

ORIGINAL

*JL*  
*[Signature]*  
*CM*  
*[Signature]*

STATE OF INDIANA  
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF AN ORDER )  
APPROVING ADVISORY COMMITTEE ) APPROVED: MAY 22 2013  
RECOMMENDATIONS PURSUANT TO )  
INDIANA CODE CHAPTER 8-1-26. )

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: MAY 22 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



Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **GE Marshall, Inc.**  
Other Party: **NIPSCO**  
Case No.: **3002**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(1) - failure to plan to avoid damage or minimize interference**

Violation  No Violation

Recommended Penalty:  
Warning letter  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) \_\_\_\_\_  
Riek Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **NIPSCO - Electric**  
Other Party: **NIPSCO**  
Case No.: **3301**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Training (second)  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**  
(initialed)

  
\_\_\_\_\_  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **CCT Underground LLC**  
Other Party: **NIPSCO**  
Case No.: **3310**  
Date of Advisory Meeting: **October 23, 2012**

## Statutes Allegedly Violated:

1. IC 8-1-26-20(b): Failure to maintain two (2) feet clearance with mechanized equipment  Violation  No Violation
2. \_\_\_\_\_  Violation  No Violation
3. \_\_\_\_\_  Violation  No Violation

## Recommended Penalty:

1. ~~Warning~~ ~~Warning~~ Warning Letter
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **NIPSCO - Electric**  
Other Party: **NIPSCO**  
Case No.: **3332**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Training  
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Additional Information: \_\_\_\_\_

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

(initialed)

  
Rick Slagle  
Chairman



Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Bob Buescher Homes**  
Other Party: **NIPSCO**  
Case No.: **3697**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:

**8-1-26-20(a)(1) - failure to plan to avoid damage or minimize interference**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information:

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**APPROVED:**

(initialed)



**Rick Slagle**  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Walls Building**  
Other Party: **NIPSCO**  
Case No.: **3739**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:** 

(initialed)

Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Ryan Schleman**  
Other Party: **NIPSCO**  
Case No.: **3752**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:

**IC 8-1-26-16(g) - failure to provide notice ✓**  
**IC 8-1-26-19(c) - false notice of emergency ✓**

Violation No Violation

Recommended Penalty:

Warning letter

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Additional Information: Draft warning letter  
that specifically addresses

1. Call for locate
2. Cant call after the fact
3. Dont self-repair line

Covered in original letter.

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**APPROVED:** 

(initialed) **Rick Slagle**  
**Chairman**

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **D and T Drain Cleaning**  
Other Party: **NIPSCO**  
Case No.: **3792**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:  
Warning letter  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Daniel Gebo**  
Other Party: **NIPSCO**  
Case No.: **3794**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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

(initialed)

  
Rick Slagle  
Chairman



# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Case Construction**  
Other Party: **Vectren**  
Case No.: **3799**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot 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)

  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Filson Earth Work Company, Inc.**  
Other Party: **Vectren**  
Case No.: **3806**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot 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)

*Dan Meiners*  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Travis Ford**  
Other Party: **NIPSCO**  
Case No.: **3813**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(1) - failure to plan to avoid damage or minimize interference**

Violation  No Violation

Recommended Penalty:

warning letter

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Additional Information:

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**APPROVED:**



(initialed)

Rick Slagle  
Chairman

# Indiana - Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **McAllister General Contractors**  
Other Party: **NIPSCO**  
Case No.: **3817**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation  No Violation

Recommended Penalty:

Training  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **AT&T**  
Other Party: **NIPSCO**  
Case No.: **3826**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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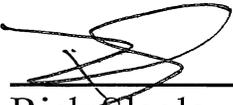
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**APPROVED:**

(initialed)

  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Mark Milo Enterprises, Inc.**  
Other Party: **NIPSCO**  
Case No.: **3837**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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**APPROVED:**  
(initialed)

  
Rick Slagle  
Chairman



# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Dave O'Mara Contractor**  
Other Party: **Vectren**  
Case No.: **3850**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

Training

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Additional Information: Slagle abstains.

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**APPROVED:**  
(initialed)

*Daniel J. Meiners*  
Dan Meiners  
Vice Chairman

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Walsh and Kelly**  
Other Party: **NIPSCO**  
Case No.: **3854**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:

Training  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) \_\_\_\_\_  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Robert Henry Corporation**  
Other Party: **NIPSCO**  
Case No.: **3859**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

Warning letter  
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Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) Riek Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Cultured Gardens**  
Other Party: **NIPSCO**  
Case No.: **3872**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g)- failure to provide notice (expired locate)**

Violation No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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

(initialed)

  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Universal Services**  
Other Party: **NIPSCO**  
Case No.: **3893**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:  
*warning letter*

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Additional Information: \_\_\_\_\_

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**APPROVED:**  \_\_\_\_\_  
(initialed) Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Sauer Land Surveying**  
Other Party: **NIPSCO**  
Case No.: **3894**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information:

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**APPROVED:**

(initialed)



Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Burke Baughman**  
Other Party: **NIPSCO**  
Case No.: **3910**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with  
mechanized equipment**

Violation  No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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**APPROVED:**

(initialed)



Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Louthain M R & Assoc.**  
Other Party: **NIPSCO**  
Case No.: **3922**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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APPROVED: RS

(initialed)

Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Concrete Constructors, Inc.**  
Other Party: **NIPSCO**  
Case No.: **3924**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:  
Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:**   
(initialed) \_\_\_\_\_  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Emcor Hyre Electric Company Of  
Indiana, Inc.**  
Other Party: **NIPSCO**  
Case No.: **3932**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:

**8-1-26-16(g) - failure to provide notice (digging prior to 2 day waiting period)**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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

(initialed)

  
Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Stromback Brothers, Inc.**  
Other Party: **NIPSCO**  
Case No.: **3934**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:  
Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:**   
(initialed) Rick Slagle  
Chairman

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Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **John Camden Construction**  
Other Party: **NIPSCO**  
Case No.: **3935**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:  
Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:** RS  
(initialed) **Rick Slagle**  
**Chairman**

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Everdry Waterproofing**  
Other Party: **NIPSCO**  
Case No.: **3936**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:

warning letter

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Additional Information:

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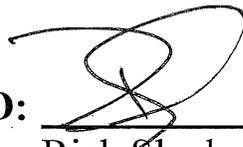
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**APPROVED:**

(initialed)



Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Gordon Engineering**  
Other Party: **NIPSCO**  
Case No.: **3937**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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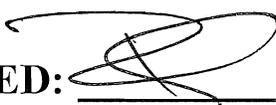
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**APPROVED:** 

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(initialed)

Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: City Of South Bend Sewer Dept.  
Other Party: NIPSCO  
Case No.: 3943  
Date of Advisory Meeting: March 26, 2013

Statutes Allegedly Violated:  
8-1-26-16(g) - failure to provide notice

Violation  No Violation

Recommended Penalty:  
~~Warning letter~~  
Training

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Additional Information: \_\_\_\_\_  
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APPROVED:   
(initialed) Rick Slagle  
Chairman

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **City Of Berne Water Department**  
Other Party: **NIPSCO**  
Case No.: **3955**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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**APPROVED:**  
(initialed)

  
Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Rowdys Recycle**  
Other Party: **NIPSCO**  
Case No.: **3956**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:  
warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:**   
(initialed) \_\_\_\_\_  
Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Christopher Brown**  
Other Party: **NIPSCO**  
Case No.: **3960**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:** 

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(initialed)                      Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Erik Foust**  
Other Party: **NIPSCO**  
Case No.: **3963**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:

**8-1-26-16(g) - failure to provide notice (digging prior to 2 day waiting period)**

Violation  No Violation

Recommended Penalty:

Warning letter  
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\_\_\_\_\_  
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Additional Information: \_\_\_\_\_  
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**APPROVED:** 

(initialed)

Rick Slagle  
Chairman



# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Dozer Works, LLC**  
Other Party: **NIPSCO**  
Case No.: **3965**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

*Warning letter*

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Additional Information: \_\_\_\_\_

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

(initialed)

  
Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **James M. Todd**  
Other Party: **NIPSCO**  
Case No.: **3969**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g)- failure to provide notice (expired locate)**

Violation  No Violation

Recommended Penalty:

Warning letter

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Additional Information: \_\_\_\_\_

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**APPROVED:** 

(initialed)

Rick Slagle  
Chairman

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Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Master Built Construction**  
Other Party: **NIPSCO**  
Case No.: **3971**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(1) - failure to plan to avoid damage or minimize interference**

Violation No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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**APPROVED:**



(initialed)

Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Amerifence**  
Other Party: **Vectren**  
Case No.: **3978**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot 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)

*Dan Meiners*  
Dan Meiners  
Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Rieth Riley Construction Company**  
Other Party: **NIPSCO**  
Case No.: **4127**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation No Violation

Recommended Penalty:  
Training (second)  
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\_\_\_\_\_

Additional Information: \_\_\_\_\_  
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**APPROVED:**   
(initialed) Rick Slagle  
Chairman

Indiana Underground Plant Protection Advisory  
Committee Recommendation to IURC

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Respondent: **Michiana Contracting, Inc.**  
Other Party: **NIPSCO**  
Case No.: **4130**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g)- failure to provide notice (digging outside marked area)**

Violation  No Violation

Recommended Penalty:

Training  
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Additional Information: \_\_\_\_\_

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

(initialed)



Rick Slagle  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **Wissco Irrigation**  
Other Party: **NIPSCO**  
Case No.: **4138**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

Training

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Additional Information: \_\_\_\_\_

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

(initialed)

  
**Riek Slagle**  
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **KC Tree Service**  
Other Party: **NIPSCO**  
Case No.: **4148**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-16(g) - failure to provide notice**

Violation  No Violation

Recommended Penalty:

*Warning letter*

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Additional Information:

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**APPROVED:**

(initialed)

  
Rick Slagle  
Chairman

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# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC

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Respondent: **INDOT**  
Other Party: **NIPSCO**  
Case No.: **4151**  
Date of Advisory Meeting: **March 26, 2013**

Statutes Allegedly Violated:  
**8-1-26-20(a)(2) - failure to maintain 2 foot clearance with mechanized equipment**

Violation No Violation

Recommended Penalty:

Warning letter

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Additional Information: Copy to Counsel

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**APPROVED:**

(initialed)

  
Rick Slagle  
Chairman

