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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF AN ORDER )  
APPROVING ADVISORY COMMITTEE )  
RECOMMENDATIONS PURSUANT TO )  
INDIANA CODE CHAPTER 8-1-26. )

APPROVED:

APR 24 2013

ORDER OF THE COMMISSION

Indiana Code chapter 8-1-26 provides the procedure for the Indiana Utility Regulatory Commission's Pipeline Safety Division ("Division") to find violations of said chapter. Upon review of those findings, the Indiana Underground Plant Protection Advisory Committee ("Advisory Committee") reviews those recommendations and recommends civil penalties in the Case.

The Cases received pursuant to Indiana Code chapter 8-1-26 and ripe for Commission action are attached hereto and collectively referred to as the Advisory Committee Recommendations.

Pursuant to statute, the Advisory Committee has submitted their recommendations to the Commission. The Commission hereby UPHOLDS the findings of violations by the Pipeline Safety Division and APPROVES the recommendations of the Advisory Committee as listed on the attached pages. The Assistant General Counsel to the Division is hereby directed to prepare and send notice to the parties advising them of the determination.

**IT IS SO ORDERED.**

ATTERHOLT, BENNETT, MAYS AND ZIEGNER CONCUR; LANDIS ABSENT;  
MAYS NOT PARTICIPATING IN THOSE MATTERS INVOLVING VECTREN;

APPROVED: APR 24 2013

I hereby certify that the above is a true and correct copy of the Order as approved.

*Brenda A. Howe*  
Brenda A. Howe  
Secretary to the Commission

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
101 W. WASHINGTON STREET, SUITE 1500E  
INDIANAPOLIS, INDIANA 46204-3407

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Office: (317) 232-2701  
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TO: Chairman James D. Atterholt  
Commissioners Ziegner, Landis, Mays, and Bennett

FROM: DeAnna Poon, Assistant General Counsel and Legal Counsel to the Underground  
Plant Protection Advisory Committee

DATE: April 17, 2013

RE: Underground Plant Protection Advisory Committee Case Recommendations for  
Conference on *Wednesday, April 24, 2013 @ 2:00 P.M. local time.*

The attached case recommendations have been submitted to the Commission. Via Certified Mail, the Commission's Pipeline Safety Division sent an information request to the parties to the incident soliciting a written account of the facts and circumstances surrounding the incident. After receiving proof of delivery and waiting at least thirty (30) days for the receipt of any documents from the parties, the Division investigated the case. Pursuant to IC 8-1-26-23(g), the Division found that a violation of IC 8-1-26 occurred. After public notice in conformance with IC 5-4-1.5-5, during a Public Meeting where the party had the opportunity to appear, the Underground Plant Protection Advisory Committee reviewed the Division's determination and made recommendations in the cases under IC 8-1-26-23(h). The parties were notified of the Committee's recommendations and given the opportunity to seek a public hearing pursuant to IC 8-1-26-23(k). These recommendations are now submitted for the Commission's consideration at Conference on **April 24, 2013 at 2:00 pm. local time.** Staff believes legal requirements under IC 8-1-26, the Damages to Underground Facilities Act, were met and recommends approval for all the recommendations of the attached cases. The Commission has the authority under IC 8-1-1-5(d) to make a determination in these matters.

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Goodman Construction, Inc.**  
Other Party: **Vectren**  
Case No.: **3525**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-16(g): Failure to provide notice of excavation**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: Slagle abstains.

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APPROVED:  
(initialed)

B.S.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Ed Patton Construction Incorporated**  
Other Party: **Vectren**  
Case No.: **3530**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:

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

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: Slagle abstains.

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APPROVED: \_\_\_\_\_

(initialed)

B.S.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Innovative Irrigation**  
Other Party: **Vectren**  
Case No.: **3554**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:

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

Violation No Violation

Recommended Penalty:

Warning letter

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Additional Information: Slagle abstains.

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**APPROVED:**  
(initialed)

B.S.W.

Dan Meiners  
Vice Chairman

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Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Sun Communications**  
Other Party: **Vectren**  
Case No.: **3838**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:  
Warning letter

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Additional Information: Slagle abstains.

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**APPROVED:** B.S.W.  
(initialed) Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Payless Sewer And Septic**  
Other Party: **Vectren**  
Case No.: **3871**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: Slagle abstains.

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APPROVED: \_\_\_\_\_

(initialed)

D.S.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Professional Fence, Inc.**  
Other Party: **Vectren**  
Case No.: **4064**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Warning letter.

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Additional Information: Slagle abstains.

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**APPROVED:**  
(initialed)

BS.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Vectren**  
Other Party: **Bayer's Plumbing, Inc.**  
Case No.: **3288**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-18(f): Operator failed to locate or provided incorrect locate markings**

Violation No Violation

Recommended Penalty:

Training (second)

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Additional Information: Slagle abstains.

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APPROVED:  
(initialed)

D.S.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **D. R. Watson Company**  
Other Party: **Vectren**  
Case No.: **3519**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

Training

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Additional Information: Slagle abstains.

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**APPROVED:** B.S.W.  
(initialed) Dan Meiners  
Vice Chairman

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Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Lineal Contracting**  
Other Party: **Vectren**  
Case No.: **3560**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with  
mechanized equipment**

Violation No Violation

Recommended Penalty:  
Training

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Additional Information: Slagle abstains.

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**APPROVED:** B.S.W.  
(initialed) Dan Meiners  
Vice Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Glidden Fence**  
Other Party: **Vectren**  
Case No.: **3811**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:  
Training  
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Additional Information: Slagle abstains.  
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**APPROVED:** B.S.W.  
(initialed) Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **D. R. Watson Company**  
Other Party: **Vectren**  
Case No.: **3833**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:  
Training

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Additional Information: Slagle abstains.

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**APPROVED:** BS.W.  
(initialed) Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Custom Concrete**  
Other Party: **Vectren**  
Case No.: **3841**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-16(g): Failure to provide notice of excavation**

Violation  No Violation

Recommended Penalty:

Training

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Additional Information: Slagle abstains.

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APPROVED: \_\_\_\_\_

(initialed)

B.S.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **D. R. Watson Company**  
Other Party: **Vectren**  
Case No.: **4118**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:

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

Violation No Violation

Recommended Penalty:

Training

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Additional Information: Slagle abstains.

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**APPROVED:**

(initialed)

BSW.  
Dan Meiners  
Vice Chairman

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Sun Communications**  
Other Party: **Vectren**  
Case No.: **4122**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Training

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Additional Information: Slagle abstains.

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APPROVED:  
(initialed)

B.S.W.  
Dan Meiners  
Vice Chairman

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Vectren**  
Other Party: **Silver Creek Water Corp**  
Case No.: **3360**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-18(f): Operator failed to locate or provided incorrect locate markings**

Violation  No Violation

Recommended Penalty:

Training ~~(second)~~ (second)

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Additional Information: Slagle abstains.

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**APPROVED:**  
(initialed)

BS.W.  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Vectren**  
Other Party: **Sub Surface Of Indiana Inc**  
Case No.: **3815**  
Date of Advisory Meeting: **February 25, 2013**

Statutes Allegedly Violated:  
**IC 8-1-26-18(f): Operator failed to locate or provided incorrect locate markings**

Violation  No Violation

Recommended Penalty:

Training (second)

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Additional Information: Slagle abstains.

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APPROVED: \_\_\_\_\_

(initialed)

*D.S.W.*  
Dan Meiners  
Vice Chairman