



Friday, October 1st, 2021

Recusals: Celona, Costell

Discussion: Ward – notes the defendant admitted to the response.

Violation: Ward – moves to find the defendant in violation. Motion carries unanimously.

Penalty: Igel – believes this case falls into the same class as the last two. Potnick – moves to accept their response as an acceptable PIP. Motion carries unanimously.

21-00044 Kinder Morgan v. Built Rite Buildings

Alleged violation of R.C. 3781.28(A), failure to contact OH811 before excavating.

Recusals: Celona

Discussion: Ward – same as the last case, they admitted to the violation.

Violation: Ward – moves to find the defendant in violation. Costell – noted the excavation was done on a previous ticket called in more than 10 days previously. Motion carries unanimously.

Penalty: Reams – did not find anything in the response to show the defendant made an effort to determine and correct what went wrong. Moves to require training, PIP and a waive-able penalty. Motion carries unanimously.

21-00045 Kinder Morgan v. Turbo Excavating

Alleged violation of R.C. 3781.28(A), excavator called in a ticket more than 10 days prior to excavation.

Recusals: Celona

Discussion: Some discussion on whether the work constituted excavation. The information provided to the UTC doesn't allow for a definitive determination.

Violation: Some discussion on whether to state the UTC can't make a determination based on the information provided or move to have Staff collect additional information. Stewart - moves to determine the Staff report is incomplete and to defer the case while Staff collects additional information. Motion carries unanimously.

Penalty: N/A

21-00046 Blue Racer Midstream v. California Palms

Alleged violation of R.C. 3781.28(A), excavator called in a ticket more than 10 days prior to excavation.

Recusals: Costell

Discussion: Reams – unfortunately no requirement for the excavator to call in additional tickets if they have started an excavation within 10 days

Violation: Reams – moves to find no violation. Motion carries unanimously.

Penalty: N/A

21-00047 Ohio Dept of Transportation v. AT&T

Alleged violation of R.C. 3781.29(A)(1), within 48 hours of receiving notice, each utility shall locate and mark facilities.

Recusals: Costell

Discussion: Kelly – notes the defendant pleaded no contest.

Violation: Kelly – moves to find in violation. Motion carries unanimously.

Penalty: Reams – did not find the defendant’s response persuasive, relied on COVID and lack of employees. Wants to see a revised PIP. Some discussion. Igel – moves to require a revised PIP from the defendant. Motion carries unanimously.

Note – UTC Member Motzer joined the meeting at this point.

21-00049 Texas Eastern Transmission v. Rich Pekar

Alleged violation of R.C. 3781.28(A), failure to contact OH811 before excavating.

Recusals: Celona

Discussion: Stewart notes the defendant pleads no contest.

Violation: Stewart moves to find the defendant in violation. Motion carries unanimously.

Penalty: Igel – moves to accept the defendant’s actions provided in their response as a valid PIP. Motion carries unanimously.

21-00050 Dominion Energy OH v. Winters Excavating

Alleged violation of R.C. 3781.28(A), failure to contact OH811 before excavating. Staff notes the complainant has requested to withdraw the case.

Recusals: Celona, Costell

Discussion: Complainant wishes to withdraw the case.

Violation: Reams – moves to accept the withdrawal. Motion carries unanimously.

Penalty: N/A

21-00051 Dominion Energy OH v. Blind & Sons

Alleged violation of R.C. 3781.28(A), failure to contact OH811 before excavating.

Recusals: Celona, Costell

Discussion: Igel – notes the defendant pleads no contest and accepts responsibility.

Violation: Igel – moves to find the defendant in violation. Motion carries unanimously.

Penalty: Igel - moves to accept the defendant's actions provided in their response as a valid PIP. Motion carries unanimously.

21-00052 Dominion Energy OH v. Second Nature Landscaping

Alleged violation of R.C. 3781.28(A), failure to contact OH811 before excavating.

Recusals: Celona, Costell

Discussion: Reams – they did not make a call, hand digging is not exempt in Ohio. Potnick – noted they also pled no contest.

Violation: Stewart – moves to find the defendant in violation. Motion carries unanimously.

Penalty: Reams – nothing in the response to indicate the defendant understands the violation. Moves to require a PIP and training, \$500 fine which will be waived if the PIP and training is completed within 60 days. Motion carries unanimously.

21-00053 Dominion Energy OH v. Southside Cement

21-00012 (Micronet Solutions) - Training not completed; fine notice sent. Reams – moves to apply an additional fine to \$2,500, waive-able if the training is complete. Motion carries unanimously.

21-00013 (Todd Burdette) - Training not completed; fine notice sent. Staff has been able to contact the defendant who is moving towards completion of the training requirement.

21-00020 (Jose Alcala) - Training not completed; fine notice sent. Staff has been able to contact the defendant who is moving towards completion of the training requirement.

21-00024, 21-00028 (Frontier Comm) - PIP w/ 004 Code addressed, due 10/2/21

21-00025 (AT&T) - Update on Status of Screening Process, due 10/2/21

21-00030 (Micon Construction) - Fine, PIP & Education due 11/7/21

21-00032 (Landscape Creations Nursery) - Training & PIP due 11/7/21

21-00033 (BBC Electric) - Training & PIP due 11/7/21

21-00034 (Maintenance Plus Group) - Training & PIP due 11/7/21

21-00037 (Ronnie Milosavljevic) - Verification of Training Meeting due 11/7/21

21-00038 (Washington Electric) - Training & PIP due 11/7/21

21-00039 (Aqua Ohio) - Training & PIP due 10/2/21

Attorney General Show Cause Orders:

20-00004 (Cornerstone Basement) - \$250 fine referred to collections, pending.

20-00011 (John Collins) – referral pending case to be opened before the PUCO.

20-00015 (Cornerstone Basement) - \$1,000 fine referred to collections, pending.

21-00001 (Cornerstone Basement) - \$2,500 fine referred to collections, pending.

IX. New Business

Overview of 5-Year Rule Review Process by Legal Department. PUCO hosted an open public meeting to discuss any proposed changes to the portions of the Ohio

Administrative Code covering the function of the UTC and received no comments.
PUCO will likely recommend no changes for the five-year rule revision.

- X. The next meeting of the UTC will be held Thursday, November 4th, 2021 at 10:00 AM.
This meeting will be held virtually through WebEx.
- XI. Adjourn at 11:37 PM.