

Exhibit A

Correspondence between Staff and Monte Construction



Public Utilities Commission

Mike DeWine, Governor
Jenifer French, Chair

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

November 19, 2021

Dino Montoni
Monte Construction
9290 Amber Wood Dr
Willoughby, OH 44094

Case Number: 21-00082

A Request for Inquiry has been filed with the Public Utilities Commission of Ohio (PUCO) alleging that you or your company violated Ohio damage prevention law. Enclosed is a summary of the complaint filed against you. Please read it carefully.

You have until **12/19/2021** to respond, in writing, to the PUCO. The following options are available to you:

1. Admission of the compliance failure. Your case file will be forwarded to the Underground Technical Committee (UTC) to determine if a fine and/or penalty is warranted.
2. Denial of the compliance failure. If you believe that you did not commit a compliance failure, please send us a written statement addressing the allegations and arrange to submit any other evidence you wish to be considered (e.g. OUPS ticket, pictures, etc.). Once all facts and evidence are collected, the case file will be forwarded to the UTC for a decision.
3. No Contest. If you do not wish to deny or admit to the compliance failure, you may choose to accept the decision that results from the process.

All correspondence should reference the Case Number above and can be emailed to:

DamagePrevention@puco.ohio.gov

The decision of the UTC will be based solely on the information provided to PUCO Staff for the case file. Please provide all documentation and information that you believe to be important to the case so that the UTC can make a well informed decision. You may attend the UTC meeting when the case is decided; however, you will only be permitted to observe, thus information furnished must have sufficient explanations and stand on its own merits.

If you do not respond by the due date above, your case will still be forwarded to the UTC for a decision. If you would like a copy of the UTC meeting schedule or have questions about the enforcement process, please visit our website at www.puco.ohio.gov or contact the PUCO Call Center at 800-686-7826, Option 4.

Sincerely,

Peter A. Chace, Chief
Facility & Operations Field Division

Enclosure

THE PUBLIC UTILITIES COMMISSION OF OHIO
DAMAGE PREVENTION SECTION

COMPLAINT SUMMARY

Case Number **21-00082**

Complainant **Brian Holden**

Company **Dominion Energy Ohio**

Address **1201 E 55th St**

City **Cleveland** State **OH** Zip Code **44103**

Respondent **Dino Montoni** Title

Company **Monte Construction**

Address **9290 Amber Wood Dr**

City **Willoughby** State **OH** Zip Code **44094**

Date Of Alleged Violation **10/12/2021**

Location **38445 Westminster Lane**

City **Willoughby** State **OH** Zip Code **44094**

Twp County **Lake**

Code(s) Allegedly Violated:

3781.28(A) Violator did not call OUPS prior to excavation

OUPSTicketNumber

Description of Alleged Violation:

Excavator Failed to generate a one call ticket

THE PUBLIC UTILITIES COMMISSION OF OHIO
DAMAGE PREVENTION SECTION

RESPONDENT RESPONSE

Case Number **21-00082** _____

Name _____ Title _____

Company _____

Address _____

City _____ State _____ Zip Code _____

Preferred Contact Telephone Number _____

Email Address _____

Would you prefer correspondence be sent via electronic mail? ☐ Yes ☐ No

Please indicate whether or not you want to:

☐ Admit to the compliance failure ☐ Deny the compliance failure ☐ Plead No Contest

For the last 12 months please indicate:

Number of locate requests received _____ Number of excavations completed _____

Number of locate requests responded to _____ Number of design/development projects _____

Number of one calls placed _____

Please provide a response to the allegations below.

Signature _____

Printed Name _____

If you have any documents that you would like to submit as evidence, please reference your Case Number in the subject line and email them to:

DamagePrevention@puc.state.oh.us

If you have questions regarding the process, please visit our website at www.puco.ohio.gov or contact our Call Center at 800-686-7826, Option 4.

THE PUBLIC UTILITIES COMMISSION OF OHIO
DAMAGE PREVENTION SECTION

RESPONDENT RESPONSE

Case Number 21-00082

Name Dino S. Montoni Title Owner
Company Monte Construction LLC
Address 9290 Amber Wood Drive
City Kirtland State Ohio Zip Code 44094
Preferred Contact Telephone Number 216-780-4919
Email Address monteco@roadrunner.com

Would you prefer correspondence be sent via electronic mail? ☒ Yes ☐ No

Please indicate whether or not you want to:

☐ Admit to the compliance failure ☒ Deny the compliance failure ☐ Plead No Contest

For the last 12 months please indicate:

Number of locate requests received	_____	Number of excavations completed	<u>100 +</u>
Number of locate requests responded to	_____	Number of design/development projects	<u>100 +</u>
Number of one calls placed	<u>100 +</u>		

Please provide a response to the allegations below.

Sir/Madam,

We've tried to reach out via telephone to share the situation/conditions of this isolated incident. Hopefully, this response will clarify.

Due to the skilled labor shortage and covid difficulties the Lake County Dept. of Utilities reached out to us for assistance. Typically, these are emergency repairs. As a result LC.D.U. followed their traditional response, call ups ticket and then mobilize. Our mutual inexperience with this environment may have caused the "mix-up" Additionally, this utility was called in by LC.D.U. However the damaged utility was not marked.

Signature DSRM

Printed Name Dino S. Montoni

If you have any documents that you would like to submit as evidence, please reference your Case Number in the subject line and email them to:

DamagePrevention@puc.state.oh.us

If you have questions regarding the process, please visit our website at www.puco.ohio.gov or contact our Call Center at 800-686-7826, Option 4.



**Public Utilities
Commission**

Mike DeWine, Governor
Jenifer French, Chair

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

February 11, 2022

Dino Montoni
Monte Construction
9290 Amber Wood Dr
Willoughby, OH 44094

Case Number: 21-00082

After consideration of the facts in the above referenced case, the Underground Technical Committee has made the following decision:

3781.28(A) - Non-Compliant - No OUPS Ticket

As a result, the following penalty was issued:

The Underground Technical Committee (UTC) finds the Respondent violated obligation under 3781.28(A) Respondent shall complete mandatory training and submit documentation of training and attendance within 30 days. This training shall include excavation near underground facilities, excavation near Interstate and Intrastate pipelines, one call process, mandatory monitoring requirements for pipelines and the dangers associated with damages to underground facilities to include potential impact radius, how to identify release and impact of not reporting damages to facility owners. Sign in sheets required. Respondent shall also complete and submit, within 30 days of notification, a performance improvement plan to include understanding one call obligations and what constitutes excavation in the state of Ohio. Committee reserves the right to seek additional penalties should this corrective action is not completed within the specified timeframe.

Any required submittals must be sent electronically to DamagePrevention@puco.ohio.gov or sent via mail to the address below no later than **3/13/2022**.

Public Utilities Commission of Ohio
Damage Prevention Section
180 E. Broad St., 7th Floor
Columbus, OH 43215

Under Section 4913.25 of the Ohio Revised Code, you have thirty days from the date of this notice to file a written application for reconsideration of this decision with the Public Utilities Commission of Ohio. Your application must state with particularity your grounds for reconsideration. If you have questions about how to properly file an application for reconsideration, please visit the Docketing page on our website at www.puco.ohio.gov/puco/docketing or contact Docketing by telephone at 614-466-4095 between the hours of 8:30 am and 5:30 pm. If a request for reconsideration is not received by either party within thirty days, this determination will be considered final and enforceable.

Please understand that the complainant may also file for reconsideration. If so, you will be promptly notified and will be made aware of your options at that time.

If you have questions about the damage prevention enforcement process, please visit our website or contact the PUCO Call Center at 800-686-7826, Option 4.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter A. Chace", with a long horizontal flourish extending to the right.

Peter A. Chace, Chief
Facility & Operations Field Division

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

4/21/2022 8:39:05 AM

in

Case No(s). 22-0259-AU-UTC

Summary: Exhibit Exhibit A electronically filed by Mr. Peter A. Chace on behalf of
Public Utilities Commission of Ohio