



#### STATE OF INDIANA

#### INDIANA UTILITY REGULATORY COMMISSION

IN	THE	MATTER	OF	$\mathbf{A}\mathbf{N}$	ORDER	)		
APP	ROVIN	G ADVISO	RY	COM	MITTEE	)	<b>APPROVED:</b>	DEA - 0 0040
REC	COMME	ENDATIONS	PU	JRSUA	NT TO	)		DEC 1 2 2012
IND	IANA C	ODE CHAPT	<b>ER 8</b> -	1-26.		ĺ		

#### 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, LANDIS AND ZIEGNER CONCUR; BENNETT AND MAYS ABSENT:

**APPROVED:** 

DEC 1 2 2012

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

Brenda A. Howe

Secretary to the Commission

Respondent: Other Party: Case No.: Date of Advisory Meeting	Hittle Landscaping Citizens Gas 3048 3 October 23, 2012	
Statutes Allegedly Violate  1. IC 8-1-26-20(b): Failure to m. mechanized equipment  2	aintain two (2) feet clearance with	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1.   2.   3.	fer .	
Additional Information: <u>W</u>	Varren abstains.	
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APPROVED: Rick Slagle	_	

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Richard E Contos Other Party: Citizens Gas Case No.: 3061 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation) No Violation Violation No Violation Violation No Violation Recommended Penalty; 1. Warning letter. Additional Information: Warren abstains. APPROVED: Rick Slagle

(initialed)

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Lynn Jackson Other Party: Citizens Gas Case No.: 3069 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: Warren abstains.

APPROVED: <

(initialed)

Rick Slagle

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **ADA Station Communication** Other Party: **NIPSCO** Case No.: 3097 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: \_\_\_\_\_

**APPROVED:** (initialed)

Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: MR Rooter Plumbing Other Party: NIPSCO Case No.: 3132 Date of Advisory Meeting: October 23, 2012

Statutes Allegedly Violated:

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

2. Violation No Violation

No Violation No Violation

Violation No Violation

Recommended Penalty:

1. IN a mineral effective and the state of excavation violation

Additional Information:

APPROVED: Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Vectren Other Party: **Chris Bustamonte** Case No.: 3140 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-18(f): Failure to properly locate facilities Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning Additional Information: Slagle abstains. Walters abstains. APPROVED: **A**

(initialed)

Dan Meiners

Vice Chairman

Indiana Underground Plant Protection Advisory Committee Recommendation to IURC
Excavator Riccis Landscape Management
Operator NIPSCO
Case No. 3   43 Date of Advisory Meeting 10 23/12
Statutes Allegedly Violated:  1. \( \sumset \  \sumset \  \sumset \  \) \( \sumset \  \sumset \  \sumset \  \) \( \sumset \  \sumset \
Recommended Penalty:  1. Warming letter  2  3
Additional Information:
Advisory Board Approval: (Initials of Chairman)

## Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **Wissco Irrigation** Other Party: **NIPSCO** Case No.: 3154 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 Violation No Violation Recommended Penalty: 1. Warning letter Additional Information:

APPROVED: Rick Slagle
Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Dig Excavating NIPSCO 3157 October 23, 2012	
Statutes Allegedly Violated		
<ol> <li>IC 8-1-26-20(b): Failure to ma mechanized equipment</li> <li></li></ol>		Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1		
Additional Information:		
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APPROVED:

(initialed)

Rick Slagle Chairman

## Indiana Underground Plant Protection Advisory Committee Recommendation to IURC **Elkhart Public Utilities** Respondent: Other Party: **NIPSCO** Case No.: 3160 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 Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: APPROVED: 5 (initialed) Rick Slagle

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **Roger Greeson** Other Party: **NIPSCO** Case No.: 3184 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information:

APPROVED: Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: City of Valparaiso Sewer Department Other Party: **NIPSCO** Case No.: 3203 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 Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: APPROVED: <

(initialed)

Rick Slagle Chairman

### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Selge Construction Company, Inc. Respondent: Other Party: **NIPSCO** Case No.: 3209 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 Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: \_\_\_\_\_\_

APPROVED: Rick Slagle
Chairman

# Committee Recommendation to IURC Respondent: Sean T Harrold Other Party: Citizens Gas Case No.: 3218 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: Warren abstains. APPROVED: < Rick Slagle (initialed)

Chairman

Underground Plant Protection Advisory

Indiana

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Veronica Heide Other Party: **NIPSCO** Case No.: 3228 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation Violation No Violation Violation No Violation Additional Information:

APPROVED: Rick Slagle
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: HRP Construction Other Party: NIPSCO

Case No.: 3240
Date of Advisory Meeting: October 23, 2012

Statutes Allegedly Violated:

1. IC 8-1-26-16(g): Failure to provide notice of excavation
2. Violation No Violation
3. Violation No Violation

Recommended Penalty:
1. Way and Additional Information:

Additional Information:

APPROVED:

(initialed)

Rick Slagle Chairman

Respondent: Other Party: Case No.: Date of Advisory Me	Harold Lockart Vectren 3253 eeting: October 23, 2012	
2	re to provide notice of excavation	Violation No Violation Violation No Violation Violation No Violation
Recommended Pena  1. <u>Avming</u> 2  3	letter	
Additional Informati	on: Slagle abstains.	
/	Meiners Chairman	·

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Town of Fishers Other Party: Vectren Case No.: 3256

Date of Advisory Meeting: October 23, 2012

1. IC 8-1-26-16(g): Failure to provide notice of excavation	Violation No Violation
2	Violation No Violation
3	Violation No Violation
Recommended Penalty:  1. Warning letter 2.	
3.	
Additional Information: Slagle abstains.	
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APPROVED: \_

(initialed)

Dan Meiners Vice Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Village Green Mobile Home Park Respondent: Other Party: **NIPSCO** Case No.: 3270 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 Violation No Violation Recommended Penalty: 1. Warning letter Additional Information:

APPROVED: Rick Slagle
Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Ben Benedict NIPSCO 3273 October 23, 2012	
Statutes Allegedly Violated  1. IC 8-1-26-16(g): Failure to pro  2	ovide notice of excavation	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1. Lamby left 2. 3.	· ·	
Additional Information:		
APPROVED: Rick Slagle		
Chairman		

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: PMG Landscaping and Irrigation Other Party: Vectren

o difer i direj.	, , , , , , , , , , , , , , , , , , , ,	
Case No.:	3277	
Date of Advisory N	Meeting: October 23, 2012	
Statutes Allegedly	Violated:	
1. IC 8-1-26-20(b): Faile mechanized equipme	ure to maintain two (2) feet clearance with	Violation No Violation
		Violation No Violation
		<ul><li>Violation No Violation</li></ul>
Recommended Penson  1	• 1 1 1	·
3.		
	-	
Additional Information	tion: Slagle abstains.	
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APPROVED: \_

(initialed)

Dan Meiners
Vice Chairman

#### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **Donald Summar**

Other Party:	NIPSCO	
Case No.:	3282	
Date of Advisory Meeting	ng: October 23, 2012	
Statutes Allegedly Viola	ted:	
1. IC 8-1-26-16(g): Failure to		Violation No Violation
2	,	Violation No Violation
3		Violation No Violation
Recommended Penalty:  1		
Additional Information:		
		·

APPROVED:

(initialed) Rick Slagle Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	McDougalle Contracting Citizens Gas 3285 October 23, 2012	
Statutes Allegedly Violated  1. IC 8-1-26-20(b): Failure to main mechanized equipment  2	intain two (2) feet clearance with	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1	40	
Additional Information: Wa	arren abstains.	
APPROVED:		
(initialed) Rick Slagle	•	

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: E & J Concrete

APPROVED: Rick Slagle
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Virginia Brinkman

Virginia Brinkman Respondent: Other Party: Citizens Gas 3321 Case No.: Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning Letter Additional Information: Warren abstains.

APPROVED: Rick Slagle
Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: CT Partnership d/b/a Living Water

	Irrigation	
Other Party:	Indiana Natural Gas (	Corporation
Case No.:	3322	
Date of Advisory Me	eeting: October 23, 2012	
Statutes Allegedly V	iolated:	
	e to provide notice of excavation	Violation No Violation
		Violation No Violation
		Violation No Violation
Recommended Penal  1	letter	
Additional Information	on:	
		· · · · · · · · · · · · · · · · · · ·

APPROVED:

(initialed) Rick Slagle

Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Gehring's Curb Appeal Inc Respondent: Other Party: **NIPSCO** Case No.: 3327 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning Tetter Additional Information:

APPROVED: Rick Slagle

Respondent: Other Party: Case No.: Date of Advisory Meeting	Pape Builders NIPSCO 3331 g: October 23, 2012	
Statutes Allegedly Violat  1. IC 8-1-26-16(g): Failure to p  2  3	rovide notice of excavation	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1. Manage letter  2  3	2	
Additional Information: _		· · · · · · · · · · · · · · · · · · ·
APPROVED:		

Rick Slagle

Chairman

(initialed)

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Zimmerman Brothers Ex NIPSCO 3334 October 23, 2012	cavating
_		Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1	Her	
Additional Information:	·	
APPROVED: Rick Slagle Chairman		

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Gohman Asphalt & Construction Inc. Respondent: Other Party: **Midwest Natural Gas Corporation** Case No.: 3336 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 Violation No Violation Violation No Violation Recommended Penalty; 1. Warning letter 2. Additional Information: APPROVED:

(initialed)

Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC **Dave's Excavating** Respondent: Other Party: Vectren Case No.: 3344 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: Slagle abstains.

# Committee Recommendation to IURC **Seniour Construction** Respondent: Other Party: Vectren Case No.: 3354 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 Violation No Violation Violation No Violation Recommended Penalty: 1. Warning 2. Additional Information: Slagle abstains. APPROVED: (initialed) Dan Meiners

Vice Chairman

Indiana Underground Plant Protection Advisory

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **Wisel Enterprises LLC** Other Party: **NIPSCO** Case No.: 3367 Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty: 1. Warning letter Additional Information: APPROVED:≤

Rick Slagle

Chairman

(initialed)

### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: **Town of Brookville** Other Party: **Sycamore Gas Company** 3633 Case No.: Date of Advisory Meeting: October 23, 2012 Statutes Allegedly Violated: 1. IC 8-1-26-16(g): Failure to provide notice of excavation Violation No Violation 2. \_\_\_\_\_ Violation No Violation Violation No Violation Recommended Penalty; 1. Warning letter Additional Information: \_\_\_\_\_

APPROVED: \_\_\_\_\_\_\_\_\_ (initialed) Ric

Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Respondent: Northern Indiana Mechanical Other Party: NIPSCO

Other Party: NIPS
Case No.: 3658

Date of Advisory Meeting: October 23, 2012

1. IC 8-1-26-16(g): Failure to provide notice of excavation	Violation No Violation
2	Violation No Violation
3	Violation No Violation
Recommended Penalty:  1. Warning Textor	
2	
Additional Information:	

APPROVED: Rick Slagle
Chairman

### Committee Recommendation to IURC Respondent: Selge Construction Company, Inc. Other Party: **NIPSCO** Case No.: 3131 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 Violation No Violation Violation No Violation Recommended Penalty: 1. Training 2. Additional Information: Door d - Dapp APPROVED: Rick Slagle (initialed)

Chairman

Indiana Underground Plant Protection Advisory

### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC **Howell Contractors Incorporated** Respondent: Other Party: Citizens Gas Case No.: 3162 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 Violation No Violation Violation No Violation Recommended Penalty: 1. <u>Training</u> 2. \_\_\_\_ Additional Information: Warren abstains.

APPROVED: Rick Slagle Chairman

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC **Kerstiens Homes & Design** Respondent: Other Party: **Huntingburg Municipal Utilities** Case No.: 3220 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 Violation No Violation Recommended Penalty: 1. Training 2. Additional Information:

APPROVED: Rick Slagle Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Precision Utilities Group In NIPSCO 3231 October 23, 2012	nc
Statutes Allegedly Violated  1. IC 8-1-26-20(b): Failure to mai mechanized equipment  2	ntain two (2) feet clearance with	Violation No Violation Violation No Violation Violation
Recommended Penalty:  1		
Additional Information:		·
APPROVED: Rick Slagle		

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Reith-Riley Vectren 3267 October 23, 2012	
Statutes Allegedly Violated  1. IC 8-1-26-20(b): Failure to ma mechanized equipment  2	intain two (2) feet clearance with	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1		
Additional Information: S	lagle abstains.	
		· · · · · · · · · · · · · · · · · · ·
APPROVED: Dan Meiner	- rs	

Vice Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting	Lineal Contracting Vectren 3298 ng: October 23, 2012	
Statutes Allegedly Viola  1. IC 8-1-26-20(b): Failure to	ted: maintain two (2) feet clearance with	
mechanized equipment 2		Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1		
Additional Information:	Slagle abstains.	
	·	
APPROVED:	ners	

Vice Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Midwestern Electric NIPSCO 3303 October 23, 2012		
Statutes Allegedly Violated  1. IC 8-1-26-20(b): Failure to ma mechanized equipment  2.  3.	intain two (2) feet clearance with	Violation	No Violation No Violation No Violation
Recommended Penalty:  1			
Additional Information:	· · · · · · · · · · · · · · · · · · ·		
APPROVED:	_		
(initialed) Rick Slagle	:		

### Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Culy Construction & Excavating, Inc. Respondent: Other Party: Citizens Gas Case No.: 3333 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 Violation No Violation Violation No Violation Recommended Penalty: 1. <u>Tradoing</u> 2. Additional Information: Warren abstains.

APPROVED: Rick Slagle
Chairman

Respondent: Other Party: Case No.: Date of Advisory Meeting:	Custom Concrete Vectren 3352 October 23, 2012	
Statutes Allegedly Violated  1. IC 8-1-26-20(b): Failure to main mechanized equipment  2	d: intain two (2) feet clearance with	Violation No Violation Violation No Violation Violation No Violation
Recommended Penalty:  1		· · · · · · · · · · · · · · · · · · ·
Additional Information: <u>S1</u>	agle abstains.	
APPROVED:		

# Indiana Underground Plant Protection Advisory Committee Recommendation to IURC Gariup Construction Company, Inc. Respondent: Other Party: **NIPSCO** Case No.: 3276 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 Violation No Violation Recommended Penalty: 1. <u>Taining</u> 2. Additional Information: APPROVED: 🗳

(initialed)

Rick Slagle Chairman