



Pipeline Safety Division Investigation Report

Investigation regarding: Michael D Cahill

UPPAC Database Record ID: 1577

Investigator: Howard Friend

Telephone: (317) 232-2717

Report Date: 01/17/2012

Damage Date: 08/16/2010

Damage Address: Rr 5 Box 61 N

City: Bloomfield

County: Greene

The Parties

Excavator: Michael D Cahill

Other

Contact:

Address: 1971 N Ooley Road, Bloomfield, In 47424

Telephone: (812) 384-3442

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: Michael D Cahill

UPPAC Database Record ID: 1577

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: Yes

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$105

Excavator Activities

Indiana 811 Locate Request Number: NA

Excavation Equipment: Backhoe/Trackhoe

Nature of Excavation: Drainage

Synopsis: 5/8" plastic natural gas service damaged during excavation to install drainage line.

Findings: Reported by Indiana 811; excavator signed for initial mailing on 09/26/2011. Excavator failed to provide notice of excavation.

Conclusion: Failure by the excavator to request location of underground facilities.

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

Michael D Cahill has no other damage reports in the record.

NO

LOCATE

TICKET

PROVIDED



September 20, 2011

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

Subject: Investigation Request for Information

Date of Event: 8/16/2010

Event Location: Railroad 5 Box 61 N. Bloomfield

Facility Owner: Midwest Natural Gas Corporation

Excavator: Michael D Cahill

Other Party: N/A

Pipeline Division Case No. 1577

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.

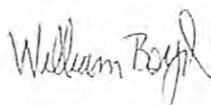
Please promptly provide your information to: Pipeline Safety Division – Case No. 1577, Indiana Utility Regulatory Commission, 101 West Washington Street, # 1500E, Indianapolis, IN 46204. Also, please include the Investigation Number referenced above on your materials. In the alternative, if you would 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: Michael D. Cahill
Title (if any): _____
Address: 1971 N. Ooley Road
City, State, Zip: Bloomfield, IN 47424
Preferred Telephone: 812-384-3442
Cell Phone Number: 812-381-0138
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: _____

Business/Organization Name: _____

Title (if any) _____

Address: _____

City, State, Zip: _____

Preferred Telephone: _____

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): 34 #

Interruption in Service: Yes No **Number of Customers Affected:** 0

Evacuation: Yes No **If yes, How Many Evacuated?** 0

Repair Cost (if know): \$ 104.74

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

Midwest Natural Gas Corporation Pipeline Damage Contract

Excavator Information

PLEASE PRINT

Full Name Michael D. Cahill Phone # 812-384-3442
Company Name Same Phone # 812-384-0138
Business Address 1971 N. Coley Rd
City, State, Zip Code Bloomfield In 47424

Excavation or Demolition Information

Type Excavation or Demolition Put in Dry well
Type Excavation or Demolition Equipment Back Hoe

Date and Location of Damage

Date of Damage 08-16-10 County Greene
City Bloomfield Street address Rt 5 Box 61N Bloomfield
Nearest Intersection SR. 157N & CR. 260E Acct# 1850-490-280-04

Right of way where incident occurred.

Public	<input type="checkbox"/>	Private	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Was there any customer service interruption?

If yes, how many affected? _____

Time it took for re-lights after repairs were made. _____

What was the pipe depth? 1 1/2 feet

Notification, Locating, Marking

Did excavator call for locate? Yes No

Did excavator notify us after the damage occurred? Yes No

One call ticket Number, if known. _____

Were marks visible in the area of excavation or demolition? Yes No

Were facilities marked correctly? Yes No

Type of marking used Paint Flags

Description of Cause

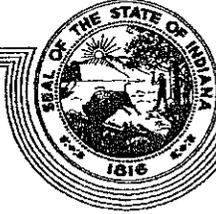
Possible Cause: No locate called in

Repairs Made: Replaced 1' OF 5/8 PE

I/We the undersigned hereby request Midwest Natural Gas Corporation to perform the work described above and agree to pay for same, including all labor, third party charges, material and lost gas, if any,

Date: 8-16-10 Signed: MDC Cahill

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 20, 2011

Michael D Cahill
1971 N Ooley Road
Bloomfield, IN 47424

RECEIVED

OCT 24 2011

INDIANA UTILITY
REGULATORY COMMISSION

Subject: Notice of Preliminary Determination of Violation

Date of Event: 8/16/2010

Event Location: Railroad 5 Box 61 N, Bloomfield, Greene County

Excavator: Michael D Cahill

Facility Owner: Midwest Natural Gas Corporation

Pipeline Safety Division Case No. 1577

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.

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. 1577
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,



William Boyd
Director, Pipeline Safety Division

317 233-4884

Enclosures: Summary of Procedures and Respondent's Rights
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: Michael D Cahill

Title (if any):

Address: 1971 N Ooley Rd

City, State Zip: Bloomfield IN 47424

Preferred Telephone: 812-384-3442

Cell Phone Number: 812-381-0138

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:

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

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

Pressure (PSIG/Inches): N/A

Interruption in Service: Yes (No) **Number of Customers Affected:** _____

Evacuation: Yes (No) **If yes, How Many Evacuated?** _____

Repair Cost (if known): \$ 105.00 ?

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 *None*

Excavator "White Lined": Yes / No

Maps Used to Mark Facilities: Yes / No

