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April 24, 2023

DOCKET# 45142
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Zayo Fiber Solutions
DOCKET NO: 45142
Case NO: 23-25387

WARNING LETTER

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Underground Facility Protection Act ("GUFPA" or the Act") has been filed with Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming Zayo Fiber Solutions as the probable violator ('Respondent").

Utility companies should first be an example for safety. Your actions, reactions, and inactions reflect on you as a facility owner and excavator in Georgia. When a "3N-Unmarked Late" is entered into the Utility Protection Center's ("UPC") Positive Response Information System ("PRIS"), the facility owner who does so sets a negative tone by delaying the start of excavation projects, potentially causing thousands of dollars in downtime for excavators. These delays are now resulting in the excavation community losing confidence regarding the state dig law and Georgia's One-call system. This also includes the very sub-contractors that move an ounce of dirt for you. The company's inability to locate their facilities slows the state's economic growth that your company takes advantage of.

Staff performed a review of your utility's 3N responses to the UPC's PRIS that were entered in CY2022. This review indicated that your utility responded to 5,073 locate requests as PRIS Code "3N - Unmarked Late" between January 1 and December 31, 2022. These responses indicate that you are in violation of the Act, O.C.G.A. 25-9-7(a) Failure of a facility owner/operator to locate and mark their facility within 48 hours. If assessed at the same level excavators have historically been penalized, the proposed penalty would have been: $2,536,500.00

I have instructed my Staff to take proactive actions to address this problem, and they have recommended that the Commission begin by providing this Warning Letter for probable violations that occurred in CY2022. Beginning with January 2023 PRIS responses, Staff will conduct additional enforcement actions, which may include civil penalty assessments, where appropriate to address this issue.

Thank you,

Lauren "Bubba" McDonald

Lauren "Bubba" McDonald
Chairman, Facilities Protection Committee