



## Pipeline Safety Division Investigation Report

### Investigation regarding: Reichelt Plumbing

UPPAC Database Record ID: 881

Investigator: William Boyd

Telephone: (317) 232-2718

Report Date: 12/05/2011

Damage Date: 03/29/2010

Damage Address: 1222 Thistle Ave

City: Griffith

County: Lake

### The Parties

Excavator: Reichelt Plumbing

Commercial Business

Contact: Rob Sues

Address: P.O. Box 177, Schererville, In 46375

Telephone: (219) 322-4906

Facility Owner: NIPSCO

Contact: Luke Selking, Leader Integrity Management & Pipeline Safety

Address: 1501 Hale Avenue, Fort Wayne, IN 46802

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Distribution

# Pipeline Safety Division Investigation Report

## Investigation regarding: Reichelt Plumbing

UPPAC Database Record ID: 881

## Damage Impact

Product release: Yes

Ignition: No

Service Interruption: No

Number of Customers Affected: NA

Injuries: 0

Fatalities: 0

Repair Cost (if known):

## Excavator Activities

Indiana 811 Locate Request Number: 1003241314

Excavation Equipment: Unknown/Other

Nature of Excavation: Water

**Synopsis:** Damage to natural gas distribution main during work to install water service or main.

**Findings:** Reported by Indiana 811; excavator signed for initial notice on 09/19/2011. The locate request was for 1/2 of a duplex; damage occurred to the main in front of the other half, where the main had not been marked. Excavator admitted an error in not requesting both addresses.

**Conclusion:** Excavation occurred without notice.

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

Reichelt Plumbing has 11 reports of damages currently in the record, between 8/12/2009 and 11/16/2011.

881

## Ticket Portal Production

Ticket Text Photos

**Ticket Text**

From: tcoocsachasmonctr@nisource.com  
Sent: Wednesday, March 24, 2010 12:03 PM  
To: onecall7+indy-nipsco@smptickets.com  
Subject: Ticket 1003241314

IUPPS1003241314-00NIPSCO Area West2010/03/24 11:02:4200166

ID0448 00101 IUPPSa 03/24/2010 11:23:56 1003241314-00A NORM NEW GRID

**NORMAL NOTICE**

Ticket : 1003241314 Date: 03/24/2010 Time: 11:17 Oper: KDOERFLEIN Chan:086

State: IN Cnty: LAKE Twp: CALUMET  
Cityname: GRIFFITH Inside: Y Near: N  
Subdivision: TRAIL CREEK Lot: 52

Address : 1220  
Street : THISTLE AVE  
Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG  
:  
Grids : 4130C8725D 4130B8725D 4130C8725C 4130B8725C 4130C8725B  
Grids : 4130B8725B

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/26/2010 Time: 11:  
48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
Co addr : P O BOX 177  
City : SCHERERVILLE State: IN Zip: 46375  
Caller : KATHY GULLIVER Phone: (219)322-4906 Contact : ROB SUES CELL Phone:  
BestTime:  
Mobile : (219)712-0980  
Fax : (219)322-8312

Submitted date: 03/24/2010 Time: 11:17  
Members: AN BE COMCN IB ID0448 ID2301 ID2509 ID3838 ID5465 ID5486  
ID7382 LH SM SM

Comments:

881

Date/Time Notice ID Description  
2010/03/24 11:01:20AM IUPPS2010032400312 Assigned to NIPSCO Area West for  
ID0448 by TBuher

=====  
125845 03/25/2010 02:04:16 PM

Rescheduled  
Contact: Rob  
Phone: (219)712-0980  
Start Date: 03/29/2010  
Time: 17:00  
Project: N

881

## Ticket Portal Production

Ticket Text Photos

Ticket Text

From: tcoocsachasmonctr@nisource.com  
 Sent: Monday, March 08, 2010 4:09 PM  
 To: onecall7+indy-nipsco@smptickets.com  
 Subject: Ticket 1003041437

IUPPS1003041437-01NIPSCO Area West2010/03/08 15:09:2300181

ID0448 00155 IUPPSa 03/08/2010 16:02:51 1003041437-01A NORM 2NDR PLCE

**SECOND NOTICE SECOND NOTICE**

Ticket : 1003041437 Date: 03/08/2010 Time: 15:57 Oper: KFIFE Chan:017 Old Tkt: 1003041437 Date: 03/04/2010  
 13:47 Oper: MMOELLER Rev: 00A

State: IN Cnty: LAKE Twp: CALUMET  
 Cityname: GRIFFITH Inside: Y Near: N  
 Subdivision: TRAIL CREEK Lot: 52

Address : 1220  
 Street : THISTLE AVE  
 Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
 Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG

Grids :

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/08/2010 Time: 14:00 Hours :  
 0/0 Priority: NORM  
 Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
 Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
 Co addr : P O BOX 177  
 City : SCHERERVILLE State: IN Zip: 46375  
 Caller : KATHY GULLIVER Phone: (219)322-4906 Contact : ROB SUES CELL Phone:  
 BestTime:  
 Mobile : (219)746-1824  
 Fax : (219)322-8312

Remarks : PER KATHY: NEED ALL UTILITIES TO RETURN AND LOCATE THE ENTIRE PROPERTY AS PER LOCATE REQUE  
 SOUTH SIDE OF THE PROPERTY WAS NOT LOCATED - THANKS!

Submitted date: 03/08/2010 Time: 15:57  
 Members: AN BE COMCN IB ID0252 ID0407 ID0448 ID0918 ID1158 ID2227  
 ID2245 ID2301 ID2509 ID2554 ID2601 ID2708 ID3012 ID3453 ID3463 ID3838  
 ID4636 ID4752 ID4866 ID5069 ID5121 ID5465 ID5693 ID5769 ID5845 ID7053  
 ID7150 ID7382 ID8000 ID8240 ID8541 ID9330 LH SM SM ID2600  
 SM

Comments:

Date/Time Notice ID Description

2010/03/08 03:09:01PM IUPPS2010030800671 Assigned to NIPSCO Area West for  
ID0448 by SNoffsinger

881

881

## Ticket Portal Production

Ticket Text Photos

Ticket Text

From: tcoocsachasmonctr@nisource.com  
 Sent: Monday, March 29, 2010 9:30 AM  
 To: onecall7+indy-nipsco@smptickets.com  
 Subject: Ticket 1003290750

IUPPS1003290750-00NIPSCO Area West2010/03/29 08:30:1800051

ID0448 00025 IUPPSa 03/29/2010 09:13:40 1003290750-00A EMER DAMG GRID

**DAMAGE SEE REMARKS**

Ticket : 1003290750 Date: 03/29/2010 Time: 09:11 Oper: SPOPE Chan:044

State: IN Cnty: LAKE Twp: CALUMET  
 Cityname: GRIFFITH Inside: Y Near: N  
 Subdivision: TRAIL CREEK Lot: 52

Address : 1222  
 Street : THISTLE AVE  
 Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
 Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG  
 :  
 Grids : 4130C8725D 4130B8725D 4130C8725C 4130B8725C 4130C8725B  
 Grids : 4130B8725B

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/29/2010 Time: 09:  
 0/0 Priority: EMER  
 Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y  
 Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
 Co addr : P O BOX 177  
 City : SCHERERVILLE State: IN Zip: 46375  
 Caller : ROB SUES Phone: (219)322-4906  
 Contact : ROB SUES-- NEW CELL Phone:  
 BestTime:  
 Mobile : (219)746-1824  
 Fax : (219)322-8312

Remarks : PER CALLER--NIPSCO GAS LINE HAS BEEN CUT--LINE IS BLOWING--ADVISED TO CALL 911--LI  
 SOUTHSIDE OF PROPERTY--CREW ON SITE--NO PREV TICKET--THANK YOU!!!  
 :

Submitted date: 03/29/2010 Time: 09:11  
 Members: AN BE COMCN IB ID0448 ID2301 ID2509 ID3838 ID5465 ID5486

881

ID7382 LH SM SM

Comments:

Date/Time Notice ID Description

2010/03/29 08:29:47AM IUPPS2010032900148 Assigned to NIPSCO Area West for

ID0448 by RHayward

Previous Ticket # is 1003041437

October 17, 2011

*Via Electronic Transmission – PipelineDamageCase@urc.in.gov*Pipeline Safety Division – Case No. 881  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 East  
Indianapolis, Indiana 46204

RE: Investigation Request for Information; Pipeline Division Case No. 881

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: 3/29/2010

Event Location: 1222 Thistle Ave., Griffith

Facility Owner: NIPSCO

Excavator: Reichelt Plumbing

Other Party: N/A

Pipeline Division Case No. 881

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. NIPSCO is also providing a copy of the investigation report prepared by NIPSCO’s locate contractor.

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](mailto:gscolton@nisource.com)

**IURC INFORMATION REQUEST****Pipeline Safety Division Case No. 881**

Date of Event	3/29/2010
Event Location	1222 Thistle Ave., Griffith
Facility Owner	Northern Indiana Public Service Company
Excavator	Reichelt Plumbing
Date of IURC Information Request	9/16/2011

**EVENT LOCATION:**

ADDRESS	1222
STREET	THISTLE DRIVE
CITY/TOWN/IN ZIP CODE	GRIFFITH, 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	REICHELT PLUMBING
ADDRESS	PO Box 177
STREET	UNKNOWN
CITY/ STATE/ZIP	Schererville, IN 46375
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	03/24-10
DATE LOCATE PERFORMED	UNKNOWN
DATE OF EVENT	03/29/10
LOCATE NUMBER	1003241314
811 DAMAGE NOTIFICATION NUMBER	1003290750
WERE LOCATE MARKS VISIBLE	YES
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 FACILITY DAMAGED DURING EXCAVATION BY REICHEL  
PLUMBING. MAIN HAD BEEN LOCATED. PURGE VALVE ON DEAD END  
MAIN HAD NOT BEEN. PURGE VALVE STRUCK.

The locate dated 3-8-2010 was for a different address than what was called in for the damage. 1220 was used when the located was called in, this is a duplex, Lot 52. Ticket 1003041437 Dated 3-8-2010

The damage was called in for 1222 which is not the address of the original locate ticket. The second ticket called in on 3-24-2010 was also called in for the address of 1220.

881

## Ticket Portal Production

Ticket Text Photos

Ticket Text

From: tcoocsachasmonctr@nisource.com  
 Sent: Monday, March 29, 2010 9:30 AM  
 To: onecall7+indy-nipsco@smptickets.com  
 Subject: Ticket 1003290750

IUPPS1003290750-00NIPSCO Area West2010/03/29 08:30:1800051

ID0448 00025 IUPPSa 03/29/2010 09:13:40 1003290750-00A EMER DAMG GRID

**DAMAGE SEE REMARKS**

Ticket : 1003290750 Date: 03/29/2010 Time: 09:11 Oper: SPOPE Chan:044

State: IN Cnty: LAKE Twp: CALUMET  
 Cityname: GRIFFITH Inside: Y Near: N  
 Subdivision: TRAIL CREEK Lot: 52

Address : 1222  
 Street : THISTLE AVE  
 Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
 Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG  
 :  
 Grids : 4130C8725D 4130B8725D 4130C8725C 4130B8725C 4130C8725B  
 Grids : 4130B8725B

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/29/2010 Time: 09:  
 0/0 Priority: EMER  
 Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: Y  
 Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
 Co addr : P O BOX 177  
 City : SCHERERVILLE State: IN Zip: 46375  
 Caller : ROB SUES Phone: (219)322-4906  
 Contact : ROB SUES-- NEW CELL Phone:  
 BestTime:  
 Mobile : (219)746-1824  
 Fax : (219)322-8312

Remarks : PER CALLER--NIPSCO GAS LINE HAS BEEN CUT--LINE IS BLOWING--ADVISED TO CALL 911--LI  
 SOUTHSIDE OF PROPERTY--CREW ON SITE--NO PREV TICKET--THANK YOU!!!

Submitted date: 03/29/2010 Time: 09:11  
 Members: AN BE COMCN IB ID0448 ID2301 ID2509 ID3838 ID5465 ID5486

881

ID7382 LH SM SM

Comments:

Date/Time Notice ID Description

2010/03/29 08:29:47AM IUPPS2010032900148 Assigned to NIPSCO Area West for

ID0448 by RHayward

Previous Ticket # is 1003041437

881

## Ticket Portal Production

Ticket Text Photos

Ticket Text

From: tcoocsachasmonctr@nisource.com  
 Sent: Monday, March 08, 2010 4:09 PM  
 To: onecall7+indy-nipsco@smptickets.com  
 Subject: Ticket 1003041437

IUPPS1003041437-01NIPSCO Area West2010/03/08 15:09:2300181

ID0448 00155 IUPPSa 03/08/2010 16:02:51 1003041437-01A NORM 2NDR PLCE

**SECOND NOTICE SECOND NOTICE**

Ticket : 1003041437 Date: 03/08/2010 Time: 15:57 Oper: KFIFE Chan:017 Old Tkt: 1003041437 Date: 03/04/2010  
 13:47 Oper: MMOELLER Rev: 00A

State: IN Cnty: LAKE Twp: CALUMET  
 Cityname: GRIFFITH Inside: Y Near: N  
 Subdivision: TRAIL CREEK Lot: 52

Address : 1220  
 Street : THISTLE AVE  
 Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
 Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG

Grids :

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/08/2010 Time: 14:00 Hours :  
 0/0 Priority: NORM  
 Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
 Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
 Co addr : P O BOX 177  
 City : SCHERERVILLE State: IN Zip: 46375  
 Caller : KATHY GULLIVER Phone: (219)322-4906 Contact : ROB SUES CELL Phone:  
 BestTime:  
 Mobile : (219)746-1824  
 Fax : (219)322-8312

Remarks : PER KATHY: NEED ALL UTILITIES TO RETURN AND LOCATE THE ENTIRE PROPERTY AS PER LOCATE REQUE  
 SOUTH SIDE OF THE PROPERTY WAS NOT LOCATED - THANKS!

Submitted date: 03/08/2010 Time: 15:57  
 Members: AN BE COMCN IB ID0252 ID0407 ID0448 ID0918 ID1158 ID2227  
 ID2245 ID2301 ID2509 ID2554 ID2601 ID2708 ID3012 ID3453 ID3463 ID3838  
 ID4636 ID4752 ID4866 ID5069 ID5121 ID5465 ID5693 ID5769 ID5845 ID7053  
 ID7150 ID7382 ID8000 ID8240 ID8541 ID9330 LH SM SM ID2600  
 SM

Comments:

Date/Time Notice ID Description  
2010/03/08 03:09:01PM IUPPS2010030800671 Assigned to NIPSCO Area West for  
ID0448 by SNoffsinger

881

881

## Ticket Portal Production

Ticket Text Photos

**Ticket Text**

From: tcoocsachasmonctr@nisource.com  
Sent: Wednesday, March 24, 2010 12:03 PM  
To: onecall7+indy-nipsco@smptickets.com  
Subject: Ticket 1003241314

IUPPS1003241314-00NIPSCO Area West2010/03/24 11:02:4200166

ID0448 00101 IUPPSa 03/24/2010 11:23:56 1003241314-00A NORM NEW GRID

**NORMAL NOTICE**

Ticket : 1003241314 Date: 03/24/2010 Time: 11:17 Oper: KDOERFLEIN Chan:086

State: IN Cnty: LAKE Twp: CALUMET  
Cityname: GRIFFITH Inside: Y Near: N  
Subdivision: TRAIL CREEK Lot: 52

Address : 1220  
Street : THISTLE AVE  
Cross 1 : FAIRBANKS ST Within 1/4 mile: Y  
Location: LOCATE ENTIRE PROPERTY - PLEASE PAINT AND FLAG  
:  
Grids : 4130C8725D 4130B8725D 4130C8725C 4130B8725C 4130C8725B  
Grids : 4130B8725B

Work type : INSTALLATING SEWER AND WATER Done for : KOMARK LTD Start date: 03/26/2010 Time: 11:  
48/48 Priority: NORM  
Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
Duration : 2 DAYS Depth: 10 FEET

Company : REICHELTL PLUMBING Type: CONT  
Co addr : P O BOX 177  
City : SCHERERVILLE State: IN Zip: 46375  
Caller : KATHY GULLIVER Phone: (219)322-4906 Contact : ROB SUES CELL Phone:  
BestTime:  
Mobile : (219)712-0980  
Fax : (219)322-8312

Submitted date: 03/24/2010 Time: 11:17  
Members: AN BE COMCN IB ID0448 ID2301 ID2509 ID3838 ID5465 ID5486  
ID7382 LH SM SM

Comments:

881

Date/Time Notice ID Description  
2010/03/24 11:01:20AM IUPPS2010032400312 Assigned to NIPSCO Area West for  
ID0448 by TBuher

=====  
125845 03/25/2010 02:04:16 PM

Rescheduled  
Contact: Rob  
Phone: (219)712-0980  
Start Date: 03/29/2010  
Time: 17:00  
Project: N

# Reichelt

## PLUMBING

P.O. Box 177  
Scherville, IN 46375-9923  
IN - 219.322.4906 tel.  
IL - 708.754.4906 tel.  
219.322.8312 fax

IN# CO 50700207 • IL# 055-006431

RECEIVED

OCT 4 - 2011

INDIANA UTILITY  
REGULATORY COMMISSION

September 29, 2011

Indiana Utility Regulatory Commission  
101 W. Washington Street, Suite 1500E  
Indianapolis, IN 46204-3407

Re: 1222 Thistle Avenue Griffith, Lake County  
Pipeline Safety Division Case No. 881

To Whom It May Concern:

We called in locates on this duplex property using the addresses of 1220 and 1222 Thistle Avenue in Griffith. The operator at Indiana 811 did not at that time inform us that we needed to separate the addresses in order to have a complete and accurate locating for utilities on this property nor were we aware of the need to have two separate dig numbers on a duplex property. Since then we have gone through training of locates and are now aware of the rules involved with duplex properties.

If you have any further questions, please contact me at 219-322-4906.

Sincerely,



Rob Sues  
President  
Reichelt Plumbing, Inc.

# STATE OF INDIANA



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

Rob Sues  
Reichelt Plumbing  
P.O. Box 177  
Schererville, IN 46375

Subject: Notice of Preliminary Determination of Violation

Date of Event: 3/29/2010

Event Location: 1222 Thistle Ave., Griffith, Lake County

Excavator: Reichelt Plumbing

Facility Owner: Northern Indiana Public Service Company

Pipeline Safety Division Case No. 881

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