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Georgia Public Service Commission EXECUTIVE SECRETARY
G.P.S.C.

(404) 463-6526
(800) 282-5813

244 Washington Street, SW
Atlanta, GA 30334-5701

FAX: (404) 463-6532
www.psc.state.ga.us

Docket No. 37066

City of Lumpkin Gas Department
P. O. Box 278
Lumpkin, GA 31815



CERTIFIED MAIL

ATTN: Mr. Phillip Hite

On 4/25/2013 a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an on-site inspection of your gas system and found probable violation(s) of the Pipeline Safety Regulations. The enclosed inspection report numbered SS13-011 is provided for your information and file.

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Letters Issued by the Georgia Public Service Commission. In your response, please refer to Docket No. 37066.

If you have any questions or comments concerning this report, please call me at (404) 463-6526.

Thank you for your continuing contribution toward increased pipeline safety.

Sincerely,

Michelle Thebert
Director, Office of Pipeline/Facilities Safety

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: SS13-011

OPERATOR: City of Lumpkin Gas Department

PERSON CONTACTED: Mr. Phillip Hite

INVESTIGATOR: Mikel Small

INSPECTION DATE: 4/25/2013 REPORT MAILED DATE: 10/31/2013

Any questions concerning this report may be directed to the above address or by telephoning (404) 463-6526.

1. PURPOSE OF INSPECTION

To conduct a follow-up inspection of the Operator's Operator Qualification plan for compliance with Part 192 of the Pipeline Safety Regulations.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
192.455	"External corrosion control: Buried or submerged pipelines installed after July 31	LB10-047	5/4/2010
192.805	Qualification Program.	LB12-024	3/22/2012

3. CLEARED VIOLATIONS

Cleared on 4/25/2013

Violation	Description	Inspection#	Date
192.805(h)	Failure to provide training.	LB11-058	7/7/2011

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

On 4/25/2013 Staff reported to the City of Lumpkin to perform a follow-up inspection of the Operator's Operator Qualification program for compliance with Part 192 of the Pipeline Safety Regulations.

The Operator was represented by:
Mr. Philip Hite, Gas Operations Director.

Commission Staff was represented by:
Mr. Mikel Small - Lead Inspector
Mr. Lynn Buffington - Pipeline Safety Inspector

At the time of this inspection, the Operator was under existing probable violations of 49CFR 192.455 (LB10-047), 192.805 (LB12-024), and 192.805(h) (LB11-058). As a result of this inspection, Staff determined that the Operator has taken action to clear one of the existing probable violations; however, two of the probable violations are continuing.

CONTINUING PROBABLE VIOLATIONS

Regarding the violation of 192.455 which was cited in inspection number LB10-047, Staff determined that this violation is still being addressed by the Operator and could not be cleared at this time. Staff will schedule a separate follow-up inspection for this probable violation.

Regarding the violation of 192.805 which was cited in inspection number LB12-024, Staff determined that the Operator is still revising the new template for their OQ plan (see note on page 1 of attachment 1). Staff determined that this probable violation could not be cleared at this time.

VIOLATION CLEARED

Regarding the violation of 192.805(h) which was cited in inspection number LB11-058, the Operator provided Staff with documentation of training (see Attachment 1) which had been provided for its personnel. Staff determined that this violation could be cleared at this time.

ATTACHMENT 1**THE CITY OF LUMPKIN**

**P O BOX 278
552 MLK DRIVE
LUMPKIN, GEORGIA 31815**

Charles Gibson - Mayor
Phil A. Hite - Administrator
Marianne R. Williams - Clerk

Phone - 229-838-4333
Fax - 229-838-9908
email - lumpkincity@bellsouth.net
lumpkinadmin@bellsouth.net

FACSIMILE COVER SHEET

Date 8-28-2013 Number 404-463-6532

To Mikel Small - GAPSC

From Phil Hite City of Lumpkin

Pages (Including cover sheet) 3

Comments These are the first two "documentation of training"

I came across in my folder. If you would like more

please let me know Lumpkin is currently personalizing the
GMA gas section plan, which has underwent modifications
and updates.

B31Q Task # 0681 & 0711

- Sam Yarley, From SRCS, held discussion about adv. & disadv. of using stub fittings and compression couplings. He talked about do's & don'ts with stub and compression fittings.
- All took test: Charlie S., Willie C., Keith H., Kaitie C., Phillip H. on both task 0681 ^{Passed} ^{Passed} ^{Passed} ^{Passed} ^{Passed} and 0711.
- Went over test and Sam answered questions on missed questions

12-9-12

- Sam came & performed "Field Tests", Charlie S., Willie C., Kaitie C., & Keith ~~Harvey~~ Harvey. I went over instructions in OMP manual & package instructions on a stub-coupling & compression coupling. All performed both tasks.
- Sam went over Evaluation checklist all passed.
- Sam went over abnormal operating conditions and asked for reactions to each condition.

OO: Procedures

861, 901, 941, 1161

4-24-13

Installing Metal & Plastic pipe in a ditch, installing tracer wire, & installing Res. & Com. meters & regulators
Phil Hite, Chad Dalton, Willie Clark, Keith H.

- Read each procedure in O&M Procedures & corresponding literature in O&M Manual.
- Talked about ~~the~~ each procedure, elaborating on what the manuals talked about
- Took ^{written} tests on 861, 901 & 941
 - ~~Chad~~ Chad did not pass 861 & 941 Tests
 - All others passed all written
 - Went over missed questions

4-25-13

Chad D, Keith H., Willie C., & Phil H.

- Read 1161 in O&M Procedures & Manual
- Discussed meter set & regulator installation
- Took ^{written} Test
 - Chad did not pass, All others did
 - Went over missed questions
- Chad retook 941 & 861 & passed
 - went over missed questions
- Sam Yarley & PSC came
 - Sam went over task #0611 visually inspect pipe
 - Steel pipe visual inspect
 - Plastic pipe visual inspect
 - All took test - went over missed questions
 - All passed but Chad did not
- Sam Yarley did field demonstration / discussion on tasks #691, 861, & 901.
- All did field evaluations and passed
- PSC cleared 2 OQ violations.

PROCESS FOR RESPONDING TO ENFORCEMENT LETTERS ISSUED BY THE GEORGIA PUBLIC SERVICE COMMISSION

Commission Rules 515-9-3-.09 and .10 provide the options available to respond to an Enforcement Letter is issued by the Facilities Protection Unit Director/Pipeline Safety Director (“Director”) of the Georgia Public Service Commission (“Commission”). The following information provides Operators with the process for responding to said Enforcement Letters.

The Operator shall file response at the following address:

Mr. Reece McAlister, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

The Operator must file **five (5)** copies of any response, as well as a CD with an electronic version of the response in Microsoft Word and/or a PDF, if applicable.

Unless otherwise noted, the Operator has thirty (30) days from the date of the Enforcement Letter to file the response with the Commission. Any Operator who chooses to request an informal conference shall request such a conference through the written response letter. Additionally, the Operator should contact the Director at michellet@psc.state.ga.us or (404) 463-2765.

If an Operator receives a No Violation letter, please file an acknowledgement of receipt letter with the Commission, utilizing the filing process discussed above.

I. Types of Enforcement Letters-

- a. Notice of Probable Violation (NOPV)-The purpose of this enforcement action is to document and to provide notice concerning any probable violations of a rule or regulation. A NOPV requires a response from the Operator detailing how the issue will be addressed or corrected. A NOPV may or may not contain a proposed civil penalty.
- b. Notice of Amendment (NOA)-The purpose of this enforcement action is to document and to provide notice concerning a required plan amendment for an Operator. A NOA requires a response from the Operator detailing how the issue will be addressed or corrected.
- c. Warning Letter-The purpose of this letter is to document and to provide notice concerning any probable violations of a rule or regulation. A Warning Letter only requires a response from the Operator acknowledging receipt of the letter.
- d. Letter of Concern- The purpose of this letter is to document concerns Staff has with an Operator’s plans, programs, or facilities, which could result in a probable violation unless action is taken to address the issue.

II. Process for Responding to Enforcement Letters

- a. Notice of Probable Violation with a Proposed Civil Penalty
You may request an informal conference with the Director and/or her Staff to discuss the NOPV and proposed civil penalty. The violation/proposed civil penalty may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue.

If you chose not to seek an informal conference, the following due process options are available:

- 1) If you are not contesting the violation alleged or the proposed civil penalty, file a written response with the Commission notifying the Director of your desire to settle this matter by paying the recommended proposed civil penalty. Upon such notification, you will be provided with a Consent Agreement that shall be fully executed by the Operator and submitted along with a certified check for the full amount of the recommended civil penalty and made payable to the Georgia Public Service Commission. You must ensure that the Operator's name and the applicable Inspection Report No. are included in the "memo" line of the certified check, and the certified check shall be mailed to:

Ms. Michelle Thebert, Director
Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, Georgia 30334

- 2) If you are not contesting the violation alleged, but are contesting the proposed civil penalty, and wish to file written explanations, information, or other materials you believe warrant mitigation of the civil penalty, you may file such materials. The Director and/or her Staff will review the materials and provide the Operator with a draft Consent Agreement that will represent the Staff's initial settlement offer. You must either sign the draft Consent Agreement or submit a counter-offer back to the Staff within thirty (30) days.

Pursuant to Commission Rule 515-9-3-.011, the factors that the Commission shall consider include:

- (a) The appropriateness of the proposed civil penalty in relation to the size of the business of the person charged;
- (b) The gravity of the violation;
- (c) The good faith of the person charged in attempting to achieve compliance;
- (d) The Operator's history of prior violations; and
- (e) Other matters as justice may require.

If an agreement cannot be reached, the alleged violation and proposed civil penalty shall be referred to the Commission for formal resolution in either of the following manners:

- (a) The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
- (b) The Commission may issue a show cause order and/or schedule a hearing requiring the Operator to demonstrate why the Operator should not be subject to the penalties set forth by the O.C.G.A. Section 46-2-91.

- 3) If you are contesting both the alleged violation and the proposed civil penalty, you may request a hearing before the Commission for formal resolution as detailed below.

b. Notice of Probable Violation without a Proposed Civil Penalty

You may request an informal conference with the Director and/or her Staff to discuss the NOPV. The violation may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue. If you chose not to seek an informal conference, the following due process options are available:

- 1) You may file a written statement indicating that corrective measures have achieved compliance; or
- 2) You may file a written plan of action outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.

If the corrective measures that you present, or propose, are acceptable to the Director and/or her Staff, the violation may be closed at this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the Operator's facilities.

If the proposed solution as outlined is not satisfactory to the Director and/or her Staff, the violation shall be referred to the Commission for formal resolution in either of the following manners:

- (a) The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
- (b) The Commission may issue a show cause order and/or schedule a hearing requiring the Operator to demonstrate why the Operator should not be subject to the penalties set forth by the O.C.G.A. Section 46-2-91.

c. Notice of Amendment (NOA)

You may request an informal conference with the Director and/or her Staff to discuss the NOA. If you chose not to seek an informal conference, the following due process options are available:

- (1) If you are not contesting the NOA, you must file the measures taken or of your plan(s) to address the observed deficiencies identified in the NOA. If the corrective measures that you present, or propose, are acceptable to the Director and/or her Staff, the violation may be closed at this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the Operator's facilities;
- (2) If you are not contesting the NOA, but you wish to file written explanations, information, or other materials believed to warrant modification of the NOA in whole or in part, or if you are seeking clarification of the terms of the NOA, you may file such materials; or
- (3) If you wish to contest the NOA, you must file written explanations, information, or other materials in answer to the allegations in the NOA stating your reasons for objecting to the NOA, in whole or in part. If the information provided is acceptable to the Director and/or her Staff, the issue may be closed at this point. Such acceptance shall be verified by written statement issued by the Director.

d. Warning Letter

You must respond within thirty (30) days acknowledging receipt of the Warning Letter; however, you are not required to provide a corrective action or file a written plan of action. The Operator is warned that if appropriate action is not taken to correct the probable

violation(s), enforcement action may be taken if a subsequent inspection reveals continuing or new violation(s).

e. Letter of Concern

You must respond within thirty (30) days acknowledging receipt of the LOC. The Operator is warned that if appropriate action is not taken to correct the probable violation(s), enforcement action may be taken if a subsequent inspection reveals continuing or new violation(s).

III. Procedures for Requesting a Hearing

You have the right to request a hearing to contest the alleged probable violations, recommended civil penalties, and all other proposed actions of enforcement. A request for a hearing must be filed in writing and in accordance with Commission Rule 515-2-1-.04. You must include a statement of the issues that you intend to raise at the hearing. The issues may relate to the allegations, new information, proposed compliance order, proposed civil penalty, or any other recommendation for enforcement action. Please refer to Commission Rule 515-93-.11 and O.C.G.A. § 46-2-91 for assessment considerations upon which civil penalties are based. An Operator's failure to specify an issue may result in a waiver of the right to raise that issue at hearing. Your request must also indicate whether or not you will be represented by counsel at the hearing.

You are advised that any material provided to the Commission, and all materials prepared by the Commission, including the Notice of Probable Violations and any Orders issued in this case, may be considered public information and subject to disclosure under the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).

If you believe that any portion of your response material is security sensitive, privileged, confidential, or may cause your company competitive disadvantages and would qualify for protection under the Commission's "Trade Secret Rule" (Commission Rule 515-3-1-.11), you must, along with the complete original document clearly marked "TRADE SECRET" on each page, provide a second copy of the document with the portions you believe qualify for trade secret treatment redacted, and an explanation of why you believe the redacted information qualifies for such trade secret treatment. Should the Commission receive a request for disclosure of any "TRADE SECRET" material, you will be notified, if after review, the materials and your provided justification are deemed not to meet any exemptions provided in the Georgia Open Records Act. You may appeal the Commission's decision to release material at that time. Your appeal will stay the release of those materials until a final decision is made.



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Mr. Phillip Hite
 City of Lumpkin Gas Department
 P. O. Box 278
 Lumpkin, GA 31815
 SS13-011 DN37066-150388

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Mr. Phillip Hite City of Lumpkin Gas Department P. O. Box 278 Lumpkin, GA 31815 SS13-011 DN37066-150388</p>	<p>A. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>7011 2970 0003 1332 1105</p>	

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

In Re:)
)
Probable Violation Enforcement Report) Docket No. 37066
City of Lumpkin Gas Department)
Inspection SS13-011 on April 25, 2013)

CERTIFICATE OF SERVICE

I hereby certify that the *Probable Violation Enforcement Report, City of Lumpkin Gas Department, Inspection SS13-011 on April 25, 2013*, was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via electronic delivery as indicated by an asterisk. I further certify that the City of Lumpkin Gas Department was served a hard copy of the above-stated document by U.S. Mail.

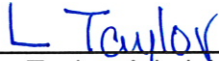
*Reece McAlister, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

*Mr. Phillip Hite, City Administrator
City of Lumpkin Gas Department
P. O. Box 278
Lumpkin, GA 31815

*Michelle Thebert, Facilities Protection Unit Director
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

*Kelli Leaf, Staff Attorney
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

Respectfully Submitted this 1st day of November 2013:



Lisa Taylor, Administrative Assistant
Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, GA 30334