# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

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

Response to Inspection Number: JB23-002

| Type of Enforcement Action(s) cited in report: | | Informal Conference Requested | |
|---|---|---|---|
| ☒ Notice of Probable Violation (NOPV) | ☐ New ☒Continuing | ☐ Yes | ☒ No |
| ☒ Notice of Amendment (NOA) | ☐ New ☒Continuing | ☐ Yes | ☒ No |
| ☐ Warning Letter | ☐ New ☐Continuing | ☐ Yes | ☐ No |
| ☐ Letter of Concern | ☐ New ☐Continuing | ☐ Yes | ☐ No |
| ☒ Observed Issue | ☒ New ☐Continuing | ☐ Yes | ☐ No |
| ☐ Proposed Civil Penalty | $ _____ PCP $ Amount (Total for report) | | |

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

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

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

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

D. Response for ☐ **Letter of Concern** / ☐ **Warning Letter**
   I acknowledge receipt of the Letter of Concern/Warning Letter: _____
   SIGNATURE / TITLE

   Additional Comments: (Optional) _____

E. Response for **Observed Issue** and **No Violation**: (Optional Response)
   Staff requests that the Operator acknowledge receipt of the Observed Issue/No Violation in writing, or by submitting an email to the FPU Director

**Dalton Utilities acknowledges receipt of the Observed Issue included in this Report.**

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

Enforcement Action for: §192.479 ☐ New Violation ☒ Continuing Violation

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

| Enforcement Action(s) cited in report: | Conference Requested: | |
|---|---|---|
| ☒ Notice of Probable Violation (NOPV) | ☐ Yes ☒ No | $ Proposed Penalty for this violation |
| ☐ Notice of Amendment (NOA) | ☐ Yes ☐ No | |
| ☐ Warning Letter | ☐ Yes ☐ No | |
| ☐ Letter of Concern | ☐ Yes ☐ No | |
| ☐ Observed Issue | ☐ Yes ☐ No | |
| ☐ Proposed Civil Penalty | ☐ Yes ☐ No | |

OPERATORS RESPONSE: Documentation that the items identified in the Report on Inspection JS22-001 have been addressed was emailed to Staff on March 3, 2023. Dalton Utilities requests that this Notice of Probable Violation be Cleared. Additionally, Dalton Utilities has hired a contractor to perform atmospheric corrosion inspections and coating of all above ground facilities. Repairs or replacements will be made as necessary. The expected completion date for this work is December 31, 2023.

Response Provided by: Ralph Smith/Natural Gas Regulatory & Pipeline Services Manager Date: 08/14/2023

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed: ☐ Yes ☐ No Clear Violation: ☐ Yes ☐ No

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments: _____

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

Enforcement Action for: §192.615(c) ☐ New Violation ☒ Continuing Violation

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

| Enforcement Action(s) cited in report: | Conference Requested: | |
|---|---|---|
| ☐ Notice of Probable Violation (NOPV) | ☐ Yes ☐ No | $ Proposed Penalty for this violation |
| ☒ Notice of Amendment (NOA) | ☐ Yes ☒ No | |
| ☐ Warning Letter | ☐ Yes ☐ No | |
| ☐ Letter of Concern | ☐ Yes ☐ No | |
| ☐ Observed Issue | ☐ Yes ☐ No | |
| ☐ Proposed Civil Penalty | ☐ Yes ☐ No | |

OPERATORS RESPONSE: Dalton Utilities coordinates and interacts with other utilities with facilities within its service area through GA811 and local GUCC meetings for matters related to excavation and communicates with other utilities that are excavators through its Public Awareness Program; however, Dalton Utilities is not aware of a regulatory requirement to establish and maintain emergency liaison with other utilities. Therefore, Dalton Utilities contests this Notice of Amendment and, as discussed during the Informal Conference with the Director on March 3, 2023, requests that this Notice of Amendment be Cleared.

Response Provided by: Ralph Smith/Natural Gas Regulatory & Pipeline Services Manager Date: 08/14/2023

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed:☐ Yes ☐ No Clear Violation:☐ Yes ☐ No

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments: _____

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

Enforcement Action for: §192.479(a) ☐ New Violation ☒ Continuing Violation

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

| Enforcement Action(s) cited in report: | Conference Requested: | |
|---|---|---|
| ☐ Notice of Probable Violation (NOPV) | ☐ Yes ☐ No | $ |
| ☒ Notice of Amendment (NOA) | ☐ Yes ☒ No | Proposed Penalty for this violation |
| ☐ Warning Letter | ☐ Yes ☐ No | |
| ☐ Letter of Concern | ☐ Yes ☐ No | |
| ☐ Observed Issue | ☐ Yes ☐ No | |
| ☐ Proposed Civil Penalty | ☐ Yes ☐ No | |

OPERATORS RESPONSE: Dalton Utilities has a Construction Manual in place. Excerpts from this Manual addressing the issues cited in this Notice of Amendment were provided to Staff by email on March 3, 2023. Dalton Utilities requests that this Notice of Amendment be Cleared.

Response Provided by: Ralph Smith/Natural Gas Regulatory & Pipeline Services Manager Date: 08/14/2023

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed: ☐ Yes ☐ No Clear Violation: ☐ Yes ☐ No

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments: _____

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

Enforcement Action for: §192.491(c) ☐ New Violation ☒ Continuing Violation

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

| Enforcement Action(s) cited in report: | Conference Requested: | |
|---|---|---|
| ☒ Notice of Probable Violation (NOPV) | ☐ Yes ☒ No | $ Proposed Penalty for this violation |
| ☐ Notice of Amendment (NOA) | ☐ Yes ☐ No | |
| ☐ Warning Letter | ☐ Yes ☐ No | |
| ☐ Letter of Concern | ☐ Yes ☐ No | |
| ☐ Observed Issue | ☐ Yes ☐ No | |
| ☐ Proposed Civil Penalty | ☐ Yes ☐ No | |

OPERATORS RESPONSE: Dalton Utilities has performed an atmospheric corrosion inspection at the location cited the Report on Inspection JS22-010. Documentation of this inspection and the resulting remedial action was emailed to Staff on March 3, 2023. Dalton Utilities requests that this Notice of Probable Violation be Cleared. Additionally, Dalton Utilities has a process in place to ensure that this clerical error does not recur.

Response Provided by: Ralph Smith/Natural Gas Regulatory & Pipeline Services Manager Date: 08/14/2023

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed: ☐ Yes ☐ No Clear Violation: ☐ Yes ☐ No

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments: _____

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: Dalton Utilities

Docket Number: 37042

Enforcement Action for: §192.147(a) ☐ New Violation ☒ Continuing Violation

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

| Enforcement Action(s) cited in report: | Conference Requested: | |
|---|---|---|
| ☒ Notice of Probable Violation (NOPV) | ☐ Yes ☒ No | $ Proposed Penalty for this violation |
| ☐ Notice of Amendment (NOA) | ☐ Yes ☐ No | |
| ☐ Warning Letter | ☐ Yes ☐ No | |
| ☐ Letter of Concern | ☐ Yes ☐ No | |
| ☐ Observed Issue | ☐ Yes ☐ No | |
| ☐ Proposed Civil Penalty | ☐ Yes ☐ No | |

OPERATORS RESPONSE: On the day that this issue was identified, Dalton Utilities installed the missing bolts at the meter set cited in the original Report and has confirmed that all existing flanges and accessories are compliant. Documentation of this work was emailed to Staff on March 3, 2023. Dalton Utilities requests that this Notice of Probable Violation be Cleared. Additionally, Dalton Utilities has a Construction Manual in place that addresses this issue.

Response Provided by: Ralph Smith/Natural Gas Regulatory & Pipeline Services Manager Date: 08/14/2023

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed: ☐ Yes ☐ No Clear Violation: ☐ Yes ☐ No

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments: _____

**Filings:**

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

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

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

**Informal Conference:**

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

**Civil Penalty Payments:**

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

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

**Hearing Requests:**

The Operator has the right to request a hearing before the full Commission to contest the alleged probable violations, recommended civil penalties, and all other proposed actions of enforcement. A request for a hearing must be submitted in writing and in accordance with Commission Rule 515-2-1-.04. The Operator must include a statement of the issues that you intend to raise at the hearing. The issues may relate to the allegations, new information, proposed compliance order, proposed civil penalty, or any other recommendation for enforcement action. Please refer to Commission Rule 515-9-3-.11 and O.C.G.A. § 46-2-91 for assessment considerations upon which civil penalties are based. An operator's failure to specify an issue may result in a waiver of the right to raise that issue at hearing. The request must also indicate whether or not the Operator will be represented by counsel at the hearing.

**Open Records and Trade Secret Filings:**

The Operator is advised that any material provided to the Commission, and all materials prepared by the Commission, including the Notice of Probable Violations and any Orders issued in this case, may be considered public information and subject to disclosure under the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.). If you believe that any portion of your response material is security sensitive, privileged, confidential or may cause your company competitive disadvantages and would qualify for protection under the Commission's "Trade Secret Rule" (Commission Rule 515-3-1-.11), you must, along with the complete original document clearly marked "TRADE SECRET" on each page, provide a second copy of the document with the portions you believe qualify for trade secret treatment redacted, and an explanation of why you believe the redacted information qualifies for such trade secret treatment. Should the Commission receive a request for disclosure of any "TRADE SECRET" material, you will be notified, if after review, the materials and your provided justification are deemed not to meet any exemptions provided in the Georgia Open Records Act. You may appeal the Commission's decision to release material at that time. Your appeal will stay the release of those materials until a final decision is made.