



Pipeline Safety Division Investigation Report

Investigation regarding: Culy Construction and Excavating, Inc

UPPAC Database Record ID: 3333

Investigator: Howard Friend

Telephone: (317) 650-9105

Report Date: 9/4/12

The Parties

Excavator: Culy Construction and Excavating

Contact: Darin Yauey

Address (City, State): 5 Industrial Drive, Winchester, IN 47394

Telephone: 765-584-8509

Facility Owner Information:

Business Name: Citizens Gas

Contact: Tony Chan

Address (City, State): 2150 Dr. Martin Luther King Jr. Street, Indianapolis, IN 46202

Telephone: (317) 927-4619

Utility Line Impact:

Damage Date: 6/4/12

Damage Address: 5539 Haverford

City: Indianapolis

Pipeline Facility

Product Type: Natural Gas

Facility Type/Function: Service

Facility size: Unknown

Service Interruption: Yes

Number of Customers Affected: One

Repair Cost (if known): Unknown

Excavator Activities/Cause of damage information:

Type of Equipment: Backhoe

Type of work performed: Water

Product release: Yes

Ignition: No

Excavator notify 811: No

Locate Information:

Excavator request locates: Yes

Indiana 811 ticket Number: 1205213257

Incident Impact Information:

Injuries: None

Fatalities: None

Synopsis: A natural gas service was damaged during excavation for a water line.

Findings: Excavator responded to initial notice on 08/28/2012. The excavator had a valid locate request and the operator reported the locate markings to be accurate.

Conclusion: The excavator failed to maintain two (2) feet of clearance with mechanized equipment.

Violation: IC 8-1-26-20(b): Failure to maintain two (2) feet of clearance with mechanized equipment.



DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

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

Submitted to IURC-Pipeline Safety on: Jun 14, 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: CULY CONSTRUCTION

Business address (*number and street*): 5 INDUSTRIAL DR

City, State, and ZIP code: WINCHESTER, IN 47394

Telephone number (*area code*): 765-584-8509

Fax number (*area code*): _____

E-mail address: _____

Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Backhoe/Trackhoe

Type of work performed: Water

Date and Location of Damage

Date of damage (*month, day, year*): Jun 4, 2012

County: Marion

City: Indianapolis

Street address (*number and street, city, state, and ZIP code*):
5539 HAVERFORD AVE

Nearest intersection: E 56TH ST

Right of way where damage occurred: Public - City Street

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? No

If yes, how many evacuated? 0

Was there a customer service interruption? Yes

If yes, how many affected? 1

Time to restore service (*in hours*): 1.25

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? 13

Notification, Locating, Marking

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1205213257

Was the locate request completed within two working days? Yes

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? Yes

Were facilities marked correctly? Yes

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: --Failure to use hand tools where required

Additional Comments



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

August 16, 2012

Culy Construction & Excavating, Inc.
5 Industrial Dr
Winchester, In 47394

**Re: Notice of Preliminary Determination of Violation
Pipeline Safety Division Case No. 3333**

Date of Event: 6/4/2012
Event Location: 5539 Haverford Ave, Indianapolis, Marion County
Excavator: Culy Construction & Excavating, Inc.
Facility Owner: Citizens Gas

Dear ,

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

To ensure safety, the Indiana Underground Plant Protection Service (Indiana 811) and gas operators routinely provide reports to the Pipeline Safety Division when an operator's facility is damaged. The Division has received a report from one of these entities that on 6/4/2012, you or your business damaged a pipeline facility owned by Citizens Gas and located at 5539 Haverford Ave, Indianapolis, Marion County.

Based upon the information received, the Pipeline Safety Division is commencing an investigation into the event concerning you or your business to determine whether any statutory violations were committed regarding public safety, specifically the following:

- IC 8-1-26-16(g): Failure to provide notice of excavation.
- IC 8-1-26-16(h): Failure to perform required white lining.
- IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment.
- IC 8-1-26-18(f): Failure to properly locate facilities (operator violation)

The Division provides both you and Citizens Gas with an opportunity to send in documentation explaining what occurred. This may include maps, photographs, narrative statements, and any other evidence you wish to provide. You have thirty (30) days from the date this letter is received to send in information, but an extension may be given for good cause shown. Please note that the Division's investigation will be completed after this time period, even if you do not respond or fail to provide



LOCATE FORM FOR IUPPS & OUPS

Indiana -- 811 or 800-382-5544

Ohio -- 800-362-2764

CONTRACTOR'S PHONE NUMBER: 765-584-8509

CONTRACTOR NAME: CULY CONTRACTING, INC.

CONTRACTOR ADDRESS: 5 INDUSTRIAL PARK DRIVE, PO BOX 29, WINCHESTER, IN 47394

FAX: 765-584-8060

CALLERS NAME MARK S. CALLERS PHONE NUMBER _____

NAME OF CONTRACTORS REP. ON SITE: DARIN YALLEY PHONE 765-546-0316

EMERGENCY LOCATE: YES or NO

WHITE LINING THE AREA: YES or NO

BLASTING: YES OR NO

BORING: YES OR NO

RAILROAD NEAR SITE: YES OR NO

***START DATE/TIME: TO PROCESS REQUESTS MUST BE 3 WORKING DAYS BUT NOT MORE THAN 20 CALENDAR DAYS FROM TIME FAXED OR WRITE PROPER NOTICE IN THE START DATE FIELD & WE WILL CALCULATE THE START TIME FOR YOU ***

START DATE 5/23 TIME _____ DURATION 2 hrs DEPTH 11' EQUIPMENT USED (OHIO) _____

WORK TYPE NEW WATER MAIN INSTALLATION DONE FOR CITIZEN'S WATER

COUNTY MARION TOWNSHIP WASHINGTON

SUBDIVISION YES LOT _____

ADDRESS _____ STREET 56th St & HAVERFORD AVE

CROSS STREET _____ WITHIN 1/4 MILE Y OR N

SECOND CROSS STREET _____

CIRCLE ONE: IN OR NEAR CITY/TOWN OF: INDPLS

LOCATION ON PROPERTY WHERE YOU WILL BE DIGGING:
BOTH SIDES OF HAVERFORD AVE FROM 56th TO 55th ST

UTILITIES NOTIFIED ATT, BRIGHTHOUSE, CITIZENS, IPL, DPW

DATE & TIME OF CALL 5/21 @ 3:00 LOCATE GOOD 5/23 @ 3:15 EXPIRES 6/10

ORIGINAL TICKET # 120-521-3257 RENEWAL DATE 6/10

DATE	NEW TICKET #	EXPIRES	RENEWAL DATE