



## Pipeline Safety Division Investigation Report

### Investigation regarding: Fuller Communications

UPPAC Database Record ID: 806

Investigator: William Boyd

Telephone: 317-232-2718

Report Date: 03/03/2012

Damage Date: 12/16/2009

Damage Address: Us Rt 224

City: Decatur

County: Adams

### The Parties

Excavator: **Fuller Communications**

Contact: Todd Taylor Sr

Address: 304 N Mulberry St, Farmland, In 47340

Telephone: (765) 468-8949

Facility Owner: NIPSCO

Contact: Luke Selking

Address: 1501 Hale Avenue, Fort Wayne, IN 46802

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

## **Investigation regarding: Fuller Communications**

UPPAC Database Record ID: 806

### **Damage Impact**

Product release:

Ignition:

Service Interruption:

Number of Customers Affected: 1

Injuries:

Fatalities:

Repair Cost (if known): \$

### **Excavator Activities/Cause of damage information:**

Excavator request locates: Yes Indiana 811 ticket Number: 0911190575

Type of Equipment: Unknown/Other

Type of work performed: Telecommunications

**Synopsis:** Damage to a natural gas service occurred during road work.

**Findings:** Reported by Indiana 811; excavator signed for initial notice on 09/24/2011 but has not submitted a response. Operator's response indicates "THE SERVICE HAD NOT BEEN LOCATED BY LOCATE CONTRACTOR. INVESTIGATION REVEALED ACCURATE TONE COULD NOT BE OBTAINED DUE TO SIGNAL BLEEDING ONTO ADJACENT MAIN." Operator failed to locate the service for a valid request.

**Conclusion:** Failure to locate and mark the service.

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

**Fuller Communications** currently has 3 reports of damages in the record, between 10/16/2009 and 12/16/2009.

Ticket ID: Version: 00 Notice ID: IUPPS2009111900590  
Taken Time: 11/19/2009 09:25  
NoticeType: Normal Notice

Case ID 806

NORMAL NOTICE

Ticket : 0911190575 Date: 11/19/2009 Time: 09:25 Oper: MMOELLER Chan:000

State: IN Cnty: ADAMS Twp: WASHINGTON  
Cityname: DECATUR Inside: N Near: Y  
Subdivision:

Address :  
Street : US RT 224  
Cross 1 : N 100 W Within 1/4 mile: Y  
Location: FROM THE SW CORNER OF THE INTERSECTION - GO EAST 1500 FT - THEN LOCATE  
EAST ON THE SOUTH SIDE OF THE ROAD FOR APPROX 1700 FT OR TO OAKRIDGE PLACE  
:  
Grids : 4049A8456B 4049A8456A 4049A8457D

Work type : PLACING FIBER CABLE  
Done for : EMBARQ  
Start date: 11/23/2009 Time: 09:45 Hours notice: 96/048 Priority: NORM  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
Duration : 2 WEEKS Depth: 4 FEET

Company : FULLER COMMUNICATIONS Type: CONT  
Co addr : 304 N MULBERRY ST  
City : FARMLAND State: IN Zip: 47340  
Caller : TODD TAYLOR SR Phone: (765)468-8949  
Contact : TODD TAYLOR SR CELL Phone:  
BestTime:  
Mobile : (765)744-9501  
Fax : (765)468-8633

Submitted date: 11/19/2009 Time: 09:25  
Members: AEPIN ID2034 ID3814 ID8822 ID9036 NIPSCO ID5857 SM

Service Area: AEPIN (AMERICAN ELECTRIC POWER)  
Contact: AEPIN Web Account  
Ph: Emerg Ph: Alt Ph:

Service Area: ID2034 (CENTURYLINK)  
Contact:  
Ph: Emerg Ph: Alt Ph:

Service Area: ID3814 (DECATUR WATER UTILITY, CITY OF)  
Contact: JIM INSKEEP  
Ph: (260)724-3814 x28 Emerg Ph: Alt Ph:

Service Area: ID8822 (COMCAST NORTHEAST (HARTFORD CITY))  
Contact: TRACEY MICHAELS  
Ph: (260)726-8101 Emerg Ph: Alt Ph:

Service Area: ID9036 (MEDIACOM LLC-DECATUR)  
Contact: CHRIS EBERLY  
Ph: (260)927-3015 Emerg Ph: Alt Ph:

Service Area: NIPSCO (NIPSCO)  
Contact: DAVE SCHAAFSMA  
Ph: (866)732-6243 Emerg Ph: Alt Ph: (219)962-0448

October 17, 2011

**Via Electronic Transmission – PipelineDamageCase@urc.in.gov**Pipeline Safety Division – Case No. 806  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 806

To Whom It May Concern:

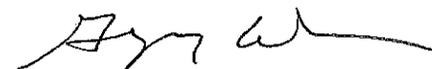
On September 16, 2011, Northern Indiana Public Service Company (“NIPSCO”) received a request from the Pipeline Safety Division for information pertaining to the following event:

Date of Event: 12/16/2009  
Event Location: Us Rt 224, Decatur  
Facility Owner: NIPSCO  
Excavator: Fuller Communications  
Other Party: N/A  
Pipeline Division Case No. 806

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.

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,



Gregory S. Colton  
NiSource Corporate Services - Legal  
Phone: 317-684-4923  
Fax: 317-684-4918  
Email: gscolton@nisource.com

**IURC INFORMATION REQUEST****Pipeline Safety Division Case No. 806**

Date of Event	12/16/2009
Event Location	Us Rt 224, Decatur
Facility Owner	Northern Indiana Public Service Company
Excavator	Fuller Communications
Date of IURC Information Request	9/16/2011

**EVENT LOCATION:**

ADDRESS	901
STREET	W. US 224
CITY/TOWN/IN ZIP CODE	DECATUR, IN
COUNTY	
TOWNSHIP	
PROPERTY OWNER	
USE - COMMERCIAL/RESIDENTIAL	
TENANT'S NAME	
IF COMMERCIAL USE, TENANT OR OWNER OCCUPIED	
IF TENANT OCCUPIED, TENANT'S FULL NAME	

**EXCAVATOR:**

NON BUSINESS FULL PERSONAL NAME	
BUSINESS NAME	FULLER COMMUNICATION
ADDRESS	88
STREET	ILLINOIS AVENUE
CITY/ STATE/ZIP	MARSHFIELD, OH 44905
PREFERRED TELPHONE	
SECONDARY TELEPHONE	
EMAIL ADDRESS	

**FACILITY INFORMATION - OWNER/OPERATOR OF UTILITY LINE:**

BUSINESS NAME	NORTHERN INDIANA PUBLIC SERVICE COMPANY
RESPONSIBLE BUSINESS PERSON NAME AND TITLE	LUKE SELKING
ADDRESS	1501 HALE AVENUE

CITY/STATE/ZIP  
PREFERRED TELEPHONE  
SECONDARY TELEPHONE  
EMAIL ADDRESS

FORT WAYNE, IN 46802  
260/439-1290

[LSELKING@NISOURCE.COM](mailto:LSELKING@NISOURCE.COM)

**LOCATE MARKS:**

DATE LOCATE REQUESTED	UNKNOWN
DATE LOCATE PERFORMED	UNKNOWN
DATE OF EVENT	12-16-11
LOCATE NUMBER	UNKNOWN
811 DAMAGE NOTIFICATION NUMBER	UNKNOWN
WERE LOCATE MARKS VISIBLE	NO
DID THE EXCAVATOR WHITE LINE	UNKNOWN
WERE MAPS USED TO MARK FACILITY	UNKNOWN
WAS THERE A POSITIVE RESPONSE FROM OPERATOR/HOW	UNKNOWN
WAS OPERATOR EMPLOYEES ON SITE AT TIME OF INCIDENT	NO

**INJURIES:**

NUMBER OF OUT-PATIENT	0
NUMBER OF IN-PATIENT INJURIES	0
WAS LOCAL FIRE DEPARTMENT CALLED	UNKNOWN
FIRE DEPARTMENT NAME	UNKNOWN
FIRE DEPARTMENT RESPONSE DESCRIPTION	UNKNOWN
WAS LOCAL POLICE DEPARTMENT CALLED	UNKNOWN
DEPARTMENT NAME	UNKNOWN
POLICE DEPARTMENT RESPONSE DESCRIPTION	UNKNOWN
ANY OTHER RESPONSE - IF SO, WHO AND DESCRIBE	UNKNOWN

DESCRIBE WHAT HAPPENED AND WHY

NIPSCO GAS SERVICE STRUCK AND DAMAGED DURING EXCAVATION BY FULLER COMMUNICATION. THE SERVICE HAD NOT BEEN LOCATED BY LOCATE CONTRACTOR. INVESTIGATION REVEALED ACCURATE TONE COULD NOT BE OBTAINED DUE TO SIGNAL BLEEDING ONTO ADJACENT MAIN.



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

September 16, 2011

Todd Taylor, Sr.  
Fuller Communications  
304 N Mulberry Street  
Farmland, IN 47340

Subject: Notice of Preliminary Determination of Violation

Date of Event: 12/16/2009

Event Location: US Route 224, Decatur, Adams County

Excavator: Fuller Communications

Facility Owner: Northern Indiana Public Service Company

Pipeline Safety Division Case No. 806

To Whom It May Concern:

On behalf of the Indiana Utility Regulatory Commission ("Commission"), I am writing to inform you that information has been filed with our Pipeline Safety Division ("Pipeline Division") regarding an alleged violation of Indiana Code 8-1-26 ("I.C. 8-1-26"), the *Indiana Damage to Underground Facilities Act*. You are receiving this letter because you have been identified as the Respondent or responsible party.

The purpose of this statute 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. Based upon the information received, the Pipeline Division is commencing an investigation into the event concerning you or your business. Please note that the investigation does not entail determining criminal liability or a civil determination of fault or damages; however, it does determine whether any statutory violations were committed regarding public safety.

Although the law was enacted in 1991, enforcement measures went into effect in July 2009. The Commission was tasked with completing a formal rulemaking on how to determine whether a violation occurred, as well as how the subsequent penalties should be determined. Due to the

amount of time required for the rule to become effective and for the Underground Plant Protection Advisory Committee to be appointed and convened, you are now receiving this notification. This means that your case will be handled according to the recently approved administrative rule, which can be found here: [http://www.in.gov/iurc/files/rm0903\\_051111.pdf](http://www.in.gov/iurc/files/rm0903_051111.pdf).

The Pipeline Division has preliminarily identified that the following statutory violation(s) may have occurred:

***Property Damage Violations:***

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

***Should you disagree with the aforementioned violation(s), you have an opportunity to file documentation in support of your position. In order for this information to be considered, you must provide a written response to each allegation(s) and provide written evidence (e.g., maps, photographs, narrative statements, or other evidence) within thirty (30) days of the date of this letter.*** If you do not respond or fail to provide additional evidence for the Pipeline Division to consider, your investigation will be closed. Findings will then be forwarded to the Underground Plant Protection Advisory Committee for a recommendation to the Commission on the appropriate penalty.

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, you must provide the identical information requested above on behalf of your business.

Pursuant to the statute, civil penalties may include:

1. A warning letter for homeowners/tenants who are first-time offenders regarding a violation in which no one was personally injured;
2. A civil penalty up to a maximum of ten thousand dollars (\$10,000.00);
3. Required participation of employees in a mandatory education and training program sponsored by the Commission; and/or
4. Required development of a plan to avoid future violations, which must receive approval.

Depending upon the individual circumstances of each case, any combination of the civil penalties may be reduced to a Consent Agreement between the Commission and the offender.

**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.** Because the investigation should be completed within sixty (60) days, any delay in providing additional persons to be contacted may result in the investigation being concluded without this additional source of information.

Please forward any documentation to the following address or, in the alternative, you may scan the materials and send them electronically. Also, please be sure to include your assigned Pipeline Division Case Number on all communications.

Materials should be completed and sent via mail or email:

Mail: Pipeline Safety Division – Case No. 806  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 E  
Indianapolis, IN 46204

Email: PipelineDamageCase@urc.in.gov

Included with this letter are the following documents: a *Summary of Procedures and Respondent's Rights* to assist in answering your questions; and an *Information Request* enclosure to assist in providing pertinent information regarding this investigation.

Should you have procedural or legal questions regarding the Underground Plant Protection Advisory Committee or the Indiana Utility Regulatory Commission, please contact David L. Welch, Assistant General Counsel, at (317) 234-4715. Should you have questions regarding the pipeline damage identified above, or our investigation, please contact me at (317) 232-2718. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "William Boyd". The signature is written in a cursive, flowing style.

William Boyd  
Director, Pipeline Safety Division

Enclosures: Summary of Procedures and Respondent's Rights  
Information Request