



Pipeline Safety Division Investigation Report

Investigation regarding: Joe Graber Jr Construction

UPPAC Database Record ID: 1557

Investigator: Howard Friend

Telephone: (317) 232-2718

Report Date: 01/17/2012

Damage Date: 11/28/2009

Damage Address: 115 Demotte Dr

City: Odon

County: Daviess

The Parties

Excavator: Joe Graber Jr Construction
Commercial Business

Contact: Lester J Graber

Address: 9638 E 1200 N, Odon, In 47562

Telephone: (812) 636-8337

Facility Owner: Midwest Natural Gas Corporation

Contact: Arthur Campbell, Director of Operations

Address: 107 SE Third Street, Washington, IN 47501-0520

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Pipeline Safety Division Investigation Report

Investigation regarding: Joe Graber Jr Construction

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Damage Impact

Product release: Yes

Ignition: No

Service Interruption: Yes

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$151

Excavator Activities

Indiana 811 Locate Request Number: NA

Excavation Equipment: Backhoe/Trackhoe

Nature of Excavation: Drainage

Synopsis: Damage to 5/8' plastic natural gas service during work to install a down spout for a new house.

Findings: Reported by utility; excavator signed for initial notice on 09/19/2011. Excavator did not request locates.

Conclusion: Excavation occurred without notice.

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

Joe Graber Jr Construction has no other damage reports in the record.

NO

LOCATE

TICKET

PROVIDED



September 16, 2011

Mr. Arthur Campbell
Midwest Natural Gas Corporation
107 SE Third Street
Washington, IN 47501-0520

Subject: Investigation Request for Information

Date of Event: 11/28/2009

Event Location: 115 Demotte Dr., Odon

Facility Owner: Midwest Natural Gas Corporation

Excavator: Joe Graber

Other Party: N/A

Pipeline Division Case No. 1557

Dear Mr. Campbell:

Pursuant to Indiana Code 8-1-26, the *Indiana Damage to Underground Facilities Act*, the Pipeline Safety Division of the Indiana Utility Regulatory Commission ("Pipeline Division") is required to investigate reported incidents of alleged statutory violations involving underground pipeline safety. The purpose of this statute is to promote excavation and pipeline safety and to reduce the imminent danger to life, health, property, or loss of service associated with unsafe digging practices. 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.

The Pipeline Division received information regarding potential statutory violations regarding the date and location referenced above. You were identified as a person or entity that might have information that would assist the Pipeline Division in its investigation. Therefore, we have contacted you in order to receive the full account of information in order to make a fair determination related to the circumstances of this incident.

We have asked all involved parties, entities and witnesses to provide *written* information within *30 days* in order to meet legal deadlines to conclude our investigation. **Please consider this letter as a formal request to receive any and all information and evidence (including a narrative, documentation, maps, photographs or any other written information) you can access regarding anything you may know about the incident referenced above.**

Please promptly provide your information to: Pipeline Safety Division – Case No. 1557, Indiana Utility Regulatory Commission, 101 West Washington Street, # 1500E, Indianapolis, IN 46204. Also, please include the Investigation Number referenced above on your materials. In the alternative, if you would prefer to scan the materials and send them electronically, please send the documents to: PipelineDamageCase@urc.in.gov.

Although you are not a formal party in this investigation, please treat this request for information seriously, because the potential civil penalties for violations include: a potential civil fine up to \$10,000.00; mandatory education and training for employees regarding pipeline safety; a required development plan to avoid future violations; or a warning letter for certain homeowner/tenants who are first time offenders. Consequently, your input will assist the Pipeline Division with its determination and may have a substantial impact on the case.

After the investigation is completed, the Pipeline Division will prepare an Investigation Report with findings and forward it to the Underground Plant Protection Advisory Committee (“Advisory Committee”). This is a statutory committee, comprised of excavators, facility operators, investor and municipal utilities, the 811 Association and facility locate marking companies, whose role is to evaluate the Pipeline Division’s findings and make a recommendation for a civil penalty. In the event there is disagreement regarding the Advisory Committee’s recommendation to the Commission, parties are entitled to request a hearing before the full Commission. If there is a violation, the Indiana Utility Regulatory Commission (“Commission”) will impose the penalty. Any fines imposed are statutorily required to be spent funding the Commission’s training and educational programming to promote excavation and pipeline safety.

Thank you for your *prompt* assistance in providing written information to the Pipeline Division regarding the previously referenced incident. Any information received after the deadlines will not be considered in the investigation, will be unavailable to the Advisory Committee and will result in a lack of full information being made available; hence, your participation is vital to serving the interests of justice and enhancing the public’s safety. In an effort to assist you, please find an enclosure entitled “Information Request.” 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,



William Boyd
Director, Pipeline Safety Division

Enclosure: Information Request

INFORMATION REQUEST

Pipeline Safety Division Indiana Utility Regulatory Commission

The Pipeline Safety Division of the Indiana Utility Regulatory Commission requests any and all information you can provide regarding the following criteria:

The Parties:

Excavator Information:

Business Name: _____
Responsible Party Personal Name: Joe Graber
Title (if any): _____
Address: 9638 E. 1200N
City, State, Zip: Odon, IN 47562
Preferred Telephone: 812-636-8337
Cell Phone Number: _____
Email Address: _____

Facility Information:

Business Name: Midwest Natural Gas Corporation
Responsible Party Personal Name: Ted A. Williams
Title (if any): Bloomfield Regional Manager
Address: P.O. Box 66
City, State, Zip: Bloomfield, IN 47424
Preferred Telephone: 812-384-4150
Cell Phone Number: 812-259-9236
Email Address: twilliams@midnatgas.com

Locator Service Information:

Business Name: Midwest Natural Gas Corporation
Responsible Party Personal Name: _____
Title (if any): Bloomfield Regional Manager
Address: P.O. Box 66
City, State, Zip: Bloomfield, IN 47424
Preferred Telephone: 812-384-4150
Cell Phone Number: _____
Email Address: _____

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

Personal Contact: Chad Wilson
Business/Organization Name: _____
Title (if any) _____
Address: 115 Demotte Dr
City, State, Zip: Odon, IN 47562
Preferred Telephone: 812-444-9164
Secondary Telephone: _____
Email Address: _____

Utility Line Impact:

Product Type (circle one):

Natural Gas
Liquid Pipeline
Unknown/Other

Facility Type (Circle One):

Distribution
Gathering
Service/Drop
Transmission
Unknown/ Other

Size (Diameter/etc.):

Pressure (PSIG/Inches): 32 #

Interruption in Service:

Yes No

Number of Customers Affected: 1

Evacuation:

Yes No

If yes, How Many Evacuated? 0

Repair Cost (if know): \$ 151.31

Cause of Damage Information:

Type of Equipment (circle one):

Auger
Backhoe/Trackhoe
Boring/Drilling
Directional Drilling
Explosives
Farm Equipment
Grader/Scraper
Hand Tools
Milling Equipment
Probing Device
Trencher
Vacuum Equipment
Unknown/Other

RECEIVED

SEP 22 2011

Information Request
Pipeline Safety Division
Indiana Utility Regulatory Commission

INDIANA UTILITY
REGULATORY COMMISSION

The Pipeline Safety Division of the Indiana Utility Regulatory Commission requests any and all information you can provide regarding the following criteria:

The Parties:

Excavator Information:

Business Name: *Joe Graber Sr. Const.*

Responsible Party Personal Name: *Lester J. Graber*

Title (if any):

Address: *9638 E 1200 N ~~Odessa~~*

City, State Zip: *Odon IN 47562*

Preferred Telephone: *812-636-8337*

Cell Phone Number:

Email Address:

Facility Information:

Business Name:

Responsible Party Personal Name:

Title (if any):

City, State, Zip

Address:

Preferred Telephone:

Cell Phone Number:

Email Address:

Locator Service Information:

Business Name:

Responsible Party Personal Name:

Title (if any):

Address:

City, State Zip:

Preferred Telephone:

Cell Phone Number:

Email Address:

Joe Graber
9638 E 1200 N
Odon, IN 47562

Subject: Notice of Preliminary Determination of Violation

Date of Event: 11/28/2009

Event Location: 115 Demotte Dr., Odon, Daviess County

Excavator: Joe Graber

Facility Owner: Midwest Natural Gas Corporation

Pipeline Safety Division Case No. 1557

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

Personal Contact:

Business/Organization Name:

Title (if any)

Address:

City, State, Zip

Preferred Telephone:

Cell Phone Number:

Email Address:

Utility Line Impact:

Product Type (circle one):

- Natural Gas
- Liquid Pipeline
- Unknown/Other

Facility Type (circle one):

- Distribution
- Gathering
- Service/Drop
- Transmission
- Unknown/Other

1/2" line to a new home that we built

Size (Diameter/etc.): 1/2"

Pressure (PSIG/Inches): _____

Interruption in Service: Yes **Number of Customers Affected:** None

Evacuation: Yes **If yes, How Many Evacuated?** _____

Repair Cost (if known): \$ 15 minutes to fix

Cause of Damage Information:

Type of Equipment (circle one):

- Auger
- Backhoe/Trackhoe
- Boring /Drilling
- Directional Drilling
- Explosives
- Farm Equipment
- Grader/Scraper
- Hand Tools
- Milling Equipment
- Probing Device
- Trencher
- Vacuum Equipment
- Unknown/Other

Type of Work Performed (circle 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)
Site Development
Steam
Storm Drain/Culvert
Street Light
Telecommunications
Traffic Signal
Traffic Sign
Water
Waterway Improvement
Unknown/Other

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: _____

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: ~~_____~~

Number of Inpatient Treated: ~~_____~~

Number of Fatalities: ~~_____~~

Fire Department Response: Yes / No

Police Department Response: Yes / No

Ambulance Response: Yes / No

Additional Information/Comments: _____

To Whom it concerns, _____

On Nov. the 28th (Sat.) we were installing a down spout drain for the weekend, & punctured the 1/2" gas line to the new home that we were building. Please note that the house was unoccupied & there was no other damage, no one was injured. We then called the local gas company & he fixed the leak in approx. 15 minutes. I understand that this may have never occurred if we had called 811 but that day was the 1st that we even knew about 811. We have used locate service multiple times since then & have had no utility damages.

Sorry for the inconvenience.

Sincerely,

Lester J. Graber

Lester J. Graber

10-19-11