



#### STATE OF INDIANA

#### INDIANA UTILITY REGULATORY COMMISSION

IN	THE	MATTER	OF	AN (	ORDER	)		
APP	ROVIN	G ADVISO	PRY	COMM	IITTEE	)	<b>APPROVED:</b>	
REC	COMME	ENDATIONS	Pl	URSUAN	OT TO	)		APR 2 4 2013
IND	IANA C	CODE CHAPT	ER 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:** 

APR 2 4 2013

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

Brenda A. Howe

**Secretary to the Commission** 



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

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 8-1-5(d) to make a determination in these matters.

## Underground Plant Protection Advisory Indiana Committee Recommendation to IURC Goodman Construction, Inc. Respondent: 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: Darmond Additional Information: Slagle abstains. APPROVED:

Dan Meiners

Vice Chairman

(initialed)

	Inderground Plan Recommendation		Advisory
Committee		to loke	
Respondent: Other Party: Case No.:	Ed Patton ( Vectren 3530	Construction Inc	orporated
Date of Adviso	ory Meeting: February 2	25, 2013	
Statutes Allege IC 8-1-26-20( mechanized e	(b): Failure to maintai	n two (2) feet c	learance with
Violation No	Violation		
Recommended	1 1/2 =		
			-
Additional Info	ormation: Slagle abstains	S.	
APPROVED:	B.S.W.		
(initialed)	Dan Meiners Vice Chairman		
	vice Chamillan		

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC
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
Additional Information: Slagle abstains.
APPROVED: 3.5.W.
(initialed) Dan Meiners Vice Chairman

### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC 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: arnila Additional Information: Slagle abstains. **APPROVED:** (initialed) Dan Meiners

Vice Chairman

Indiana Underground Plant Protection Advisory
Committee Recommendation to IURC
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:
Additional Information: Slagle abstains.
APPROVED: Dan Meiners

Vice Chairman

## Indiana Underground Plant Protection Advisory Committee Recommendation to IURC **Professional Fence, Inc.** Respondent: 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: Additional Information: Slagle abstains. **APPROVED:** (initialed) Dan Meiners Vice Chairman

Indiana Underground Plant Protection Advisory
Committee Recommendation to IURC
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 incorrec locate markings
Violation No Violation
Recommended Penalty:  Training (Second)
Additional Information: Slagle abstains.
APPROVED: Dan Meiners Vice Chairman

Indiana Und	derground Plant Protection Advisor
Committee R	ecommendation to IURC
Respondent:	D. R. Watson Company
Other Party:	Vectren
Case No.:	3519
	Meeting: February 25, 2013
Statutes Allegedly IC 8-1-26-20(b): mechanized equi	Failure to maintain two (2) feet clearance with
Violation No Vi	olation
Recommended Pe	enalty:
Training	•
-	
Additional Inform	nation: Slagle abstains.
	idion. Stagte dostants.
	B.S.W.
APPROVED:	'B'.2'.
(initialed) Da	an Meiners
Vi	ice Chairman

Indiana Underground Plant Protection Advisory
Committee Recommendation to IURC
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:
Additional Information: Slagle abstains.
APPROVED:  (initialed)  Dan Meiners  Vice Chairman

## Underground Plant Protection Advisory Indiana Committee Recommendation to IURC Glidden Fence Respondent: 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: Additional Information: Slagle abstains. APPROVED: (initialed) Dan Meiners Vice Chairman

O .	imendation to IURC
Respondent: Other Party: Case No.: Date of Advisory Meeting	D. R. Watson Company Vectren 3833 ng: February 25, 2013
Statutes Allegedly Viola IC 8-1-26-20(b): Failu mechanized equipment	re to maintain two (2) feet clearance with
Violation No Violation	
Recommended Penalty:	
Additional Information:	Slagle abstains.
APPROVED: Dan Mei	ners

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Custom Concrete Vectors

Other Party: Vectren Case No.: 3841

Date of Advisory Meeting: February 25, 2013

Vice Chairman

Statutes Allegedly Violated:

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

Violation No	Violation		
Recommended	l Penalty:		
Additional Info	ormation: Slagle abstains.		
		-	
	*		
APPROVED:	B.S.W.		
(initialed)	Dan Meiners		

Indiana	Undergrou	ınd Plant	Protection	Advisory
Committe	e Recomm	endation to	IURC	
Pagnandant:		D. D. Watson	Company	
Respondent:		D. R. Watson	Company	
Other Party:		Vectren		
Case No.:		4118	•••	
Date of Advis	sory Meeting:	February 25,	2013	
Statutes Alleg	gedly Violated	1:		
-	•		two (2) feet cle	earance with
mechanized	` '		· /	
Violation No.	a Violetian			
Violation / No	y iolation			
Recommende	d Penalty:			
Train				
Additional In	formation: S	lagle abstains.		
Traditional III	<u></u>	iagie aostanis.		
				<u> </u>
	: BSW.			
APPROVED	. 185m.			
(initialed)	Dan Meiner			
(minute)	Vice Chairn			
	v ice Chanti	LIMII		

Indiana	Underground	Plant	Protection	Advisory
Committee	e Recommend	ation to	IURC	
Respondent: Other Party: Case No.: Date of Advis				
_	gedly Violated: (b): Failure to requipment	naintain	two (2) feet cl	earance with
Violation No.	Violation Violation			
Recommende				
Additional In	formation: Slagle	abstains.		
APPROVED				
(initialed)	Dan Meiners Vice Chairman			

Indiana Underground Plant Protection Advise	ory
Committee Recommendation to IURC	
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 incorlocate markings	rect
Violation No Violation	
Recommended Penalty:  Training (Second)	
Additional Information: Slagle abstains.	
APPROVED: BS.W.  (initialed) Dan Meiners	

Vice Chairman

Indiana Underground Plant Protection Advisory
Committee Recommendation to IURC
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 incorrectlocate markings
Violation No Violation
Recommended Penalty:  Training (Second)
Additional Information: Slagle abstains.
15.W.
APPROVED: Dan Meiners Vice Chairman