



**Public Utilities
Commission**

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To: Underground Technical Committee

From: Peter Chace, Chief, Facility & Operations Field Division

Date: March 31, 2020

Subject: Case Number 20-00005

Attached is a Report of Inquiry for the above referenced Case Number. This packet contains all evidence (i.e. documents, statements, etc.) collected surrounding the alleged violation of Ohio damage prevention law.

This case is being forwarded to the Underground Technical Committee (UTC) for review. Once it has been reviewed and a decision has been reached, notification will be made to both the Respondent and the Complainant.

For questions regarding this case, please contact the Public Utilities Commission of Ohio at DamagePrevention@puco.ohio.gov or 800-686-7826, Option 4.

Attachment

cc: Dave Coniglio, John R Jurgensen Company
 Jeanne Kingery, Duke Energy

REPORT OF INQUIRY

Case Number: 20-00005

Date Reported: 2/25/2020

Complainant

Dave Coniglio
John R Jurgensen Company

Respondent

Jeanne Kingery
Duke Energy

Alleged Violations

3781.29(A)(1) Utility marked facilities but marks are outside tolerance zone

Penalty Factors (Last 12 Months)

Number of locate requests received

Number of locate requests responded to

Number of one calls placed

Number of excavations completed

Number of design/development projects

Amount of damage

Number of deaths

Number of injuries

Significant threat to public safety?

Compliance History

Date	Case No.	Violations	Verdict Date	Verdict
12/21/18	18-00071	3781.29(A)(1)	3/7/19	Penalty
10/23/18	18-00051	3781.29(A)(1)	1/10/19	Fine
8/22/18	18-00043		1/10/19	NoEnforcement
4/24/18	18-00018		8/9/18	Penalty

Staff Notes

Nature, circumstance, and gravity information

REPORT OF INQUIRY

Case Number: 20-00005

Date Reported: 2/25/2020

Complainant

Dave Coniglio
John R Jurgensen Company

Respondent

Jeanne Kingery
Duke Energy

Date of Alleged Violation

12/7/2019

Address of Alleged Violation

3540 Eden Rd, Georgetown

OUPSTicketNumber A930103351

Description of Alleged Violation

On 12/7/2019 contractor contacted buried 1" gas service line. Locates were properly coordinated and site marked per code and ticket A930103351. Investigation revealed that line was struck approximately 36" from locates. On 2/4/2020 contractor received an invoice under claim #431427 from Duke Energy representative Project Resources Group (PRG) informing us that we were responsible for damages to their service. Invoice states that no locate ticket was reported prior to excavation beginning. Copy of ticket was provided yet PRG still insists that contractor is responsible. Photos supplied by PRG show line improperly located by approximately 36". On 2/12/2020 contractor formally denied liability to PRG for damages for the reasons previously stated. Again on 2/25/2020 a representative from PRG contacted contractor requesting payment. On this date they claim liability reason of not calling in for relocates after 30 days. It was explained and referenced that such requirement exists in the ORC and that the work was on-going and the integrity of the marks was still in good condition. '

Contractor experienced project down time due to the improperly located utility in the amount of \$3,924.92.