COMMISSIONERS:
TRICIA PRIDEMORE, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

FILED
NOV 18 2022
EXECUTIVE SECRETARY
G.P.S.C.

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET# 42983
DOCUMENT# 192159

IN THE MATTER OF:

GUFPA CASE NO. PSC 19-16580

DOCKET NO. 42983

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Respondent

MAILED
12.9th.2022

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.**
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

You are hereby notified that the Georgia Public Service Commission ("Commission") will hold a hearing in the Hearing Room of the Commission, located at 244 Washington Street, S.W., Atlanta, Georgia 30334-5701, commencing at **10:00 o'clock a.m. on the January 25, 2023**, and continuing on such further days as the Commission deems necessary until completed, for the purpose of hearing evidence regarding alleged violations of O.C.G.A. T.46, Ch.2-91, as set forth herein under the heading titled "Matters Asserted" that, if proven, may result in the imposition of a penalty against Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc. (also referred to herein as "Respondent") in an amount not to exceed $15,000 per violation plus $10,000 for each day that the Respondent is found to be in violation of the Commission's Order. Notification of the following matters is hereby given:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. § 46-2-91; and in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13, and the Rules and Regulations of the Commission.

PROCEDURES

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. **Intervention:**

   (a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

   (b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interest is similar to that of the applicant along with an explanation of why the identified intervening parties or intervening party applicant will not adequately represent the applicant's interest: and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Any objections to applications must be filed in accordance with O.C.G.A § 46-2-59(d).

   (c) Any application for leave to intervene that is filed late must state the reason why such application was not filed within thirty (30) days of the first published notice. Objections to later intervention application must be filed in conformity with the requirements of O.C.G.A. § 46-2-59(d).

   (d) The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. **Service:**

   In addition to filing an original and eight (8) copies of documents, with a 3.5" disk containing the electronic version of the document in either Microsoft Word for text documents or Microsoft Excel format for spreadsheets, with the Commission's Executive Secretary, copies of all pleadings, filings, correspondence, and any other documents related to an submitted in the course of this docketed matter should be served upon all other interveners recognized by the Commission in this docket.

3. **Hearing Exhibits:**

   It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners or hearing officer, receive copies of all exhibits at the time of their introduction at the hearing.

RIGHTS OF RESPONDENT

The Respondent has the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;

(2) To be represented by counsel at its expense;

(3) To subpoena witnesses and documentary evidence through the Commission by filing requests with the Executive Secretary of the Commission; and

(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

MATTERS ASSERTED

1.

The Commission has the power and authority to enforce the provisions of O.C.G.A. T 46, Ch 2-91.

2.

The Commission issued an Order on requiring payment of a fine and/or completion of a damage prevention-training program in settlement of a violation of the Georgia Utility Facility Protection Act. That Order specified that any fine was to be paid within thirty (30) days of the date of the Order, and any training was to be accomplished within forty-five (45) days of the date of the Order. Respondent has not paid such fine and/or completed a damage-prevention training program, violating the terms of the Order issued by the Commission.

STATUTES INVOLVED

O.C.G.A. § 46-2-91: Failure, neglect, or refusal to abide by the terms of an Order issued by the Commission

WHEREFORE, THE COMMISSION ORDERS that:

A. This Notice of Hearing and Procedural and Scheduling Order shall be served upon the Respondent by certified mail and shall constitute notice to the Respondent of the matters asserted pursuant to O.C.G.A. § 50-13-13(a). A copy of this Order shall be served upon the Consumers' Utility Counsel pursuant to Commission Rule 515-2-1-.09; and public notice of this investigation and hearing shall also be given by publication by the Commission.

B. The Commission hereby adopts the schedule, procedures, and statements regarding the issues and matters asserted set forth within this Order.

C. A motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

D. Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

E. The Commission hereby assigns this matter for hearing before its hearing officer, Mr. Phillip J. Smith, Esq.

NOTICE: No continuance or postponement of the above-scheduled hearing will be granted, except upon 72 hours' written notice and except for good cause shown. All requests for continuance should be addressed to Mr. Will Culbreath, with a copy to Mrs. Yolanda Clay, at Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, Georgia 30334-5701 [facsimile # 404-463-6532] or via e-mail to wculbreath@psc.state.ga.us and yclay@psc.state.ga.us. Please include documentation in support of your request for continuance. If your presence is required in court or before a government agency on the hearing date scheduled in this Notice, you must provide a copy of the court or agency calendar or subpoena showing the date and time of the conflicting hearing. Only upon receipt of written response from the Commission excusing your appearance are you excused from your duty to appear at the hearing noticed hereby.

The above by action of the Commission in Administrative Session on November 01, 2022.

Sallie Tanner
Executive Secretary

11-18-22
Date

Tricia Pridemore
Chairman

11-18-22
Date

COMMISSIONERS:

TRICIA PRIDEMORE, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,	)	DOCKET NO. 42983
RESPONDENTS	)	(PSC Case No. 19-16580)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Hearing was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via hand delivery as indicated by an asterisk, or by depositing same in the United States mail.

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

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc. Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

United States Corp Agents, Inc., registered agent
c/o Field Ox, L.L.C.
1420 Southlake Plaza Drive
Morrow, GA 30260

Respectfully Submitted this 9th day of December, 2022:

Maritza Rivera, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington St. Ste. 112
Atlanta, GA 30334

FILED
JUL 28 2022
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET # 42983
DOCUMENT # 190992

COMMISSIONERS:
TRICIA PRIDEMORE, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

MAILED
8-25-2022

IN THE MATTER OF:

Case Nos. 19-16580 **DOCKET NO. 42983**
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.;

FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Janey Chauvet

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.: No appearance

PROCEDURAL HISTORY

On December 10, 2019, while working at 4498 Center Hill Church Road, Loganville, Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc. ("Respondent") caused damage to a utility facility while using mechanized equipment. Following its investigation of this incident, Commission Staff determined that the Respondent was in violation of O.C.G.A. §§ 25-9-6(a) and 25-9-8(e) (the "Violations") and recommended, through Consent Agreement, that Respondent be assessed a $12,500 civil penalty with the ability to mitigate $9,500 by completing a Commission approved damage prevention training program.

On February 17, 2022 the Commission issued a Notice of Hearing and Procedural and Scheduling Order. Respondent was advised that a hearing would be held for the purpose of hearing evidence regarding the Violations and that, if proven, such Violations may result in the imposition of a civil penalty as provided by law.

On April 27, 2022, a hearing was conducted in this Docket, at which time the Commission's Hearing Officer heard testimony from Staff witnesses. Staff entered two exhibits into evidence. Exhibit 1 was a chart that detailed information regarding: the incident date and location, violation cited, terms of Consent Agreement, date of service for both Consent Agreement

and Notice of Hearing, and status of certified mail return receipt for Notice of Hearing. Exhibit 2 included copies of: The Notice of Probable Violation, Incident Investigation Report, Consent Agreement, Notice of Hearing and Procedural and Scheduling Order, Certified Mail Return Receipt and other supporting documentation. At the hearing, several issues were presented for determination, including whether Respondent committed the Violations and whether the Respondent should be penalized pursuant to O.C.G.A § 25-9-13(h)(7) in an amount of up to $10,000.00 for each violation. While Respondent initially responded to attempts to settle, they failed to appear for the hearing.

FINDINGS AND CONCLUSIONS

Staff witnesses Onterio Johnson and Marilyn Morris-Simmons testified at the proceeding. Mr. Johnson is a Commission GUFPA investigator and is generally responsible for investigating notices of probable violation of the Act. Ms. Morris-Simmons is the assistant to the GUFPA Program and Assistant Program Managers, and is generally responsible for the delivery of consent agreements, Notice of Hearings, and Final Orders to probable violators of GUFPA and O.C.G.A. § 46-2-91. Mr. Johnson submitted a detailed copy of his report of the investigation. Based on the probable violation damage reports filed by the utility and upon further investigation into the matter, Mr. Johnson determined that:

1. Respondent failed to contact the UPC before commencing excavation or blasting with mechanized equipment in violation of O.C.G.A. § 25-9-6(a);
2. Respondent failed to notify both the UPC and the affected facility owner/operator after a damage occurred in violation of O.C.G.A. § 25-9-8(e).

Based upon the facts and circumstances presented in this case, the Commission finds that Respondent committed the Violations.

PENALTIES

Pursuant to O.C.G.A. § 25-9-13(h)(7), the Commission has the authority to impose a civil penalty not exceeding $10,000.00 for each violation of the Act, if it is proven that any person violated any provision of the Act as a result of a failure to exercise reasonable care.

WHEREFORE IT IS ORDERED, that pursuant to O.C.G.A § 25-9-13(h)(7), a civil penalty in the amount of $13,500 be imposed against Respondent for failure to exercise reasonable care when excavating with mechanized equipment in violation of O.C.G.A. §§ 25-9-6(a) and 25-9-8(e). Respondent shall pay such civil penalty to the Commission, in certified funds, within thirty (30) days from the date of this Order.

ORDERED FURTHER, that Respondent may mitigate $9,500 of the civil penalty ordered in this case by a minimum of five (5) employees completing a Commission-approved damage prevention training course within forty-five (45) days from the date of this Order.

ORDERED FURTHER, that all findings, conclusions and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

ORDERED FURTHER, that any motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by this Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 16th day of August, 2022.

Sallie Tanner

Sallie Tanner
Executive Secretary

8/22/22
Date

Tricia Pridemore
Chairman

8/22/22
Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 42983 **Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.; Case Nos. 19-16580**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Final Order** was filed with the Executive Secretary of the Georgia Public Service Commission, and a copy of same was served upon all parties listed below via hand or electronic delivery as indicated, or by depositing same in the United States mail with sufficient postage thereon to insure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	Field Ox, L.L.C. d/b/a Fortis Design & Build, Inc. Attn: Randy Holmes 1797 Bonnett Point Lane Hoschton, GA 30548 United States Corp Agents, Inc., registered agent c/o Field Ox, L.L.C. 1420 Southlake Plaza Drive Morrow, GA 30260
Janey Chauvet Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	

This 25th day of August, 2022..

Maritza Rivera
Clerk
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

COMMISSIONERS:
TRICIA PRIDEMORE, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

FILED
MAR 14 2022
EXECUTIVE SECRETARY
G.P.S.C.

EXHIBIT 2

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
www.psc.state.ga.us

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET# 42983
DOCUMENT# 189095

IN THE MATTER OF:

GUFPA CASE NO. PSC 19-16580

DOCKET NO. 42983

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,
Respondent

MAILED
3.17.2022

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.**
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

You are hereby notified that the Georgia Public Service Commission ("Commission") will hold a hearing in the Hearing Room of the Commission, located at 244 Washington Street, S.W., Atlanta, Georgia 30334-5701, commencing at **10:00 o'clock a.m. on April 27, 2022** and continuing on such further days as the Commission deems necessary until completed, for the purpose of hearing evidence regarding alleged violations of O.C.G.A. T. 25, Ch. 9, as set forth herein under the heading titled "Matters Asserted" that, if proven, may result in the imposition of a penalty against Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc. (also referred to herein as "Respondents") in an amount not to exceed $10,000.00 per violation. Notification of the following matters is hereby given:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. §25-9-13 and §46-2-91; and in accordance with the Georgia Administrative Procedure Act, O.C.G.A. §50-13, and the Rules and Regulations of the Commission.

EXHIBIT 2

PROCEDURES

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. **Intervention:**

   (a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

   (b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. §46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interest is similar to that of the applicant along with an explanation of why the identified intervening parties or intervening party applicant will not adequately represent the applicant's interest: and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Any objections to applications must be filed in accordance with O.C.G.A §46-2-59(d).

   (c) Any application for leave to intervene that is filed late must state the reason why such application was not filed within thirty (30) days of the first published notice. Objections to later intervention application must be filed in conformity with the requirements of O.C.G.A. §46-2-59(d).

   (d) The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. **Service:**

   In addition to filing an original and eight (8) copies of documents, with a 3.5" disk containing the electronic version of the document in either Microsoft Word for text documents or Microsoft Excel format for spreadsheets, with the Commission's Executive Secretary, copies of all pleadings, filings, correspondence, and any other documents related to, and submitted in, the course of this docketed matter should be served upon all other interveners recognized by the Commission in this docket.

3. **Hearing Exhibits:**

   It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners or hearing officer, receive copies of all exhibits at the time of their introduction at the hearing.

EXHIBIT 2

RIGHTS OF RESPONDENT

Respondent have the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;

(2) To be represented by counsel at its expense;

(3) To subpoena witnesses and documentary evidence through the Commission by filing requests with the Executive Secretary of the Commission; and

(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

MATTERS ASSERTED

1.

The Commission has the power and authority to enforce the provisions of O.C.G.A. T, 25, Ch 9.

2.

The Commission Staff received reports of multiple probable violation of GUFPA alleging that on or about December 10, 2019, Respondent violated O.C.G.A. T. 25, Ch. 9. A copy of this report is attached hereto as Attachment A. The allegations contained in the report constitute violations of O.C.G.A. T. 25, Ch. 9.

STATUTES INVOLVED

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

WHEREFORE, THE COMMISSION ORDERS that:

A. This Notice of Hearing and Procedural and Scheduling Order shall be served upon the Respondent by certified mail and shall constitute notice to the Respondent of the matters asserted pursuant to O.C.G.A. §50-13-13(a). A copy of this Order shall be served upon the Consumers' Utility Counsel pursuant to Commission Rule 515-2-1-

.09; and public notice of this investigation and hearing shall be given by the Commission.

B. The Commission hereby adopts the schedule, procedures, and statements regarding the issues and matters asserted set forth within this Order.

C. A motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

D. Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

E. The Commission hereby assigns this matter for hearing before its hearing officer, Nancy Gibson.

NOTICE: If Commission Staff determines to its satisfaction that the Respondent has satisfied the obligations of the prior Consent Order, Staff shall be authorized to *nolle prosequi* the Rule Nisi. No continuance or postponement of the above-scheduled hearing will be granted, except upon 72 hours' written notice and except for good cause shown. All requests for continuance should be addressed to Mr. Will Culbreath at Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, Georgia 30334-5701 [facsimile # 404-463-6532] or via e-mail to wculbreath@psc.state.ga.us. Please include documentation in support of your request for continuance. If your presence is required in court or before a government agency on the hearing date scheduled in this Notice, you must provide a copy of the court or agency calendar or subpoena showing the date and time of the conflicting hearing. Only upon receipt of written response from the Commission excusing your appearance are you excused from your duty to appear at the hearing noticed hereby.

The above by action of the Commission in Administrative Session on February 17, 2022.

Sallie Tanner
Executive Secretary

3-14-22
Date

Tricia Pridemore
Chairman

3-14-22
Date

COMMISSIONERS:
TRICIA PRIDEMORE, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

EXHIBIT 2

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
www.psc.state.ga.us

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,	)	DOCKET NO. 42983
RESPONDENTS	)	(PSC Case No. 19-16580)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Hearing was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via hand delivery as indicated by an asterisk, or by depositing same in the United States mail.

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

Field Ox, L.L.C. also d/b/a Fortis Design & Build,Inc. Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

United States Corp Agents, Inc., registered agent
c/o Field Ox, L.L.C.
1420 Southlake Plaza Drive
Morrow, GA 30260

Respectfully Submitted this 17th day of March, 2022:

Maritza Rivera, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington St. Ste. 112
Atlanta, GA 30334

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

9/11/2020

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

Date of Incident: 12/10/2019
Docket #: 42983
Case #: PSC 19-16580
Incident Location: 4498 Center Hill Church Road, Loganville

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Utility Facility Protection Act ("GUFPA" or the "Act") has been filed with the Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming you as the probable violator ("Respondent"). A copy of the Act can be found at www.lexisnexis.com/hottopics/gacode (Title 25, Chapter 9). The probable violations alleged are as follows:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Violations of the Act are punishable by civil penalties of up to $10,000.00 (ten thousand dollars) *per violation*. **Staff recommends a civil penalty of $12,500.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $9,500.00 of the above-recommended civil penalty by attendance of five or more employees at a Commission approved damage prevention class. The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

Specific information about the above probable violation(s) is provided in this packet so please read all documentation **completely** and **carefully**. In this packet, you will find the **Response Options**, **NOPV/Incident Report**, **Consent Agreement**, **GUFPA Questionnaire**, additional information on **Requests for GUFPAAC**, and a list of **Commission Approved Damage Prevention Trainers.**

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV (See "Response Options" page for more information). Failure to respond either by executing the consent agreement or requesting a hearing before the Advisory Committee will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

If you have any questions, please call me at (404) 463-6526.

Sincerely,

Onterio Johnson

Onterio Johnson
ojohnson@psc.state.ga.us
GPSC GUFPA Investigator

RESPONSE OPTIONS EXHIBIT 2

(Please check only one)

Respondent: Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Docket #: 42983
Case #: PSC 19-16580

Respondent may choose from **ONE** of the following **OPTIONS** to dispose of this case:

☐ **OPTION 1 – I Disagree and want to attend GUFPAAC**: If you *disagree* with the probable violation(s) alleged you may request to appear and have your case heard before the Georgia Utility Facility Act Advisory Committee ("GUFPAAC"), a committee of industry stakeholders and peers. Please dispute same by submitting a detailed written response and return it along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation to be used in support of your position) and sign/return the below statement within **thirty (30) days** of this NOPV:

I hereby request the opportunity to present my case to the GUFPAAC and I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____

Authorized Representative of Respondent Date

*****Upon receipt of your signature above, your detailed written response and all supporting evidence, your case will be scheduled to be heard by the GUFPAAC and you will be notified by mail of the date of this GUFPAAC meeting.**

☐ **OPTION 2 – I Disagree and want a Hearing before the Hearing Officer:** If you disagree with the probable violation(s) alleged, please dispute by submitting a detailed, written response along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation) to be used in support of your position **within 30 days of receipt of this letter.** If you need more time to gather your information, **you must contact the GUFPA staff to request additional time. Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion. If at the point you still disagree with the findings of the investigator, your case will be heard by a Commission hearing officer.**

** Sign below only if you are choosing Option 2 **

I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____

Authorized Representative of Respondent Date

☐ **OPTION 3 – I Agree and Wish to Pay the Mitigated Civil Penalty and attend Training:** If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package. A **minimum of five (5) employees** of your company shall attend Commission approved damage prevention training. You must pay the recommended **mitigated** civil penalty of **$3,000.00**. Staff must receive the **signed Consent Agreement** and **this "Response" page** indicating your decision, and the mitigated penalty amount by certified check or money order within 30 days of receipt of this letter.

PLEASE NOTE: Georgia Law requires that ALL information requested in OPTION 1 and OPTION 2 be provided upon Staff's request. (O.C.G.A. §§ 24-10-26, 46-2-20 and 25-9-1 *et. seq.*). Failure to respond and/or comply with these requests for information in the 30 days provided for shall result in the loss of one or more of the **OPTIONS** presented.

☐ **OPTION 4 – I Agree and Wish to Pay the Full Civil Penalty**: If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package and pay the **full** recommended civil penalty of **$12,500.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 19-16580

INCIDENT INFORMATION

INCIDENT DATE:	12/10/2019	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	3/4-inch
INCIDENT ADDRESS:	4498 Center Hill Church Road, Loganville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	Unknown

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	770-277-7440
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Lawrenceville, GA 30046
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
CONTACT NAME:	Mike Poisal
CONTACT NUMBER:	706 765-7577
MAILING ADDRESS:	Attn: Randy Holmes 1797 Bonnett Point Lane
CITY, STATE, ZIP:	Hoschton, GA 30548

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

EXHIBIT 2

DESCRIPTION OF DAMAGES:

No Locate Ticket. Damage Ticket 12109-241-026, Excavator, Currahee Builders advised that the damage occurred on either Friday December 6th or Saturday the 7th. They didn't report the damage until Tuesday, the 10th, damage ticket 12109-241-026. They were using a bobcat to spread dirt when they struck and damaged the 3/4-inch PE gas service. They folded it over and tied it with ribbon and left it that way until today.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mike Poisal of Currahee Homes stated Field Ox LLC was subcontractor operating equipment at the time of incident. Base on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC.***

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 19-16580

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	42983
Case Number:	PSC 19-16580
Report Date:	12/10/2019
Incident Date:	12/10/2019
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention
Locator Phone:	770 560-5530
Excavator:	Field Ox Grading
Excavator Phone:	706 765-7577
Violator:	Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Contact:	Mike Poisal
Address:	Attn: Randy Holmes 1797 Bonnett Point Lane
City, State, Zip	Hoschton, GA 30548
Incident Location:	4498 Center Hill Church Road
Incident City:	Loganville
Incident County:	Walton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	3/4-Inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
Repair Cost:	$0.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	00000-000-000
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Field Ox Grading, L.L.C. was excavating at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. City of Lawrenceville Gas reported this incident because Field Ox Grading, L.L.C. did not have a valid locate ticket prior to excavating with mechanized equipment.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from City of Lawrenceville Gas regarding the incident at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. The submitted City of Lawrenceville Gas damage report indicates Field Ox Grading, L.L.C. caused damage to a ¾" plastic gas service line. According to the report, the contractor was spreading dirt and grading with a bobcat when they stuck and damaged an unmarked buried gas service facility. Contractor did not cease excavation and did not notify the facility owner. The Contractor tied off gas and left incident scene. This incident was reported as a violation of OCGA 25-9-6(a) Failure to contact the UPC (Georgia 811) before commencing excavation or blasting with mechanized equipment. OCGA 25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs. OCGA 25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Staff conducted a search of the Georgia (811) locate request database and was not able to find a valid locate ticket present. Staff was able to find a damage ticket, ticket not valid because it was called in days after damage occurred. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds Field Ox Grading, L.L.C. in violation.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mr. Mike Poisal of Currahee Homes States Field Ox LLC was subcontractor operating equipment at the time of incident. Based on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC. ***

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.** in violation of:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,
RESPONDENTS

CASE NUMBER: PSC 19-16580

CONSENT AGREEMENT

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc., ("Respondent(s)"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Utility Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on 12/10/2019, Respondent(s) violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

3. **EXHIBIT 2**

Respondent(s) agree to pay to the Commission a penalty of $12,500.00 within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds: money order, cashier's check or official check.

Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of five (5) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

6.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

7.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____, 20__.

Consented to:
(Sign, date, and mail, email, or fax)

_____
On behalf of: Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.

PSC 19-16580

EXHIBIT 2

"GUFPA" Questionnaire

PSC 19-16580, Docket No. 42983

Please answer all questions in a written statement and include your case number on each page.

1. Name of entity (company, corporation, municipality, etc.) submitting this information?

2. Name of person submitting this information and title or position in the company or corporation?

3. Is this business incorporated? If incorporated, how so (corporation or limited liability)? In what state? Name and full address of the corporation's Registered Agent? If not incorporated, how is the business organized (i.e. partnership, sole proprietor, "D/B/A" or other)? Name and full address of the businesses highest ranking official (i.e. president or chief executive officer)?

4. Was a locate request made with **Georgia 811/Utilities Protection Center** prior to beginning excavation? If so, when and by whom? Provide the ticket number and the name of the company/party requesting the locate? Legal date of ticket? Expiration date of ticket? Provide name of party performing the excavation if different from ticket holder? Please provide a copy of all locate tickets associated with this excavation.

5. Was any other contractor (i.e. primary or subcontractor) involved? If subcontractor involved, is there a signed contractor agreement of responsibility? If subcontractor involved, is there a signed contract allowing one party to work under the locate ticket of another? Please provide a copy all contracts associated with this excavation.

6. Were you working under an emergency locate request? If so, please ***describe in detail*** what qualifies this as an emergency situation and describe what actions you took to perform your excavation with reasonable care in order to prevent damage to the underground facilities.

   Please note: An emergency as defined by the Georgia Utility Facility Protection Act means there is an *immediate danger* to life or property or the loss of utility service requiring *immediate action*. Even in an emergency situation, the excavator is held responsible for exercising reasonable care in carrying out its excavation activities and is held responsible for any damage such activities might cause. Furthermore, there is no required show-up time for an emergency locate. The only timeframe required for performing locates by the facility owner/operator is 48 hours beginning the next business day as contained in 25-9-7 of the dig law.

7. Did you physically white-line **OR** "describe with sufficient particularity" (verbal white-lining), the area of excavation, prior to the utility owner/operator marking their facilities? Please provide proof thereof? If not, explain.

"GUFPA" Questionnaire EXHIBIT 2

PSC 19-16580, Docket No. 42983

8. Did your company utilize the Positive Response Information System through **Georgia 811/Utilities Protection Center** to verify that all utility owner/operators had responded prior to your beginning excavation? Please provide a copy of the Positive Response information for each locate ticket associated with this excavation? If not, explain.

9. Was locate marking done within the allotted time frame? If not, was a second request made to **Georgia 811/Utilities Protection Center**?

10. Were any/all utilities marked? If not, explain.

11. Please provide evidence (signed witness statements which must include name, address and contact number for each witness, pictures, maps, diagrams and any other written documentation) that supports each of the above responses.

12. Were the utilities marked accurately (within 18" of either side of the facility)? Were pictures taken of the utility markings prior to excavation? If so, please provide copies and any other supporting documentation.

13. Were the utilities "potholed" prior to excavation to get a visual of the utilities and exposed with non-mechanized means to prevent damage (i.e. shovel, hand tools, etc.)?

14. What type of work was being performed when the incident occurred (i.e. installing CATV, landscaping, grading, installing irrigation, etc.)?

15. What type of equipment or machinery was being used when the incident occurred (i.e. backhoe, mechanical auger, directional drill, etc.)?

"GUFPA" Questionnaire

EXHIBIT 2

PSC 19-16580, Docket No. 42983

16. Was the direction of excavation parallel or perpendicular to the damaged utility?

17. Did excavation cease after the damage occurred?

18. Was Georgia 811/Utilities Protection Center contacted after the incident occurred? If yes, provide the damage ticket number and a copy of each damage ticket associated with this excavation.

19. Was 911 called for all damages to natural gas facilities?

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

REQUESTS FOR CASES TO COME BEFORE "GUFPAAC"

THE GEORGIA UTILITY FACILTY PROTECTION ACT ADVISORY COMMITTEE

All requests for cases to come before the Georgia Utility Facility Protection Act Advisory Committee (GUFPAAC) shall be submitted in writing and shall be accompanied by each respondent's written response to each and every allegation listed in the notice of probable violation (NOPV) to which this notice is attached.

To better assist the Advisory Committee's preparation to review your case, the assigned investigator has requested from both the Excavator and Utility any pertinent documentation such as pictures, maps, and/or any other documentation.

Receipt of this documentation is being requested prior to the GUFPAAC meeting in order to insure the investigator and Advisory Committee both have the appropriate time in which to review all details related to your case. The admittance of additional information on the day of this meeting will be at the discretion of the Advisory Committee.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

GUFPA Training

If your company has been assessed a civil penalty for a violation of the ACT with the offer to attend a Commission approved training class in lieu of paying the penalty, you may choose to have your employees attend damage prevention classes presented in English, Spanish or both.

For classes in English, contact one of the following:

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or email: dsalvador678@gmail.com

Mr. Jimmy Davis, The Georgia Utility Training Academy ("GUTA")
(678) 635-8980 or email: guta@monroega.gov

For classes in Spanish, contact one of the following:

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or dsalvador678@gmail.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

If you have questions or need additional information, please call (404) 463-6526.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,	)	DOCKET NO. 42983
RESPONDENTS	)	(PSC Case No. 19-16580)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Consent Agreement was served upon all parties and persons listed below by depositing same in the United States mail.

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

United States Corp Agents, Inc., registered agent c/o
Field Ox, L.L.C.
1420 Southlake Plaza Drive
Morrow, GA 30260

Respectfully Submitted this 11th day of September, 2020:

Marilyn K. Morris-Simmons

Marilyn K. Morris-Simmons, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street, Ste. 112
Atlanta, GA 30334

GEORGIA DIG LAW
NOTICE OF PROBABLE VIOLATION

EXHIBIT 2

Why you are receiving this letter?

You are receiving the attached information because our office (The Georgia Public Service Commission/ Facilities Protection Division) has been notified by a utility owner or operator that you have damaged their facility and have been submitted as having possibly violated one or more parts of the GA Dig Law.

What is the GA Dig Law (also known as The Georgia Utility Facility Protection Act (GUFPA))?

The Georgia Utility Facility Protection Act (GUFPA), enacted by the General Assembly in July 2000, provides for the protection of the buried utility facility infrastructure within the State of Georgia. Excavators using mechanized equipment are required to call for a utility facility locate prior to excavating with mechanized equipment or blasting. Upon receipt of a locate request, each affected facility owner/operator must locate their respective utility facilities. Violations of the GUFPA are subject to a civil penalty of up to $10,000 each violations. For the full version of the Act please visit our website at www.psc.state.ga.us.

What is the GA Public Service Commission Facilities Protection Division?

We are responsible for the enforcement of the GUFPA Act.

I have paid for the damages to the utility company, why am I getting something from the PSC?

Damages paid for repairs to utility facilities are separate from the civil penalties assessed for violation(s) of GA's Dig Law. Although you may have paid for the damaged utility facility, you are now being assessed a civil penalty for probable violation(s) of the GA Dig Law.

How has an investigation been completed and I was not contacted before now?"

Utility owner/operators are mandated by Commission Rule to report ALL damages to their facilities. Utility owner/operators are to conduct an investigation of the damage and any resulting probable violation(s) prior to submitting the probable violation to the PSC. PSC Staff Investigators will assign each case a number and send out a Notice of Probable Violation ("NOPV") to the Respondent in order to 1) notify the Respondent of the alleged probable violation(s) and 2) request a written response and supporting documents that show a Respondent's side of the story.

I do NOT agree with the probable violation alleged how do I tell my side?

Once you have reviewed the information included in this package you have 30 days from the date listed on the letter to respond in writing, to each alleged probable violation and to provide all evidence you wish to submit in support thereof.

What are my response options?

There are several ways you can respond to the probable violation:

- Send in a written statement by mail, fax, or email of the events as you recall them. Send in any pictures or other documentation you may have along with witness statements if available. Use the questionnaire attached to the NOPV packet as a guide for your written statement.
- If you agree with the investigation please sign and date the attached consent agreement and mail or fax it back to our office.
- Contact our office and speak with your investigator (you must still submit your statement in writing).

What happens after I submit my response?

Your investigator will review your information along with the information that was submitted by the utility owner/operator and will determine/complete their investigation based upon their findings and will contact you either by mail, email, or phone call of their conclusion.

What happens if the investigator still finds me in violation after I have submitted my response and I still do NOT agree?

You may request to appear before the GUFPAAC (Georgia Utility Facility Protection Act Advisory Committee). The GUFPAAC is comprised of approx 13 members of industry stakeholders and your peers who will hear and make a recommendation on your case.

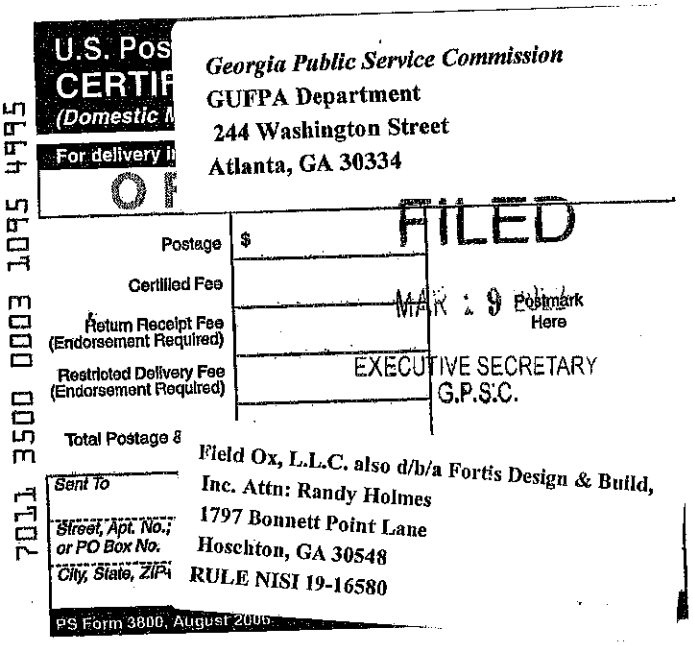
What happens if I do NOT respond at all?

After the 30 day response time has expired your case will be set for a *Rule NISI* hearing on the Title 25 probable violations of the Dig Law. Your case will be heard by a hearing officer who will issue a recommended order on the merits of your case. If the hearing officer finds that the probable violation(s) is(are) supported by the evidence, an additional one-thousand dollars will be added to the civil penalty initially recommended by Staff. For Title 25 *Rule Nisis*, the civil penalties cannot exceed $10,000.00 per violation.

How do I contact The Georgia Public Service Commission?

Our mailing address:
244 Washington Street, SW
Atlanta, GA 30334
Phone: 404-463-6526
Fax: 404-463-6532

EXHIBIT 2


U.S. Pos
CERTIF
(Domestic M
For delivery i
Georgia Public Service Commission
GUFPA Department
244 Washington Street
Atlanta, GA 30334
FILED
MAR 19
EXECUTIVE SECRETARY
G.P.S.C.
Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage &
Postmark Here
Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc. Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548
RULE NISI 19-16580
PS Form 3800, August 2006
7011 3500 0003 1095 4995

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

9/11/2020

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

Date of Incident: 12/10/2019
Docket #: 42983
Case #: PSC 19-16580
Incident Location: 4498 Center Hill Church Road, Loganville

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Utility Facility Protection Act ("GUFPA" or the "Act") has been filed with the Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming you as the probable violator ("Respondent"). A copy of the Act can be found at www.lexisnexis.com/hottopics/gacode (Title 25, Chapter 9). The probable violations alleged are as follows:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Violations of the Act are punishable by civil penalties of up to $10,000.00 (ten thousand dollars) *per violation*. **Staff recommends a civil penalty of $12,500.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $9,500.00 of the above-recommended civil penalty by attendance of five or more employees at a Commission approved damage prevention class. The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

Specific information about the above probable violation(s) is provided in this packet so please read all documentation **completely** and **carefully**. In this packet, you will find the **Response Options**, **NOPV/Incident Report**, **Consent Agreement**, **GUFPA Questionnaire**, additional information on **Requests for GUFPAAC**, and a list of **Commission Approved Damage Prevention Trainers**.

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV (See "Response Options" page for more information). Failure to respond either by executing the consent agreement or requesting a hearing before the Advisory Committee will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

If you have any questions, please call me at (404) 463-6526.

Sincerely,

Onterio Johnson

Onterio Johnson
ojohnson@psc.state.ga.us
GPSC GUFPA Investigator

RESPONSE OPTIONS EXHIBIT 2

(Please check only one)

Respondent: Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Docket #: 42983
Case #: PSC 19-16580

Respondent may choose from **ONE** of the following **OPTIONS** to dispose of this case:

☐ **OPTION 1 – I Disagree and want to attend GUFPAAC**: If you *disagree* with the probable violation(s) alleged you may request to appear and have your case heard before the Georgia Utility Facility Act Advisory Committee ("GUFPAAC"), a committee of industry stakeholders and peers. Please dispute same by submitting a detailed written response and return it along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation to be used in support of your position) and sign/return the below statement within **thirty (30) days** of this NOPV:

I hereby request the opportunity to present my case to the GUFPAAC and I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

Authorized Representative of Respondent _____ Date _____

***Upon receipt of your signature above, your detailed written response and all supporting evidence, your case will be scheduled to be heard by the GUFPAAC and you will be notified by mail of the date of this GUFPAAC meeting.**

☐ **OPTION 2 – I Disagree and want a Hearing before the Hearing Officer:** If you disagree with the probable violation(s) alleged, please dispute by submitting a detailed, written response along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation) to be used in support of your position **within 30 days of receipt of this letter.** If you need more time to gather your information, **you must contact the GUFPA staff to request additional time. Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion. If at the point you still disagree with the findings of the investigator, your case will be heard by a Commission hearing officer.**

** Sign below only if you are choosing Option 2 **

I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

Authorized Representative of Respondent _____ Date _____

☐ **OPTION 3 – I Agree and Wish to Pay the Mitigated Civil Penalty and attend Training:** If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package. A **minimum of five (5) employees** of your company shall attend Commission approved damage prevention training. You must pay the recommended **mitigated** civil penalty of **$3,000.00**. Staff must receive the **signed Consent Agreement** and **this "Response" page** indicating your decision, and the mitigated penalty amount by certified check or money order within 30 days of receipt of this letter.

PLEASE NOTE: Georgia Law requires that ALL information requested in OPTION 1 and OPTION 2 be provided upon Staff's request. (O.C.G.A. §§ 24-10-26, 46-2-20 and 25-9-1 *et. seq.*). Failure to respond and/or comply with these requests for information in the 30 days provided for shall result in the loss of one or more of the **OPTIONS** presented.

☐ **OPTION 4 – I Agree and Wish to Pay the Full Civil Penalty**: If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package and pay the full recommended civil penalty of **$12,500.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 19-16580

INCIDENT INFORMATION

INCIDENT DATE:	12/10/2019	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	3/4-inch
INCIDENT ADDRESS:	4498 Center Hill Church Road, Loganville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	Unknown

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	770-277-7440
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Lawrenceville, GA 30046
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
CONTACT NAME:	Mike Poisal
CONTACT NUMBER:	706 765-7577
MAILING ADDRESS:	Attn: Randy Holmes
	1797 Bonnett Point Lane
CITY, STATE, ZIP:	Hoschton, GA 30548

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

DESCRIPTION OF DAMAGES:

EXHIBIT 2

No Locate Ticket. Damage Ticket 12109-241-026, Excavator, Currahee Builders advised that the damage occurred on either Friday December 6th or Saturday the 7th. They didn't report the damage until Tuesday, the 10th, damage ticket 12109-241-026. They were using a bobcat to spread dirt when they struck and damaged the 3/4-inch PE gas service. They folded it over and tied it with ribbon and left it that way until today.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mike Poisal of Currahee Homes stated Field Ox LLC was subcontractor operating equipment at the time of incident. Base on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC.***

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 19-16580

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	42983
Case Number:	PSC 19-16580
Report Date:	12/10/2019
Incident Date:	12/10/2019
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention
Locator Phone:	770 560-5530
Excavator:	Field Ox Grading
Excavator Phone:	706 765-7577
Violator:	Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Contact:	Mike Poisal
Address:	Attn: Randy Holmes 1797 Bonnett Point Lane
City, State, Zip	Hoschton, GA 30548
Incident Location:	4498 Center Hill Church Road
Incident City:	Loganville
Incident County:	Walton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	3/4-Inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
Repair Cost:	$0.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	00000-000-000
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Field Ox Grading, L.L.C. was excavating at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. City of Lawrenceville Gas reported this incident because Field Ox Grading, L.L.C. did not have a valid locate ticket prior to excavating with mechanized equipment.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from City of Lawrenceville Gas regarding the incident at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. The submitted City of Lawrenceville Gas damage report indicates Field Ox Grading, L.L.C. caused damage to a ¾" plastic gas service line. According to the report, the contractor was spreading dirt and grading with a bobcat when they stuck and damaged an unmarked buried gas service facility. Contractor did not cease excavation and did not notify the facility owner. The Contractor tied off gas and left incident scene. This incident was reported as a violation of OCGA 25-9-6(a) Failure to contact the UPC (Georgia 811) before commencing excavation or blasting with mechanized equipment. OCGA 25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs. OCGA 25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Staff conducted a search of the Georgia (811) locate request database and was not able to find a valid locate ticket present. Staff was able to find a damage ticket, ticket not valid because it was called in days after damage occurred. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds Field Ox Grading, L.L.C. in violation.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mr. Mike Poisal of Currahee Homes States Field Ox LLC was subcontractor operating equipment at the time of incident. Based on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC. ***

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.** in violation of:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,
RESPONDENTS

CASE NUMBER: PSC 19-16580

CONSENT AGREEMENT

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc., ("Respondent(s)"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Utility Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on 12/10/2019, Respondent(s) violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

EXHIBIT 2

3.

Respondent(s) agree to pay to the Commission a penalty of $12,500.00 within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds: money order, cashier's check, or official check.

Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of five (5) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

6.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

7.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____, 20___.

Consented to:
(Sign, date, and mail, email, or fax)

_____

On behalf of: Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.

PSC 19-16580

EXHIBIT 2

"GUFPA" Questionnaire

PSC 19-16580, Docket No. 42983

Please answer all questions in a written statement and include your case number on each page.

1. Name of entity (company, corporation, municipality, etc.) submitting this information?

2. Name of person submitting this information and title or position in the company or corporation?

3. Is this business incorporated? If incorporated, how so (corporation or limited liability)? In what state? Name and full address of the corporation's Registered Agent? If not incorporated, how is the business organized (i.e. partnership, sole proprietor, "D/B/A" or other)? Name and full address of the businesses highest ranking official (i.e. president or chief executive officer)?

4. Was a locate request made with **Georgia 811/Utilities Protection Center** prior to beginning excavation? If so, when and by whom? Provide the ticket number and the name of the company/party requesting the locate? Legal date of ticket? Expiration date of ticket? Provide name of party performing the excavation if different from ticket holder? Please provide a copy of all locate tickets associated with this excavation.

5. Was any other contractor (i.e. primary or subcontractor) involved? If subcontractor involved, is there a signed contractor agreement of responsibility? If subcontractor involved, is there a signed contract allowing one party to work under the locate ticket of another? Please provide a copy all contracts associated with this excavation.

6. Were you working under an emergency locate request? If so, please ***describe in detail*** what qualifies this as an emergency situation and describe what actions you took to perform your excavation with reasonable care in order to prevent damage to the underground facilities.

   Please note: An emergency as defined by the Georgia Utility Facility Protection Act means there is an *immediate danger* to life or property or the loss of utility service requiring *immediate action*. Even in an emergency situation, the excavator is held responsible for exercising reasonable care in carrying out its excavation activities and is held responsible for any damage such activities might cause. Furthermore, there is no required show-up time for an emergency locate. The only timeframe required for performing locates by the facility owner/operator is 48 hours beginning the next business day as contained in 25-9-7 of the dig law.

7. Did you physically white-line **OR** "describe with sufficient particularity" (verbal white-lining), the area of excavation, prior to the utility owner/operator marking their facilities? Please provide proof thereof? If not, explain.

"GUFPA" Questionnaire EXHIBIT 2

PSC 19-16580, Docket No. 42983

8. Did your company utilize the Positive Response Information System through **Georgia 811/Utilities Protection Center** to verify that all utility owner/operators had responded prior to your beginning excavation? Please provide a copy of the Positive Response information for each locate ticket associated with this excavation? If not, explain.

9. Was locate marking done within the allotted time frame? If not, was a second request made to **Georgia 811/Utilities Protection Center**?

10. Were any/all utilities marked? If not, explain.

11. Please provide evidence (signed witness statements which must include name, address and contact number for each witness, pictures, maps, diagrams and any other written documentation) that supports each of the above responses.

12. Were the utilities marked accurately (within 18" of either side of the facility)? Were pictures taken of the utility markings prior to excavation? If so, please provide copies and any other supporting documentation.

13. Were the utilities "potholed" prior to excavation to get a visual of the utilities and exposed with non-mechanized means to prevent damage (i.e. shovel, hand tools, etc.)?

14. What type of work was being performed when the incident occurred (i.e. installing CATV, landscaping, grading, installing irrigation, etc.)?

15. What type of equipment or machinery was being used when the incident occurred (i.e. backhoe, mechanical auger, directional drill, etc.)?

"GUFPA" Questionnaire

EXHIBIT 2

PSC 19-16580, Docket No. 42983

16. Was the direction of excavation parallel or perpendicular to the damaged utility?

17. Did excavation cease after the damage occurred?

18. Was Georgia 811/Utilities Protection Center contacted after the incident occurred? If yes, provide the damage ticket number and a copy of each damage ticket associated with this excavation.

19. Was 911 called for all damages to natural gas facilities?

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

REQUESTS FOR CASES TO COME BEFORE "GUFPAAC"

THE GEORGIA UTILITY FACILTY PROTECTION ACT ADVISORY COMMITTEE

All requests for cases to come before the Georgia Utility Facility Protection Act Advisory Committee (GUFPAAC) shall be submitted in writing and shall be accompanied by each respondent's written response to each and every allegation listed in the notice of probable violation (NOPV) to which this notice is attached.

To better assist the Advisory Committee's preparation to review your case, the assigned investigator has requested from both the Excavator and Utility any pertinent documentation such as pictures, maps, and/or any other documentation.

Receipt of this documentation is being requested prior to the GUFPAAC meeting in order to insure the investigator and Advisory Committee both have the appropriate time in which to review all details related to your case. The admittance of additional information on the day of this meeting will be at the discretion of the Advisory Committee.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

GUFPA Training

If your company has been assessed a civil penalty for a violation of the ACT with the offer to attend a Commission approved training class in lieu of paying the penalty, you may choose to have your employees attend damage prevention classes presented in English, Spanish or both.

For classes in English, contact one of the following:

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or email: dsalvador678@gmail.com

Mr. Jimmy Davis, The Georgia Utility Training Academy ("GUTA")
(678) 635-8980 or email: guta@monroega.gov

For classes in Spanish, contact one of the following:

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or dsalvador678@gmail.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

If you have questions or need additional information, please call (404) 463-6526.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.,	)	DOCKET NO. 42983
RESPONDENTS	)	(PSC Case No. 19-16580)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Consent Agreement was served upon all parties and persons listed below by depositing same in the United States mail.

Field Ox, L.L.C. also d/b/a Fortis Design & Build, Inc.
Attn: Randy Holmes
1797 Bonnett Point Lane
Hoschton, GA 30548

United States Corp Agents, Inc., registered agent c/o
Field Ox, L.L.C.
1420 Southlake Plaza Drive
Morrow, GA 30260

Respectfully Submitted this 11th day of September, 2020:

Marilyn K. Morris-Simmons

Marilyn K. Morris-Simmons, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street, Ste. 112
Atlanta, GA 30334

GEORGIA DIG LAW
NOTICE OF PROBABLE VIOLATION

EXHIBIT 2

Why you are receiving this letter?

You are receiving the attached information because our office (The Georgia Public Service Commission/ Facilities Protection Division) has been notified by a utility owner or operator that you have damaged their facility and have been submitted as having possibly violated one or more parts of the GA Dig Law.

What is the GA Dig Law (also known as The Georgia Utility Facility Protection Act (GUFPA))?

The Georgia Utility Facility Protection Act (GUFPA), enacted by the General Assembly in July 2000, provides for the protection of the buried utility facility infrastructure within the State of Georgia. Excavators using mechanized equipment are required to call for a utility facility locate prior to excavating with mechanized equipment or blasting. Upon receipt of a locate request, each affected facility owner/operator must locate their respective utility facilities. Violations of the GUFPA are subject to a civil penalty of up to $10,000 each violations. For the full version of the Act please visit our website at www.psc.state.ga.us.

What is the GA Public Service Commission Facilities Protection Division?

We are responsible for the enforcement of the GUFPA Act.

I have paid for the damages to the utility company, why am I getting something from the PSC?

Damages paid for repairs to utility facilities are separate from the civil penalties assessed for violation(s) of GA's Dig Law. Although you may have paid for the damaged utility facility, you are now being assessed a civil penalty for probable violation(s) of the GA Dig Law.

How has an investigation been completed and I was not contacted before now?"

Utility owner/operators are mandated by Commission Rule to report ALL damages to their facilities. Utility owner/operators are to conduct an investigation of the damage and any resulting probable violation(s) prior to submitting the probable violation to the PSC. PSC Staff Investigators will assign each case a number and send out a Notice of Probable Violation ("NOPV") to the Respondent in order to 1) notify the Respondent of the alleged probable violation(s) and 2) request a written response and supporting documents that show a Respondent's side of the story.

I do NOT agree with the probable violation alleged how do I tell my side?

Once you have reviewed the information included in this package you have 30 days from the date listed on the letter to respond in writing, to each alleged probable violation and to provide all evidence you wish to submit in support thereof.

What are my response options?

There are several ways you can respond to the probable violation:

- Send in a written statement by mail, fax, or email of the events as you recall them. Send in any pictures or other documentation you may have along with witness statements if available. Use the questionnaire attached to the NOPV packet as a guide for your written statement.
- If you agree with the investigation please sign and date the attached consent agreement and mail or fax it back to our office.
- Contact our office and speak with your investigator (you must still submit your statement in writing).

What happens after I submit my response?

Your investigator will review your information along with the information that was submitted by the utility owner/operator and will determine/complete their investigation based upon their findings and will contact you either by mail, email, or phone call of their conclusion.

What happens if the investigator still finds me in violation after I have submitted my response and I still do NOT agree?

You may request to appear before the GUFPAAC (Georgia Utility Facility Protection Act Advisory Committee). The GUFPAAC is comprised of approx 13 members of industry stakeholders and your peers who will hear and make a recommendation on your case.

What happens if I do NOT respond at all?

After the 30 day response time has expired your case will be set for a *Rule NISI* hearing on the Title 25 probable violations of the Dig Law. Your case will be heard by a hearing officer who will issue a recommended order on the merits of your case. If the hearing officer finds that the probable violation(s) is(are) supported by the evidence, an additional one-thousand dollars will be added to the civil penalty initially recommended by Staff. For Title 25 *Rule Nisis*, the civil penalties cannot exceed $10,000.00 per violation.

How do I contact The Georgia Public Service Commission?

Our mailing address:
244 Washington Street, SW
Atlanta, GA 30334
Phone: 404-463-6526
Fax: 404-463-6532

EXHIBIT 2

Georgia Public Service Commission
244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5701

U.S. POSTAGE PITNEY BOV
ZIP 30334 $ 001.4(
02 4W
0000358407 JUL 08 20

19-16580

RECEIVED
JUL 29 2020
GUFPA UNIT
GPSC

Utf

[redacted]

FAILURE TO RESPOND MAY RESULT
IN PENALTIES UP TO $15,000

NIXIE 326 7E 1 7207/16/20
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 30334570199 2247N198234-00547

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

7/8/2020

Field Ox, L.L.C. also d/b/a Field Ox Grading
Attn: Randy Holmes
410 Station Drive
Pendergrass, GA 30567

Date of Incident: 12/10/2019
Docket #: 42983
Case #: PSC 19-16580
Incident Location: 4498 Center Hill Church Road, Loganville

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Utility Facility Protection Act ("GUFPA" or the "Act") has been filed with the Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming you as the probable violator ("Respondent"). A copy of the Act can be found at www.lexisnexis.com/hottopics/gacode (Title 25, Chapter 9). The probable violations alleged are as follows:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Violations of the Act are punishable by civil penalties of up to $10,000.00 (ten thousand dollars) *per violation*. **Staff recommends a civil penalty of $12,500.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $9,500.00 of the above-recommended civil penalty by attendance of five or more employees at a Commission approved damage prevention class. The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

Specific information about the above probable violation(s) is provided in this packet so please read all documentation **completely** and **carefully**. In this packet, you will find the **Response Options**, **NOPV/Incident Report**, **Consent Agreement**, **GUFPA Questionnaire**, additional information on **Requests for GUFPAAC**, and a list of **Commission Approved Damage Prevention Trainers**.

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV (See "Response Options" page for more information). Failure to respond either by executing the consent agreement or requesting a hearing before the Advisory Committee will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

If you have any questions, please call me at (404) 463-6526.

Sincerely,

Onterio Johnson
ojohnson@psc.state.ga.us
GPSC GUFPA Investigator

RESPONSE OPTIONS EXHIBIT 2

(Please check only one)

Respondent: Field Ox, L.L.C. also d/b/a Field Ox Grading
Docket #: 42983
Case #: PSC 19-16580

Respondent may choose from **ONE** of the following **OPTIONS** to dispose of this case:

☐ **OPTION 1 – I Disagree and want to attend GUFPAAC:** If you *disagree* with the probable violation(s) alleged you may request to appear and have your case heard before the Georgia Utility Facility Act Advisory Committee ("GUFPAAC"), a committee of industry stakeholders and peers. Please dispute same by submitting a detailed written response and return it along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation to be used in support of your position) and sign/return the below statement within **thirty (30) days** of this NOPV:

I hereby request the opportunity to present my case to the GUFPAAC and I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____
Authorized Representative of Respondent Date

*****Upon receipt of your signature above, your detailed written response and all supporting evidence, your case will be scheduled to be heard by the GUFPAAC and you will be notified by mail of the date of this GUFPAAC meeting.**

☐ **OPTION 2 – I Disagree and want a Hearing before the Hearing Officer:** If you disagree with the probable violation(s) alleged, please dispute by submitting a detailed, written response along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation) to be used in support of your position **within 30 days of receipt of this letter.** If you need more time to gather your information, **you must contact the GUFPA staff to request additional time. Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion. If at the point you still disagree with the findings of the investigator, your case will be heard by a Commission hearing officer.**

**** Sign below only if you are choosing Option 2 ****

I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____
Authorized Representative of Respondent Date

☐ **OPTION 3 – I Agree and Wish to Pay the Mitigated Civil Penalty and attend Training:** If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package. A **minimum of five (5) employees** of your company shall attend Commission approved damage prevention training. You must pay the recommended **mitigated** civil penalty of **$3,000.00**. Staff must receive the **signed Consent Agreement** and **this "Response" page** indicating your decision, and the mitigated penalty amount by certified check or money order within 30 days of receipt of this letter.

PLEASE NOTE: Georgia Law requires that ALL information requested in OPTION 1 and OPTION 2 be provided upon Staff's request. (O.C.G.A. §§ 24-10-26, 46-2-20 and 25-9-1 *et. seq.*). Failure to respond and/or comply with these requests for information in the 30 days provided for shall result in the loss of one or more of the **OPTIONS** presented.

☐ **OPTION 4 – I Agree and Wish to Pay the Full Civil Penalty:** If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package and pay the full recommended civil penalty of **$12,500.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 19-16580

INCIDENT INFORMATION

INCIDENT DATE:	12/10/2019	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	3/4-Inch
INCIDENT ADDRESS:	4498 Center Hill Church Road, Loganville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	Unknown

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	770-277-7440
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Lawrenceville, GA 30046
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Field Ox, L.L.C. also d/b/a Field Ox Grading
CONTACT NAME:	Mike Poisal
CONTACT NUMBER:	706 765-7577
MAILING ADDRESS:	Attn: Randy Holmes 410 Station Drive
CITY, STATE, ZIP:	Pendergrass, GA 30567

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

DESCRIPTION OF DAMAGES:

No Locate Ticket. Damage Ticket 12109-241-026, Excavator, Currahee Builders advised that the damage occurred on either Friday December 6th or Saturday the 7th. They didn't report the damage until Tuesday, the 10th, damage ticket 12109-241-026. They were using a bobcat to spread dirt when they struck and damaged the 3/4-Inch PE gas service. They folded it over and tied it with ribbon and left it that way until today.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mike Poisal of Currahee Homes states Field Ox LLC was subcontractor operating equipment at the time of incident. Base on this Information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC.***

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 19-16580

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	42983
Case Number:	PSC 19-16580
Report Date:	12/10/2019
Incident Date:	12/10/2019
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention
Locator Phone:	770 560-5530
Excavator:	Field Ox Grading
Excavator Phone:	706 765-7577
Violator:	Field Ox, L.L.C. also d/b/a Field Ox Grading
Contact:	Mike Poisal
Address:	Attn: Randy Holmes 410 Station Drive
City, State, Zip	Pendergrass, GA 30567
Incident Location:	4498 Center Hill Church Road
Incident City:	Loganville
Incident County:	Walton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	3/4-inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
Repair Cost:	$0.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	00000-000-000
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Field Ox Grading, L.L.C. was excavating at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. City of Lawrenceville Gas reported this incident because Field Ox Grading, L.L.C. did not have a valid locate ticket prior to excavating with mechanized equipment.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from City of Lawrenceville Gas regarding the incident at 4498 Center Hill Church Rd, Loganville, Georgia on December 10, 2019. The submitted City of Lawrenceville Gas damage report indicates Field Ox Grading, L.L.C. caused damage to a ¾" plastic gas service line. According to the report, the contractor was spreading dirt and grading with a bobcat when they stuck and damaged an unmarked buried gas service facility. Contractor did not cease excavation and did not notify the facility owner. The Contractor tied off gas and left incident scene. This incident was reported as a violation of OCGA 25-9-6(a) Failure to contact the UPC (Georgia 811) before commencing excavation or blasting with mechanized equipment. OCGA 25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs. OCGA 25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.
Staff conducted a search of the Georgia (811) locate request database and was not able to find a valid locate ticket present. Staff was able to find a damage ticket, ticket not valid because it was called in days after damage occurred. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds Field Ox Grading, L.L.C. in violation.
*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mr. Mike Poisal of Currahee Homes States Field Ox LLC was subcontractor operating equipment at the time of incident. Based on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC. ***

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Field Ox, L.L.C. also d/b/a Field Ox Grading** in violation of:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Field Ox, L.L.C. also d/b/a Field Ox Grading,
RESPONDENTS

CASE NUMBER: PSC 19-16580

CONSENT AGREEMENT

Field Ox, L.L.C. also d/b/a Field Ox Grading, ("Respondent(s)"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Utility Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on 12/10/2019, Respondent(s) violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

3. **EXHIBIT 2**

Respondent(s) agree to pay to the Commission a penalty of $12,500.00 within thirty (30) days after the date of an Order Issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds: money order, cashier's check, or official check.

Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of five (5) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $3,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

6.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

7.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____, 20__.

Consented to:
(Sign, date, and mail, email, or fax)

_____
On behalf of: Field Ox, L.L.C. also d/b/a Field Ox Grading

PSC 19-16580

EXHIBIT 2

"GUFPA" Questionnaire

PSC 19-16580, Docket No. 42983

Please answer all questions in a written statement and include your case number on each page.

1. Name of entity (company, corporation, municipality, etc.) submitting this information?

2. Name of person submitting this information and title or position in the company or corporation?

3. Is this business incorporated? If incorporated, how so (corporation or limited liability)? In what state? Name and full address of the corporation's Registered Agent? If not incorporated, how is the business organized (i.e. partnership, sole proprietor, "D/B/A" or other)? Name and full address of the businesses highest ranking official (i.e. president or chief executive officer)?

4. Was a locate request made with **Georgia 811/Utilities Protection Center** prior to beginning excavation? If so, when and by whom? Provide the ticket number and the name of the company/party requesting the locate? Legal date of ticket? Expiration date of ticket? Provide name of party performing the excavation if different from ticket holder? Please provide a copy of all locate tickets associated with this excavation.

5. Was any other contractor (i.e. primary or subcontractor) involved? If subcontractor involved, is there a signed contractor agreement of responsibility? If subcontractor involved, is there a signed contract allowing one party to work under the locate ticket of another? Please provide a copy all contracts associated with this excavation.

6. Were you working under an emergency locate request? If so, please ***describe in detail*** what qualifies this as an emergency situation and describe what actions you took to perform your excavation with reasonable care in order to prevent damage to the underground facilities.

   Please note: An emergency as defined by the Georgia Utility Facility Protection Act means there is an *immediate danger* to life or property or the loss of utility service requiring *immediate action*. Even in an emergency situation, the excavator is held responsible for exercising reasonable care in carrying out its excavation activities and is held responsible for any damage such activities might cause. Furthermore, there is no required show-up time for an emergency locate. The only timeframe required for performing locates by the facility owner/operator is 48 hours beginning the next business day as contained in 25-9-7 of the dig law.

7. Did you physically white-line **OR** "describe with sufficient particularity" (verbal white-lining), the area of excavation, prior to the utility owner/operator marking their facilities? Please provide proof thereof? If not, explain.

"GUFPA" Questionnaire EXHIBIT 2

PSC 19-16580, Docket No. 42983

8. Did your company utilize the Positive Response Information System through **Georgia 811/Utilities Protection Center** to verify that all utility owner/operators had responded prior to your beginning excavation? Please provide a copy of the Positive Response information for each locate ticket associated with this excavation? If not, explain.

9. Was locate marking done within the allotted time frame? If not, was a second request made to **Georgia 811/Utilities Protection Center**?

10. Were any/all utilities marked? If not, explain.

11. Please provide evidence (signed witness statements which must include name, address and contact number for each witness, pictures, maps, diagrams and any other written documentation) that supports each of the above responses.

12. Were the utilities marked accurately (within 18" of either side of the facility)? Were pictures taken of the utility markings prior to excavation? If so, please provide copies and any other supporting documentation.

13. Were the utilities "potholed" prior to excavation to get a visual of the utilities and exposed with non-mechanized means to prevent damage (i.e. shovel, hand tools, etc.)?

14. What type of work was being performed when the incident occurred (i.e. installing CATV, landscaping, grading, installing irrigation, etc.)?

15. What type of equipment or machinery was being used when the incident occurred (i.e. backhoe, mechanical auger, directional drill, etc.)?

"GUFPA" Questionnaire

PSC 19-16580, Docket No. 42983

16. Was the direction of excavation parallel or perpendicular to the damaged utility?

17. Did excavation cease after the damage occurred?

18. Was Georgia 811/Utilities Protection Center contacted after the incident occurred? If yes, provide the damage ticket number and a copy of each damage ticket associated with this excavation.

19. Was 911 called for all damages to natural gas facilities?

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

REQUESTS FOR CASES TO COME BEFORE "GUFPAAC"

THE GEORGIA UTILITY FACILTY PROTECTION ACT ADVISORY COMMITTEE

All requests for cases to come before the Georgia Utility Facility Protection Act Advisory Committee (GUFPAAC) shall be submitted in writing and shall be accompanied by each respondent's written response to each and every allegation listed in the notice of probable violation (NOPV) to which this notice is attached.

To better assist the Advisory Committee's preparation to review your case, the assigned investigator has requested from both the Excavator and Utility any pertinent documentation such as pictures, maps, and/or any other documentation.

Receipt of this documentation is being requested prior to the GUFPAAC meeting in order to insure the investigator and Advisory Committee both have the appropriate time in which to review all details related to your case. The admittance of additional information on the day of this meeting will be at the discretion of the Advisory Committee.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

GUFPA Training

If your company has been assessed a civil penalty for a violation of the ACT with the offer to attend a Commission approved training class in lieu of paying the penalty, you may choose to have your employees attend damage prevention classes presented in English, Spanish or both.

For classes in English, contact one of the following:

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or email: dsalvador678@gmail.com

Mr. Jimmy Davis, The Georgia Utility Training Academy ("GUTA")
(678) 635-8980 or email: guta@monroega.gov

For classes in Spanish, contact one of the following:

Mr. Diego Alvarado, daBaires Group
(678) 643-8278, 678-237-8192, or dsalvador678@gmail.com

Mr. Ryan Boling, HB NEXT
(770) 619-1669 or (877) 442-4282 (Toll Free)

Ms. Becky Kinsey, Georgia 811
(404) 375-6209 or email: bkinsey@georgia811.com

Ms. Vicki Temple, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995

If you have questions or need additional information, please call (404) 463-6526.

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Field Ox, L.L.C. also d/b/a Field Ox Grading,	)	DOCKET NO. 42983
RESPONDENTS	)	(PSC Case No. 19-16580)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Consent Agreement was served upon all parties and persons listed below by depositing same in the United States mail.

Field Ox, L.L.C. also d/b/a Field Ox Grading
Attn: Randy Holmes
410 Station Drive
Pendergrass, GA 30567

United States Corp Agents, Inc., registered agent c/o
Field Ox, L.L.C.
1420 Southlake Plaza Drive
Morrow, GA 30260

Respectfully Submitted this 8th day of July, 2020:

Marilyn K. Morris-Simmons, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington St. Ste. 112
Atlanta, GA 30334

GEORGIA DIG LAW

NOTICE OF PROBABLE VIOLATION

EXHIBIT 2

Why you are receiving this letter?

You are receiving the attached information because our office (The Georgia Public Service Commission/ Facilities Protection Division) has been notified by a utility owner or operator that you have damaged their facility and have been submitted as having possibly violated one or more parts of the GA Dig Law.

What is the GA Dig Law (also known as The Georgia Utility Facility Protection Act (GUFPA))?

The Georgia Utility Facility Protection Act (GUFPA), enacted by the General Assembly in July 2000, provides for the protection of the buried utility facility infrastructure within the State of Georgia. Excavators using mechanized equipment are required to call for a utility facility locate prior to excavating with mechanized equipment or blasting. Upon receipt of a locate request, each affected facility owner/operator must locate their respective utility facilities. Violations of the GUFPA are subject to a civil penalty of up to $10,000 each violations. For the full version of the Act please visit our website at www.psc.state.ga.us.

What is the GA Public Service Commission Facilities Protection Division?

We are responsible for the enforcement of the GUFPA Act.

I have paid for the damages to the utility company, why am I getting something from the PSC?

Damages paid for repairs to utility facilities are separate from the civil penalties assessed for violation(s) of GA's Dig Law. Although you may have paid for the damaged utility facility, you are now being assessed a civil penalty for probable violation(s) of the GA Dig Law.

How has an investigation been completed and I was not contacted before now?"

Utility owner/operators are mandated by Commission Rule to report ALL damages to their facilities. Utility owner/operators are to conduct an investigation of the damage and any resulting probable violation(s) prior to submitting the probable violation to the PSC. PSC Staff Investigators will assign each case a number and send out a Notice of Probable Violation ("NOPV") to the Respondent in order to 1) notify the Respondent of the alleged probable violation(s) and 2) request a written response and supporting documents that show a Respondent's side of the story.

I do NOT agree with the probable violation alleged how do I tell my side?

Once you have reviewed the information included in this package you have 30 days from the date listed on the letter to respond in writing, to each alleged probable violation and to provide all evidence you wish to submit in support thereof.

What are my response options?

There are several ways you can respond to the probable violation:

- Send in a written statement by mail, fax, or email of the events as you recall them. Send in any pictures or other documentation you may have along with witness statements if available. Use the questionnaire attached to the NOPV packet as a guide for your written statement.
- If you agree with the investigation please sign and date the attached consent agreement and mail or fax it back to our office.
- Contact our office and speak with your investigator (you must still submit your statement in writing).

What happens after I submit my response?

Your investigator will review your information along with the information that was submitted by the utility owner/operator and will determine/complete their investigation based upon their findings and will contact you either by mail, email, or phone call of their conclusion.

What happens if the investigator still finds me in violation after I have submitted my response and I still do NOT agree?

You may request to appear before the GUFPAAC (Georgia Utility Facility Protection Act Advisory Committee). The GUFPAAC is comprised of approx 13 members of industry stakeholders and your peers who will hear and make a recommendation on your case.

What happens if I do NOT respond at all?

After the 30 day response time has expired your case will be set for a *Rule NISI* hearing on the Title 25 probable violations of the Dig Law. Your case will be heard by a hearing officer who will issue a recommended order on the merits of your case. If the hearing officer finds that the probable violation(s) is(are) supported by the evidence, an additional one-thousand dollars will be added to the civil penalty initially recommended by Staff. For Title 25 *Rule Nisis*, the civil penalties cannot exceed $10,000.00 per violation.

How do I contact The Georgia Public Service Commission?

Our mailing address:
244 Washington Street, SW
Atlanta, GA 30334
Phone: 404-463-6526
Fax: 404-463-6532

EXHIBIT 2

Users Search Batch Operators Log Out

Case Detail

home » Case Detail 90123

Violation

25-9-6(a)	25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.	Delete
25-9-8(e)	25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs	Delete
25-9-8(e)	25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.	Delete

New Violation: 25-9-12#Failure to meet emergency excavation notice requirement (false emergencies) Add

Case #	PSC 19-16580	Report Date	12/10/2019	Incident Date	12/10/2019	Closed Date	
Docket #	42983	Report #		Incident Address	4498 Center Hill Church Road		
Fine Ordered	12500	Fine Collected	0	Incident City	Loganville	Incident County	Walton
Mitigated Amount	9500	Fine	3000	Repair Cost	0	Violation #	
Investigator Name	Onterio Johnson			Jurisdiction	NOT REPORTED		
FAC Owner	City of Lawrencevil	FAC Owner Phone	770 963-3332	Affected Facility:	Natural Gas	Material:	Plastic
Excavator	Field Ox Grading	Excavator Phone	706 765-7577	Size	3/4-inch	Pressure	60
Excavator Type	Contractor	Excavating For: Facility Type	Unknown/Other	Company	Unknown/Other		
		Explanation	Builder grading lot, spreading dirt				
Locator	City of Lawrencevil	Locator Phone	770 560-5530	Utility Line Function	Service	Affected Customer #	1
Locate #	00000-000-000	Equipment Used	Backhoe/Trackhoe	Telecom Meeting		Energy Meeting	
Nature of Excavation	Grading	Excavation Direction		Final Report	Yes		
Outpatient #	0	Inpatient #	0	Fire Response	UnKnown	Police Response	UnKnown
		Was Facility Located:	No			Were locate marks within 18in:	N/A

Reporter:

Name	City of Lawrenceville Damage Prev				
Address	P.O. Box 2200	City	Lawrenceville		
State	GA	Zip	30046		
Contact	Lisa Clark McKnigh	Phone	770-277-7440		

Probable Violator:

Name	Field Ox, L.L.C. also d/b/a Field Ox Grading		
Address	Attn: Randy Holmes 410 Station Dr.,	City	Pendergrass
State	GA	Zip	30567
Contact	Mike Polsal	Phone	706 765-7577

Description: No Locate Ticket. Damage Ticket 12109-241-026, Excavator, Currahee Builders advised that the damage occurred on either Friday December 6th or Saturday the 7th. They didn't report the damage until Tuesday, the 10th, damage ticket 12109-241-026. They were using a bobcat to spread dirt when they struck and damaged the 3/4-inch PE gas service. They folded it over and tied it with ribbon and left it that way until today. *** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mike Polsal of Currahee Homes states Field Ox LLC was subcontractor operating equipment at the time of incident. Base on this information staff will reissue the Notice of Probable Violation and

Investigator Notes: 3/16/20 - Recvd. via cert. mail signed Response Option #2 dated 3/11/20. (MM) Penalty amount up.. contractor tied off and left gas service damaged for days before reporting. OJ 3/20/20 response from Mr. polsal claims no digging took place and they had damage ticket, also states sub Field Ox Grading was operating equipment at the time field ox owner randy Holmes also provided statement. Based on statement IN VIOLATION REISSUE notice to Field ox. called And spoke with Currahee homes and explained case and that the NOPV will be reissued. damage ticket called in 3 days after incident. OJ

Root Cause of Damage:

Root Cause: One Call notification practices not sufficient

2nd-Level Cause: No notification made to the one-call center

Save Print Create Case # Add Mailing Contacts

Events

e100	Case Submitted	12/10/2019 7:55:40 PM	Delete
e110	PV Report Received	12/12/2019 3:39:19 PM	Delete
e130	Send Discovery Letter	12/12/2019 3:41:51 PM	Delete
int02	Process Hold	12/12/2019 3:42:19 PM	Delete
int02A	Process Hold Cancelled	12/12/2019 3:42:21 PM	Delete
e146	Investigation Pending	12/12/2019 3:42:27 PM	Delete
e147	Supervisor Review	12/12/2019 3:56:51 PM	Delete
e148	Investigation Report Complete	2/10/2020 4:03:40 PM	Delete
e217	Send CA Package	2/10/2020 4:03:47 PM	Delete

Add Event: GUFPAAC Hearing Requested by Respondent-e220 Add

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
JASON SHAW

EXHIBIT 2

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION)

INCIDENT INFORMATION

INCIDENT DATE:	12/10/2019	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	3/4-Inch
INCIDENT ADDRESS:	4498 Center Hill Church Road, Loganville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	Unknown

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	770-277-7440
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Lawrenceville, GA 30046
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Field Ox, L.L.C. also d/b/a Field Ox Grading
CONTACT NAME:	Mike Poisal
CONTACT NUMBER:	706 765-7577
MAILING ADDRESS:	Attn: Randy Holmes
410 Station Dr.,	
CITY, STATE, ZIP:	Pendergrass, GA 30567

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs

25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

DESCRIPTION OF DAMAGES:

No Locate Ticket. Damage Ticket 12109-241-026, Excavator, Currahee Builders advised that the damage occurred on either Friday December 6th or Saturday the 7th. They didn't report the damage until Tuesday, the 10th, damage ticket 12109-241-026. They were using a bobcat to spread dirt when they struck and damaged the 3/4-inch PE gas service. They folded it over and tied it with ribbon and left it that way until today.

Field Ox LLC subcontractor operating equipment at the time of incident. Base on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

EXHIBIT 2

NOPV / INCIDENT REPORT – PSC 19-16580

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	42983
Case Number:	PSC 19-16580
Report Date:	~report_date~
Incident Date:	12/10/2019
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention
Locator Phone:	770 560-5530
Excavator:	Field Ox Grading
Excavator Phone:	706 765-7577
Violator:	Field Ox, L.L.C. also d/b/a Field Ox Grading
Contact:	Mike Poisal
Address:	Attn: Randy Holmes
410 Station Dr.,	
City, State, Zip	Pendergrass, GA 30567
Incident Location:	4498 Center Hill Church Road
Incident City:	Loganville
Incident County:	Walton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	3/4-inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
Repair Cost:	$0.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	00000-000-000
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Field Ox Grading, L.L.C. was excavating at 4498 Center Hill Church Road, Loganville, Georgia on December 10, 2019. City of Lawrenceville Gas reported this incident because Field Ox Grading, L.L.C. did not have a valid locate ticket prior to excavating with mechanized equipment.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from City of Lawrenceville Gas regarding the incident at 4498 Center Hill Church Rd, Loganville, Georgia on December 10, 2019. The submitted City of Lawrenceville Gas damage report indicates Field Ox Grading, L.L.C. caused damage to a ¾" plastic gas service line. According to the report, the contractor was spreading dirt and grading with a bobcat when they stuck and damaged an unmarked buried gas service facility. Contractor did not cease excavation and did not notify the facility owner. The Contractor tied off gas and left incident scene. This incident was reported as a violation of OCGA 25-9-6(a) Failure to contact the UPC (Georgia 811) before commencing excavation or blasting with mechanized equipment. OCGA 25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs. OCGA 25-9-8(e) Failure to cease excavation and/or blasting after striking a facility.

Staff conducted a search of the Georgia (811) locate request database and was not able to find a valid locate ticket present. Staff was able to find a damage ticket, ticket not valid because it was called in days after damage occurred. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds Field Ox Grading, L.L.C. in violation.

*** Original Notice of Probable Violation was sent to Currahee Home Builders, a written response from Mr. Mike Poisal of Currahee Homes States Field Ox LLC was subcontractor operating equipment at the time of incident. Based on this information staff will reissue the Notice of Probable Violation and send it to Field Ox, LLC. ***

EXHIBIT 2

GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRAD RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**Field Ox LLC**	Control Number:	**13463349**
Business Type:	**Domestic Limited Liability Company**	Business Status:	**Admin. Dissolved**
Business Purpose:	**NONE**		
Principal Office Address:	**410 Station, Pendergrass, GA, 30567**	Date of Formation / Registration Date:	**10/26/2013**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2014**
Dissolved Date:	**12/07/2016**		

REGISTERED AGENT INFORMATION

Registered Agent Name:	**United States Corporation Agents, Inc.**
Physical Address:	**1420 Southlake Plaza Dr., Morrow, GA, 30260, USA**
County:	**Clayton**

Back Filing History Name History
Return to Business Search

© 2015 PCC Technology Group. All Rights Reserved. Version 6.1.3 Report a Problem?