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

FILED
JUL 31 2023
EXECUTIVE SECRETARY
G.P.S.C.

Georgia Public Service Commission

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

(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# 44597
DOCUMENT# 205288

IN THE MATTER OF:

GUFPA CASE NO. PSC 22-24277 and **22-24278**

DOCKET NO. 44597

Peach State Construction Co., Inc.,
Respondent

MAILED
7.31.2023

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Peach State Construction Co., Inc.**
7260 Williams Brothers Drive
Covington, GA 30014

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 September 27, 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. 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 Peach State Construction Co., 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.

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.

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 January 13, 2020, 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

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

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 May 2, 2023.

Sallie Tanner
Executive Secretary

7-28-23
Date

Jason Shaw
Chairman

7-31-23
Date

COMMISSIONERS:

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

REECE McALISTER
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Peach State Construction Co., Inc.,	)	DOCKET NO. 44597
RESPONDENTS	)	(PSC Case No. 22-24277
	)	and 22-24278)
	)	

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

Peach State Construction Co., Inc.
7260 Williams Brothers Drive
Covington, GA 30014

Respectfully Submitted this 31st day of July, 2023:

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

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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10/25/2022

Peach State Construction Co., Inc.
7260 Williams Brothers Drive
Covington, GA 30014

Date of Incident:	1/13/2020 & 3/26/2020
Docket #:	44597
Case #:	PSC 22-24277 & 22-24278
Incident Location:	1594 Heartland Patch NE, Hoschton & 6649 Peachtree Industrial Blvd, Norcross

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

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

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 $10,000.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $8,000.00 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 $2,000.00 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,

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

RESPONSE OPTIONS

(Please check only one)

Respondent: Peach State Construction Co., Inc.
Docket #: 44597
Case #: PSC 22-24277 & 22-24278

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 **$2,000.00**. 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 **$10,000.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Peach State Construction Co., Inc.,
RESPONDENTS

CASE NUMBER: PSC 22-24277 & 22-24278

CONSENT AGREEMENT

Peach State Construction Co., 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 1/13/2020, 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.

Respondent(s) agree to pay to the Commission a penalty of $10,000.00 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 $8,000.00 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 $2,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that all payments will be processed upon receipt. However, this does not release the Respondent of the terms of this agreement.

6.

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

7.

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.

8.

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: Peach State Construction Co., Inc.

PSC 22-24277 & 22-24278

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

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. Glenda Harris, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995 or email: glenda@guca.com

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. Glenda Harris, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995 or email: glenda@guca.com

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

COMMISSIONERS:
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DAMAGE REPORT (PROBABLE VIOLATION) – PSC 22-24277

INCIDENT INFORMATION

INCIDENT DATE:	1/13/2020	MATERIAL TYPE:	Cable
FACILITY TYPE:	CATV	SIZE:	.625
INCIDENT ADDRESS:	1594 Heartland Patch NE, Hoschton		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC
LOCATE NUMBER:	11129-242-023
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Comcast Cable Communications, Inc.
CONTACT NAME:	Jennifer Cahoon Harris
CONTACT NUMBER:	770-559-8502
MAILING ADDRESS:	415 Veterans Memorial Boulevard
CITY, STATE, ZIP:	Cumming, GA 30040
CUSTOMERS AFFECTED:	12
REPAIR COST:	$477.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Peach State Construction Co., Inc.
CONTACT NAME:	NOT REPORTED
CONTACT NUMBER:	770-788-6363
MAILING ADDRESS:	7260 Williams Brothers Drive
CITY, STATE, ZIP:	Covington, GA 30014

FACILITY OWNER INFORMATION

FACILITY OWNER:	Comcast Cable
CONTACT NUMBER:	NOT REPORTED

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

DESCRIPTION OF DAMAGES:

The damager was installing a new sidewalk and had a valid locate ticket. The locates were completed prior to work starting. During the excavation an underground cable was struck. The investigation found the locates were accurate and the damager failed to use caution and maintain clearance.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 22-24277

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:	44597
Case Number:	PSC 22-24277
Report Date:	2/1/2020
Incident Date:	1/13/2020
Facility Owner:	Comcast Cable
Facility Owner Phone:	NOT REPORTED
Locator:	USIC
Locator Phone:	NOT REPORTED
Excavator:	Peach State Construction Co, Inc
Excavator Phone:	NOT REPORTED
Violator:	Peach State Construction Co., Inc.
Contact:	NOT REPORTED
Address:	7260 Williams Brothers Drive
City, State, Zip	Covington, GA 30014
Incident Location:	1594 Heartland Patch NE
Incident City:	Hoschton
Incident County:	Jackson
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	CATV
Material Type:	Cable
Size (Diameter/Voltage/Pairs/etc.):	.625
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	12
Repair Cost:	$477.00

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):	11129-242-023
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Curb/Sidewalk
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, Peach State Construction Co., Inc. was excavating at 1594 Heartland Patch, Hoschton, Georgia on January 13, 2020. Comcast Cable reported this incident because Peach State Construction Co., Inc. struck and damaged a marked CATV service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Comcast Cable regarding the damage that occurred at 1594 Heartland Patch, Hoschton, Georgia on January 13, 2020. The submitted Comcast Cable damage report indicates Peach State Construction Co., Inc. caused damage to a CATV service facility. According to the report, the contractor was installing a sidewalk and while excavating with mechanized equipment, the contractor struck and damaged a marked buried CATV service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

Staff conducted a search of the Georgia (811) locate request database and was able to find the contactors locate ticket. According to the (811) positive response database, Comcast Cable responded to the locate request and the CATV service was marked prior to the incident. Thus far, based on the initial information submitted by Comcast Cable: It appears that Peach State Construction Co., Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Peach State Construction Co., Inc.** in violation of:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

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

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FAX: (404) 463-6532
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DAMAGE REPORT (22-24278)

INCIDENT INFORMATION

INCIDENT DATE:	3/26/2020	MATERIAL TYPE:	Fiber
FACILITY TYPE:	CATV	SIZE:	48ct
INCIDENT ADDRESS:	6649 Peachtree Industrial Boulevard, Norcross		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Unknown/Other		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC
LOCATE NUMBER:	03170-232-040
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Comcast Cable Communications, Inc.
CONTACT NAME:	Jennifer Cahoon Harris
CONTACT NUMBER:	770-559-8502
MAILING ADDRESS:	415 Veterans Memorial Boulevard
CITY, STATE, ZIP:	Cumming, GA 30040
CUSTOMERS AFFECTED:	70
REPAIR COST:	$1,494.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Peach State Construction Co., Inc.
CONTACT NAME:	NOT REPORTED
CONTACT NUMBER:	770-788-6363
MAILING ADDRESS:	P.O. BOX 87
CITY, STATE, ZIP:	Covington, GA N/A

FACILITY OWNER INFORMATION

FACILITY OWNER:	Comcast Cable
CONTACT NUMBER:	NOT REPORTED

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

DESCRIPTION OF DAMAGES:

The damager was installing curb/sidewalk and had a valid locate ticket. The damager was operating and unknown type of equipment and struck the underground cable. The investigation found the locates were accurate and the damager failed to maintain clearance.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 22-24278

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:	44597
Case Number:	PSC 22-24278
Report Date:	~report_date~
Incident Date:	3/26/2020
Facility Owner:	Comcast Cable
Facility Owner Phone:	NOT REPORTED
Locator:	USIC
Locator Phone:	NOT REPORTED
Excavator:	Peach State Construction Co, Inc.
Excavator Phone:	NOT REPORTED
Violator:	Peach State Construction Co., Inc.
Contact:	NOT REPORTED
Address:	P.O. BOX 87
City, State, Zip	Covington, GA N/A
Incident Location:	6649 Peachtree Industrial Boulevard
Incident City:	Norcross
Incident County:	Gwinnett
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	CATV
Material Type:	Fiber
Size (Diameter/Voltage/Pairs/etc.):	48ct
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	70
Repair Cost:	$1,494.00

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):	03170-232-040
Equipment Involved:	Unknown/Other
Nature of Excavation:	Curb/Sidewalk
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, Peach State Construction Co., Inc. was excavating at 6649 Peachtree Industrial Boulevard, Norcross, Georgia on March 26, 2020. Comcast Cable reported this incident because Peach State Construction Co., Inc. struck and damaged a marked CATV service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Comcast Cable regarding the damage that occurred at 6649 Peachtree Industrial Boulevard, Norcross, Georgia on March 26, 2020. The submitted Comcast Cable damage report indicates Peach State Construction Co., Inc. caused damage to a CATV service facility. According to the report, the contractor was installing a sidewalk and while excavating with mechanized equipment, the contractor struck and damaged a marked buried CATV service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

Staff conducted a search of the Georgia (811) locate request database and was able to find the contactors locate ticket. According to the (811) positive response database, Comcast Cable responded to the locate request and the CATV service was marked prior to the incident. Thus far, based on the initial information submitted by Comcast Cable: It appears that Peach State Construction Co., Inc. may be in violation, pending a response to this Notice of Probable Violation.

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

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
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Peach State Construction Co., Inc.,	)	DOCKET NO. 44597
RESPONDENTS	)	(PSC Case No. 22-24277)
	)	

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.

Peach State Construction Co., Inc.
7260 Williams Brothers Drive
Covington, GA 30014

Respectfully Submitted this 25th day of October, 2022:

_____

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