



Pipeline Safety Division Investigation Report

Investigation regarding: **Virginia Brinkman**

UPPAC Database Record ID: 3321

Investigator: Howard Friend

Report Date: 09/14/2012

Damage Date: 6/27/2012

Damage Address: 9585 E 86th St

City: Indianapolis

County: Marion

The Parties

Excavator: **Virginia Brinkman**

Contact:

Address: 9559 E 86th St, Indianapolis, In 46256

Telephone: 410-599-2896

Facility Owner: Citizens Gas

Contact: Tony Chan

Address: 2150 Dr. Martin Luther King Jr. Street, Indianapolis, IN 46202

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Investigation regarding: Virginia Brinkman

UPPAC Database Record ID: 3321

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$0

Excavator Activities/Cause of damage information:

Excavator request locates: No Indiana 811 ticket Number: No locate requested

Type of Equipment: Auger

Type of work performed: Landscaping

Synopsis: A natural gas service was damaged during auger with a gas powered auger.

Findings: Reported by Citizens Gas; excavator's response to initial notice was received on 8/14/2012. The excavator/property owner failed to provide notice of excavation.

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

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



DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)
INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Jul 6, 2012

Who is submitting this information?

Name of person providing this information: Tony Chan (Citizens Gas)

Business address (*number and street*): 2150 Dr. M.L. King Jr. St.

City, State, and ZIP code: Indianapolis, IN 46202

Telephone number (*area code*): (317) 927-4619

Fax number (*area code*): (317) 927-4619

E-mail address: AChan@CitizensEnergyGroup.com

Excavator Information, if known

Full name: VIRGINIA BRINKMAN

Business address (*number and street*): 9559 E 86TH ST

City, State, and ZIP code: Indianapolis, IN 46256

Telephone number (*area code*): 410-599-2896

Fax number (*area code*):

E-mail address:

Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Auger

Type of work performed: Landscaping

Date and Location of Damage

Date of damage (*month, day, year*): Jun 27, 2012

County: Marion

City: Indianapolis

Street address (*number and street, city, state, and ZIP code*):
9585 E 86TH ST

Nearest intersection: MUD CREEK

Right of way where damage occurred: Private - Land Owner

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? Yes

If yes, how many evacuated? 3

Was there a customer service interruption? Yes

If yes, how many affected? 1

Time to restore service (*in hours*): 2.5

Enter number of injuries, if applicable and known: 0

Enter number of fatalities, if applicable and known: 0

Property damage, Estimate \$ 0

Affected Facility Information

What type of pipeline was damaged? Natural Gas

What was the affected facility? Service/Drop

What was the depth of the facility, in inches? 36

Notification, Locating, Marking

Did excavator request locates prior to commencing work? No

Enter Indiana 811 ticket number, if known: No locate requested

Was the locate request completed within two working days? Unknown/Other

If locates were performed, were they done so by a contractor or pipeline employee? Contractor

If a contractor locator, enter the company name, if known: USIC

Were facility marks visible in the area of excavation? No

Were facilities marked correctly? Unknown/Other

Type of markings used: Paint and Flags

If other, please specify: _____

Was site marked by "White Lining"? No

Were special instructions part of the locate request? No

Were maps used to complete the locate request? Yes

Were pipeline company representatives on site during excavation? No

Did the excavator notify the operator in the event of this damage? Yes

Did the excavator notify Indiana 811 in the event of this damage? No

Did the excavator notify 911 in the event of a release of product? No

Description of Cause

Select from the list the most accurate cause for the damage: --Facility was not located or marked

Additional Comments



INFORMATION REQUEST

State Form 54909 (2-12)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

Case Number: # 3321

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

Upon completion of answers select email button for submission.

The Parties

Excavator Information:

Business Name: N/A

Responsible Party Personal Name: VIRGINIA BRINKMANN

Title (if any): _____

Address (number and street): 9559 E. 86th Street

City, State and ZIP Code: Indianapolis, Ind 46256

Preferred Telephone Number (area code): 410 - 599 - 2896

Cellular Telephone Number (area code): _____

Email Address: _____

Facility Information:

Business Name: N/A

Responsible Party Personal Name: _____

Title (if any): _____

Address (number and street): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Locator Service Information:

Business Name: _____

Responsible Party Personal Name: _____

Title (if any): _____

Address (number and street): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Cause of Damage Information

Type of Equipment (select one): *gasoline auger*

Type of Work Performed (select one): *post hole digging*

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

Personal Contact: _____

Business/Organization Name: _____

Title (if any): _____

Address (number and street): _____

City, State and ZIP Code: _____

Preferred Telephone Number (area code): _____

Cellular Telephone Number (area code): _____

Email Address: _____

Utility Line Impact

Location of Damage:

Address (number and street): 9559 E. 86th Street

City, State and ZIP Code: Indianapolis, Ind.

Nearest Intersection: Mud Creek Rd + 86th St.

Product Type (select one):

Facility Type (select one):

Size (Diameter/etc.): _____

*service line that was impacted
impacted was to neighbor's
house*

Pressure (PSIG/Inches): _____

Interruption in Service: Yes No **Number of Customers Affected:** 1

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

Repair Cost (if known): \$ _____

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: I called on 6/27/12 once I
was informed of the 811 service by
fireman

- 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: 0

Number of Inpatient Treated: 0

Number of Fatalities: 0

Fire Department Response: Yes No

Police Department Response: Yes No

Ambulance Response: Yes No

Additional Information / Comments

attached in packet

NARRATIVE STATEMENT

Your Pipeline Safety Division Case Number: 3321
Your Full Name: VIRGINIA EILEEN BRINKMAN
Full Name of Business / Entity (if applicable): N/A
Your Business Title (if applicable): N/A
Address (number and street): 9559 E. 86th St.
City: Indianapolis State: Ind ZIP Code: 46256
Your E-mail Address: _____

Today's Date (month, day, year): 8/13/12
Your Signature: V E Brinkman Title (if any) N/A

Please return your Narrative Statement to:

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

Or scan the statement and Email to:

PipelineDamageCase@urc.in.gov

I can also be reached at my
permanent address at:
2300 Poplar Rd.
Baltimore, MD 21221

INITIAL DOCUMENTS – EXCAVATOR

CASE # 3321

Virginia Brinkmann
9559 East 86th Street
Indianapolis, Ind. 46256
410-599-2896

Site Impacted: 9585 East 86th Street, Indianapolis, 46256

Date of Event: 6/27/12

Background Information

Of the 12 months I have owned 9559 86th St, I have actually stayed there sporadically for a combined total of 4.5 months as the house has been under going renovations. Attached is a copy of my Maryland driver's license and my current utility bill (BG & E) to prove that my primary residence is in Maryland.

Being a new Indianapolis property owner, I was not aware of the "811" service available and relied upon the limited property information that the previous owners (Jeffery & Diana Bowen) provided me at settlement in 8/2011. Not even in August '12 was I informed of the "811" service by the two realtors despite an open discussion about transplanting my 32 year old blueberry bushes.

It is clear to me that the previous owners were familiar with and concerned about “easements” in general. Not only did they have a legal egress easement through Manka’s property, but they insisted that as part of the terms of the 8/2011 real estate sale to me, that I agree to a water easement for neighbor John Manka (recorded document attached). However, the previous owners *failed* to inform me that Mr. Manka’s near 1000’ natural gas line runs perpendicular to *and under* my driveway, then *hundreds of feet* east through another acre of my property to Manka’s house. *There is no natural gas line easement document between Manka, the previous owners of my property, or myself regarding Manka’s natural gas line on my property.*

My research has uncovered the following facts:

1. both my house (9559 E 86th St) and Manka’s house (9585 E 86th St) used propane gas tanks until 1990.
2. When the neighboring community known as “The Hamptons at Geist” was being built behind us, natural gas lines were being put in place for the Geist community.
3. Previous owner of my house (Bowen) & Manka negotiated extending the gas lines from the Hamptons/Geist community to my house & the Manka house.
4. Herein lies the mistake: John Manka’s property backs up to the same Hamptons/Geist community as I do, but instead of

running Manka's lines directly from the Hamptons/Geist Community to Manka, the gas company ran Manka's lines through my (Bowen's) property.

For me, as a new home owner, it would not be reasonable to anticipate that natural gas lines would be *extensively* servicing another neighbor AND that a 2" main gas line would be dead ending from the neighboring Hampton/Geist community *in the middle* of my 2 acre residential property. Frankly I resent having these hazards which service others for obvious reasons.

Additionally, I now understand that Mr. Bowen gave me erroneous information about the underground utilities. He provided me with areal maps in response to my "long-distance" inquiries before the settlement but failed to disclose to me that he had an easement agreement with the natural gas company from 1990. This same easement document was not recorded with the deed, nor could the document be traced through Bowman's name in the Recorder's Office in Indianapolis. I am accustomed to searching documents in Maryland and by MD law, all easements are attached to the deed as well as the property address. I spent *hours* between the Indianapolis Record's Office and the Assessor's Office, neither of which could locate the gas company's easement document from 1990. This system of recording an easement on my property under

the gas company's name is an absolutely juvenile method, to say nothing of lacking efficiency.

In the end, the 9/24/1990 gas easement document states nothing about accommodating gas lines for Manka's property or dead ending a 2" main gas line for the Hampton/Geist Community.

Attached please find 2 maps and a short write up of the event on 6/27/12. I will be returning to Baltimore, MD, during the 2nd week of September, 2012. Should more information be needed, I will be happy to accommodate you.

Virginia E. Brinkmann
Virginia Brinkmann



A. U.S. Department of Housing and Urban Development

B. Type of Loan

1. FHA 2. RHS 3. Conv. Unins.

4. VA 5. Conv. Ins.

6. File Number 7. Loan Number
201116902 7103619909

8. Mortgage Ins. Case No.

Settlement Statement

Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("POC") were paid outside the closing: they are shown here for information purposes and are not included in the totals.

D. Name of Borrower:	Virginia Brinkmann, 2300 Poplar Road, Baltimore, MD 21221
E. Name of Seller:	Jeffrey H. Bowen Diana Bowen
F. Name of Lender:	Bank of America, N.A., 1 Mortgage Way, Mt. Laurel, NJ 08054
G. Property Location:	The Northeast 1/4 of Section 19, Township 17 North, Range 5 East, Marion County, Indiana 9559 East 86th Street, Indianapolis, IN 46256
H. Settlement Agent:	Enterprise Title (317) 536-2081
Place of Settlement:	8500 Keystone Crossing, Ste 120, Indianapolis, IN 46240
I. Settlement Date:	8/1/2011
Proration Date:	8/1/2011

J. Summary of Borrower's Transaction	K. Summary of Seller's Transaction
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Name Virginia E Brinkman
 Service 2300 Poplar Rd
 Address Baltimore, MD 21221
 Account # 2901702000

Summary

Billing Date:	August 3, 2012
Previous Balance	\$98.20
Payments Received	
July 30, 2012	-\$98.20
BGE Outstanding Balance	\$0.00
Charges/Adjustments this Period	
BGE Electric	92.43
Total Charges This Period	\$92.43
Total Amount Due by Aug 27, 2012 \$92.43	

A late charge will be applied to payments received after Aug 27, 2012.
 A late payment charge is applied to the unpaid balance of your BGE charges. The charge is up to 1.5% for the first month; additional charges will be assessed on unpaid balances past the first month, not to exceed 5%.

Important Information About Your Bill

Moving? To stop or transfer service, contact BGE at least 3 business days prior to your move date. You are responsible for all service at your present address until you notify us.

Next Scheduled Reading

September 5, 2012

Electric Usage Profile

Month/Year	Type of Reading	Days	kWh	Avg. Daily Use	Avg. Temp
Aug 12	Actual	30	619	20.6	84
Jul 12	Estimated	28	670	23.9	79
Aug 11	Actual	29	1401	48.3	85

Hot weather can significantly impact your bill. During the current bill period, the temperature at BWI Airport was at or above 85 degrees a total of 233 hours. Find out more at www.bge.com.

Important Information About Your Bill

BGE Supply Price Comparison Information: The current price for Standard Offer Service (SOS) electricity is 9.654 cents/kWh, effective through September 30, 2012. SOS electricity will cost 8.560 cents/kWh beginning October 1, 2012 through May 31, 2013. The weighted average price of SOS electricity will be 8.926 through May 31, 2013. The price for SOS from June 1, 2013 through September 30, 2013 will be set in November 2012.



Adj Annual Usage Ele 7,957 kWh Gas 0 therms

Please detach here and return this portion with your payment.

Account Number **2901702000**

0144160 01 MB 0.401 **AUTO T10 2157 46256-970559 -C01-P44204-11 4



Virginia E Brinkman
 9559 East 86th St
 Indianapolis, IN 46256-9705



Please Pay by August 27, 2012

Amount Due	Amount Paid
\$92.43	

A late charge will be applied to payments received after Aug 27, 2012.
 Please make check payable to BGE and include account number.
 Thank you!

BGE
 P.O. Box 13070
 Philadelphia, PA 19101-3070

21290170200070000092436240800000938100





6751 CLARA ST. • INDIANAPOLIS, IN 46250
Office: (317) 849-9138

*Beginning of
Renovations
causing me to
live in Baltimore*

November 16, 2011

Virginia Brinkmann
9559 E. 86th Street
Indianapolis, IN 46256

SPECIFICATIONS FOR REMODEL
TO EXISTING STRUCTURE
SECOND FLOOR BEDROOMS -PLAN "D"

MISCELLANEOUS

1. Builder will secure blueprints & building permits for Owner.
2. Builder will secure all temporary utilities for Owner.
3. All outside clean-up as work progresses.

INSULATION

1. Insulate sidewalls of room w/R-13 -AS NEEDED.

FRAMING

1. Remove existing West block wall -PER PLANS.
2. 2" x 6" Studding, 16" O.C. exterior walls of rooms. --
(Vault Ceiling & 2" x 4" walls of Exterior Walls).
3. 2" x 12" Window & Door headers over all openings of bearing walls.
4. ½" Exterior sheathing on all exterior walls of house wafer board.
5. 2" Continuous aluminum soffit vents.
6. 3/8" Rough fir plywood overhang.
7. Rough cedar trim boards, where applicable.

DRYWALL

1. ½" Drywall on walls of Rooms.

FLOOR COVERINGS

1. Floor coverings (including labor & materials) --
Carpet Allowance ... \$1,800.00.

HEATING AND COOLING ALLOWANCE ... \$1,500.00

1. Connect to existing Gas Furnace & add registers where needed.
2. Vent Bathroom Fan.

ELECTRICAL (10 Can Lights in budget)

1. All electrical work, including telephone prewire, T.V. Jacks &
Alarm Wiring. ALLOWANCE ... \$3,500.00
2. Light fixtures, including bulbs, doorbells & transformers --
(tax & freight included). ALLOWANCE -BY OWNER.

NEW ADDITION - LIVING AREA - 432 S.F.

Exhibit B

WATER LINE EASEMENT
LEGAL DESCRIPTION

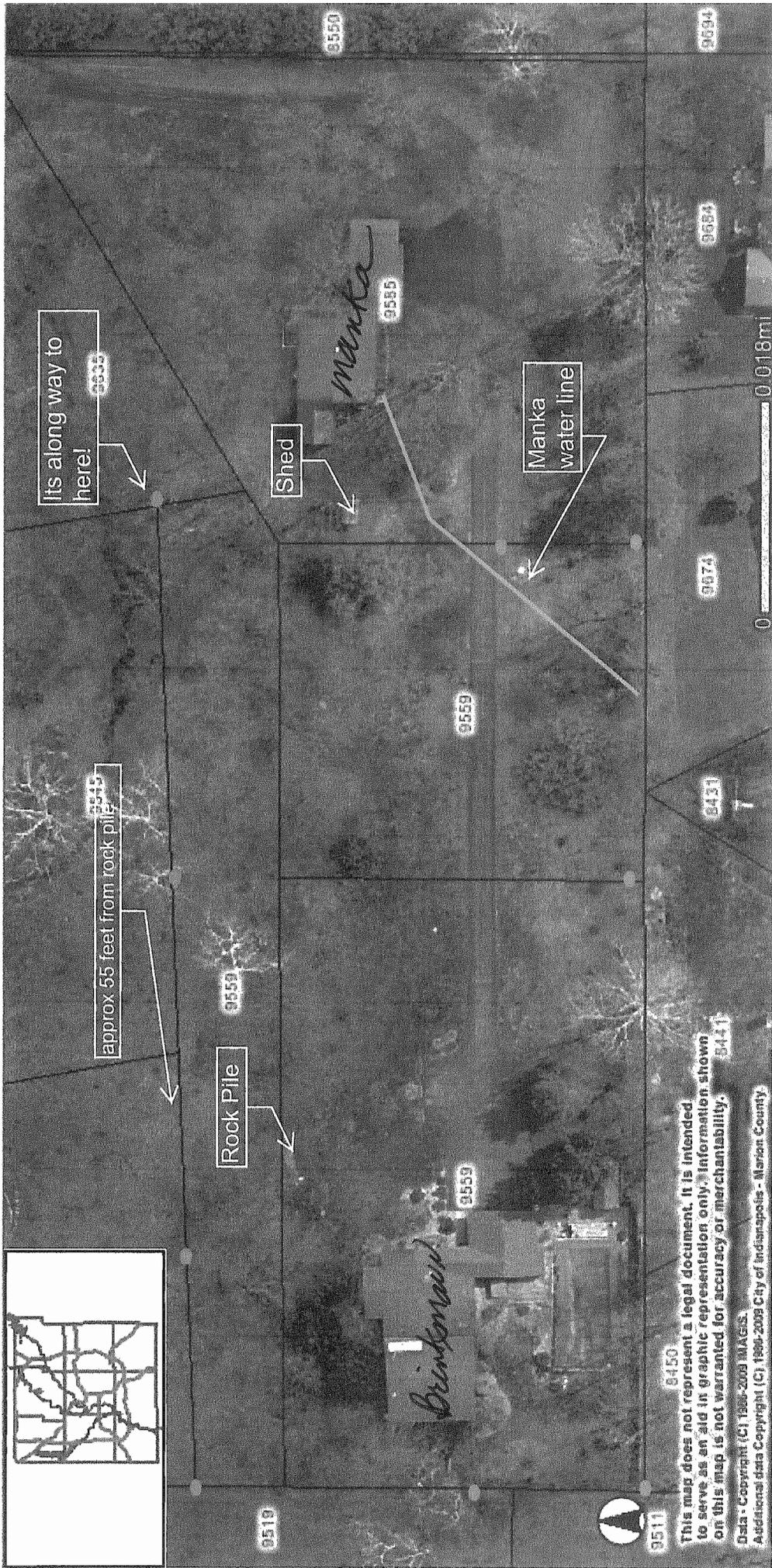
An easement, 8.00 feet in width, over, under, and across a part of the land of Jeffrey H. and Diana Bowen (as described in Instrument Number 1990-22554, Office of the Recorder of Marion County, Indiana) being a part of the East Half of the Northeast Quarter of Section 19, Township 17 North, Range 5 East, Marion County, Indiana, described as follows:

Commencing at the Northwest corner of the East Half of the Northeast Quarter of Section 19, Township 17 North, Range 5 East, Marion County, Indiana; thence South 00 degrees 04 minutes 28 seconds West along the West line of said Half-Quarter Section 655.47 feet to the Southwest corner of the owners' land, also being the Northwest corner of The Hamptons at Geist, Section 2 (per plat thereof recorded as Instrument Number 1987-122801, Office of the Recorder of Marion County, Indiana); thence North 89 degrees 29 minutes 34 seconds East along the North line of said Hamptons at Geist, Section 2 a distance of 313.73 feet to the Point of Beginning of this description, being a 5/8" diameter rebar found at the North corner of Lot 43 of said Hamptons at Geist, Section 2; thence North 48 degrees 54 minutes 39 seconds East 145.56 feet to the East line of the owners' land; thence South 00 degrees 04 minutes 28 seconds West along said East line 10.63 feet; thence South 48 degrees 54 minutes 39 seconds West 129.23 feet to said North line; thence South 89 degrees 29 minutes 34 seconds West along said North line 12.30 feet to the Point of Beginning of this description Containing 1,099 square feet or 0.025 acres, more or less.



Certified this 7th day of July, 2011


Michael L. Huter, PLS
Professional Land Surveyor No. 9500007
State of Indiana



*Neighbor's water easement
on my property*

INITIAL DOCUMENTS – EXCAVATOR

CASE # 3321

Date of the Event: 6/27/12

I had hired two helpers to help me construct a simply designed wooden post and nylon netting fence to surround my newly transplanted blueberry bushes in order to prevent the deer from damaging the bushes.

The 7' tall blueberries bushes had already been transplanted on the north side of the driveway where I was told by the previous owners no utilities were located. There are eight other 20 year old apple, pear, cherry, and peach trees on this same northern side.

The prolonged drought added to the burden of an already dense and clay-like soil, so an auger was rented for a day to assist with post hole digging. On the last hole (south-east corner), the auger found a gas line, but as it turns out *not my gas line*. I called Citizens Gas and 911 immediately.

During the gas company's response process, I was *very disturbed* by the fact that the gas company men could not locate the shut off valve to the damaged line (the valve is located behind my property in the Hamptons at Geist residential community which is the source

of the gas line). Therefore, the gas continued to flare 4 ½ ' into the air like a large plume *for hours* as 3 larger holes were dug by hand in the dense soil to make the repair.

I would agree that damaging a gas line by accident is a serious thing, but NOT BEING ABLE TO SHUT IT DOWN *because they can't FIND the safety valve?* Where are the safety concerns about that? How does *that* demonstrate efficient and safe actions regarding the gas company employees? How would the public respond if they knew there are cases where gas lines cannot be shut down *quickly* during emergencies?

Channel 8 filmed the repair process and aired it on TV that night.

Virginia E. Brinkmann

Virginia Brinkmann

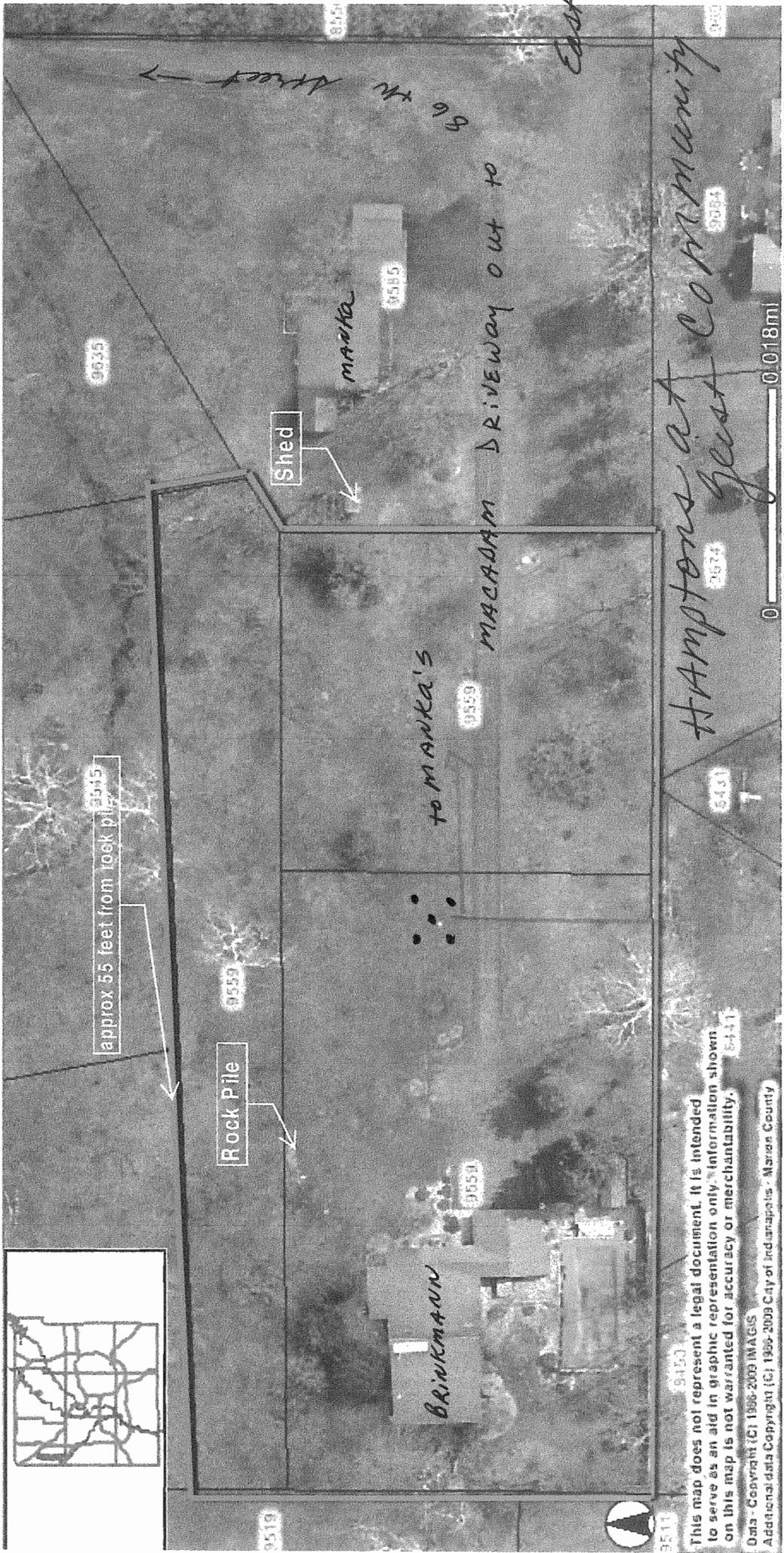
9559 East 86th Street

Indianapolis, Indiana 46256

410-599-2896

9559 E. 86th St. Property lines

NORTH



gas line only discovered on day of line break

••• = 5 Blue berry
••• = Bushes

North

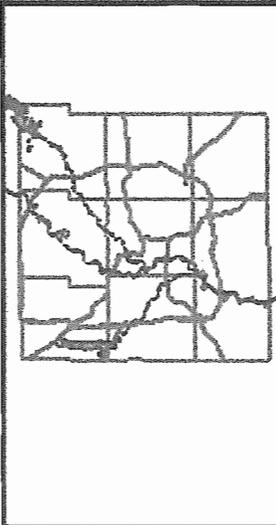
86th St.

Entrance

Note map is not accurate here

Shed

MANKA



This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy or merchantability.

Data - Copyright (C) 1996-2009 IMAGIS
Additional Data Copyright (C) 1996-2009 City of Indianapolis - Marion County.

Hamptons @ Geist Community

It is not reasonable for me to anticipate Manka's gas line should be running thru my property—

