon as possible.

Fourth Call:

Nick (LML) made follow up call from site February 25, 2013 @ 9:58am call length 8min 25sec

Nick, while on site, determined no repair work had been completed and called to follow up on Heather's inquiries and was told by the Rep that a supervisor would have to talk with him after they researched the reported gas leak. Nick's contact information was taken and forwarded to the NIPSCO supervisor.

Fifth Call:

Nick (LML) was contacted by Cheryl(sp?) of NIPSCO 1-219-647-5437 February 25, 2013 @ 10:29am call length 6 min 32 sec

Nick received a return call from Cheryl(SP?) of NIPSCO who informed him that the street crew had called in utility locates the morning of Monday, February 25, 2013 and that a repair crew would not likely be on site until Thursday the 28th to make the repair, barring other emergencies or severe bad weather conditions.

Nick discussed LML's concerns about the potential of explosion conditions if heavy equipment, i.e. excavator and tri-axle trucks, was operated in the area. He informed her they would be working approximately 100 feet away from the leak site, but the trucks would be driving by the leak site. She indicated that should not be a problem since it was a minor, grade 2, leak. Nick requested an official fax or email stating the same so that LML, et al., would not be held liable if the leak was ignited. She stated she would email the field superintendent and copy Nick regarding the matter the same day 2/25/2013. That individual was also to contact Nick 2/26/13 and provide clarification of any restrictions or hazardous conditions that might present a problem and keep LML from operating the equipment 100 feet +/- from the leak site.

STATUS 2/26/2013:

No copy of an email was received on 02/25/2013 and no phone call from the NIPSCO field agent was received.