

FILED

MAR 31 2022

EXECUTIVE SECRETARY BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
G.P.S.C. STATE OF GEORGIA

IN THE MATTER OF:

Cleared and Continuing Violation Report,
City of Lumpkin Gas Department
Inspection JS21-022 on October 14, 2021

DOCKET#	DOCKET NO. 37066
DOCUMENT#	189412

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have caused to be served a copy of the foregoing, and a copy of same was served upon all parties and persons listed below via electronic mail 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, certified/return receipt requested.

*Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

*David Davis, City Manager
City of Lumpkin Gas Department
P.O. Box 278
Lumpkin, GA 31815
ddavis@cityoflumpkin.org

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

Respectfully Submitted this 24th day of January 2022:



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

LETTER OF TRANSMITTAL
DOCUMENTS FOR FILING - RESPONSE TO REPORT ON INSPECTION

DATE: 3/30/22

TO: Ms. Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

FROM: Ms. Anne Holloway, City Clerk
City of Lumpkin
P.O. Box 278
Lumpkin, Georgia 31815

DOCKET NUMBER: 37066

INSPECTION NUMBER: JS21-022

METHOD OF FILING:

Y - Standard written process with 5 copies and a CD with an electronic version of the response in Microsoft Word and/or a PDF

 - Alternative Electronic Filing Procedure with single hard copy sent by mail

COPIES TO: Michelle Thebert via email at mthebert@psc.ga.gov

Joe Jones via email at jjones@psc.ga.gov

Bill DeFoor via email at bdefoor@gasauthority.com

Chris Welborn via email at cwelborn@gasauthority.com

OPERATOR RESPONSE FORM

Operator Name: City of Lumpkin

Informal Conference Requested: Yes No

Docket Number: 37066

Responses required within **30 days of electronic mail**. Provide the following information for this report:

Response to Inspection Number: JS21-022

Type of Enforcement Action(s) cited in report:

- Notice of Probable Violation (NOPV)
- Notice of Amendment (NOA)
- Warning Letter
- Letter of Concern
- Observed Issue
- Proposed Civil Penalty

- New Continuing
- New Continuing
- New Continuing
- New Continuing
- New Continuing

Informal Conference Requested

- Yes No
- Yes No
- Yes No
- Yes No
- Yes No

\$

PCP \$ Amount (Total for report)

Indicate below (A-E) based on the type of Enforcement Actions in this report: (Check all that apply)
Complete a separate copy of Page 2, Operator Response to Enforcement Action, for each cited item.

- A. Response for **Notice of Probable Violation** (with and without proposed civil penalty):
1. Written statement indicating that corrective measures have achieved Compliance or
 2. Written plan of action outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.

- B. Response for **NOA**:
1. **Contested**: Attach written explanation, information, or other material in answer to the allegations in the Notice of Amendment stating your reasons for objecting to the NOA, in whole or in part; or
 2. **Not Contested**: Explanation, information, or other material believed to warrant modification of the NOA in whole or in part; or
 3. Written request for clarification. (Attached)

- C. Response for **Continuing** and/or **Existing** violations:
Current status, updates, expected completion dates, proposed modifications, etc., of the continuing and/or existing violations, even if this information was previously provided. Referencing a previously filed response letter, as status, updates, etc. alone is not sufficient for this response. Failure to provide this information may result in formal interrogatories from the Director through data requests.

- D. Response for **Letter of Concern** / **Warning Letter**

I acknowledge receipt of the Letter of Concern/Warning Letter: _____

SIGNATURE / TITLE

Additional Comments: (Optional)

- E. Response for **Observed Issue** and **No Violation**: (Optional Response)

Staff requests that the Operator acknowledge receipt of the Observed Issue/No Violation in writing, or by submitting an email to the FPU Director

OPERATOR RESPONSE FORM

Operator Name: City of Lumpkin

Informal Conference Requested: Yes No

Docket Number: 37066

Enforcement Action for: §192.455

New Violation

Continuing Violation

Enter Code / Commission Rule (Complete a separate attachment for each enforcement action)

Enforcement Action(s) cited in report:

Notice of Probable Violation (NOPV)

Notice of Amendment (NOA)

Warning Letter

Letter of Concern

Observed Issue

Proposed Civil Penalty

Conference Requested:

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

\$ _____
Proposed Penalty for this violation

OPERATORS RESPONSE: Lumpkin has applied for a permit from the Georgia Department of Transportation to allow for the replacement of its one remaining isolated service line and will address this issue upon receipt of the permit.

Response Provided by: Anne Holloway / City Clerk
Name / Title

Date: 03/22/2022

Internal use only:

Lead Inspector: _____

Date Response Reviewed: _____

Actions Acceptable: Yes No

Re-inspection Needed: Yes No

Clear Violation: Yes No

Supervisor Review by: _____

Date Reviewed: _____

Additional Enforcement Recommended: Yes No

Director Review

Approved: Yes No

Schedule Special Follow-up Inspection: Yes No

Cleared Violation: Yes No

Comments: _____

OPERATOR RESPONSE FORM

Operator Name: City of Lumpkin

Informal Conference Requested: Yes No

Docket Number: 37066

Filings:

For all written responses or any other official correspondence, the Operator shall file the response at the following address:

Ms. Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

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

Informal Conference:

Any Operator who chooses to request an informal conference shall request such a conference through emailing the Director (michellet@psc.state.ga.us), calling the Director (404-463-2765), or selecting the "Request Conference" choice.

Civil Penalty Payments:

Certified check for the full amount of the recommended civil penalty or consent agreement amount made payable to the Georgia Public Service Commission. The Operator's name, applicable Docket No., and Inspection Report No. must be included on the certified check. Mail payment to:

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

Hearing Requests:

The Operator has the right to request a hearing before the full Commission to contest the alleged probable violations, recommended civil penalties, and all other proposed actions of enforcement. A request for a hearing must be submitted in writing and in accordance with Commission Rule 515-2-1-.04. The Operator 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 515-9-3-.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. The request must also indicate whether or not the Operator will be represented by counsel at the hearing.

Open Records and Trade Secret Filings:

The Operator is 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.