FILED
DEC 28 2023
EXECUTIVE SECRETARY
G.P.S.C.

COMMISSIONERS:

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

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

DOCKET NO. 43823 Bob Love's Plumbing & Septic Tank, Inc.; PSC Case No. 18-13810, 20-21016

DOCKET# 43823
DOCUMENT# 216908

FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Janey Chauvet

Bob Love's Plumbing & Septic Tank, Inc.: No appearance

MAILED
1.22.2024

PROCEDURAL HISTORY

On January 25, 2023, the Georgia Public Service Commission ("Commission") conducted an evidentiary hearing in order to hear and receive evidence of an alleged violation of the Georgia Utilities Facility Protection Act ("GUFPA") by the Respondent, Bob Love's Plumbing & Septic Tank, Inc. No appearance was entered by the Respondent at that hearing. Subsequent to the hearing, the Commission entered an order on August 16, 2022 finding that the Respondent's actions had indeed violated O.C.G.A. § 25-9-6(a), 25-9-8-(a), 25-9-8(b) and 25-9-8(e) (collectively, the "Violations"). The Commission ordered that the Respondent be assessed a penalty pursuant to O.C.G.A. § 25-9-13(h)(7). A penalty in the amount of $16,000 was ordered and the Respondent was provided an opportunity to mitigate $12,000 of the penalty by completing a Commission approved damage prevention training program (the "Original Civil Penalty").

On November 1, 2022, the Commission issued a Procedural and Scheduling Order to address Respondents failure to have complied with the Commission's Final Orders dated. Specifically, the Commission asserted the following:

1. The Commission has the power and authority to enforce the provisions of O.C.G.A. T46, Ch 2-91.
2. The Commission issued Orders on August 16, 2022, requiring payment of a civil penalty and/or completion of a damage prevention-training program for Respondent committing the Violations. Respondent has neither paid the civil penalty nor completed a damage prevention course, thus violating the terms of the Order issued by the Commission.

A proceeding was held in accordance with O.C.G.A. § 46-2-91 on January 25, 2023.

FINDINGS AND CONCLUSIONS

Based upon the testimony of all witnesses, the documentary evidence at the evidentiary hearing, and an assessment of the credibility of the witnesses and evidence at this proceeding, the Commission hereby makes the following findings of fact and conclusions of law with respect to the issues involved in this case:

Marilyn Morris-Simmons testified in this proceeding on behalf of Commission Staff. Ms. Morris-Simmons is the assistant to the GUFPA Program Managers for the Commission's Pipeline and Facilities Safety Section and is generally responsible for the delivery of consent agreements, Notice of Hearings, and Final Orders to probable violators of the GUFPA and/or O.C.G.A. § 46-2-91.

During the hearing Staff entered Exhibits 3 and 4 into evidence. Exhibit 3 was a chart that detailed information regarding the Final Order, Notice of Hearing and the date of service for both the Final Order and Notice of Hearing. Exhibit 4 included copies of the Final Order, Notice of Hearing and supporting documents for the date of service for both the Final Order and Notice of Hearing.

On August 16, 2022, the Commission issued a Final Order in this docket finding that the Respondent committed the Violations, and provided Respondent thirty (30) days from the date of the Final Order to pay the Original Civil Penalty.

Ms. Morris-Simmons testified that the Commission's Final Order was mailed to Respondents by regular mail. Per Ms. Morris-Simmons, the regular mail copy of the Final Order was not returned.

Ms. Morris-Simmons testified that as of the date of this proceeding, Respondents had failed to comply with the Order of the Commission in this Docket. Specifically, Respondents had failed to pay the penalty and/or to mitigate a portion thereof through damage prevention training class and further, Respondents had not given any adequate explanation therefor.

Ms. Morris-Simmons testified that Respondents were provided notice of this proceeding by both regular and certified mail. The certified mail receipt and signed return receipt indicating the delivery of the Notice of Hearing and Procedural and Scheduling Order for this proceeding were entered into evidence as part of Staff Exhibit #4. Per Ms. Morris-Simmons, the regular mail copy of the Notice of Hearing was not returned.

As of the date of this proceeding, Respondents had not given any adequate explanation for having failed to comply with the Commission's Final Order of August 16, 2022.

Based upon the facts and circumstances presented in this case, and in accordance with O.C.G.A. § 46-2-91(b), the Commission finds that Respondents have failed to comply with a lawful Order of this Commission.

PENALTIES

Pursuant to O.C.G.A. § 46-2-91(a), the Commission has authority to impose a civil penalty not exceeding $15,000.00 for such violation of a Commission Order and an additional penalty not to exceed $10,000 for each day during which such violation continues. The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). This penalty is *in addition to* the Original Civil Penalty.

WHEREFORE IT IS ORDERED, that pursuant to O.C.G.A. § 46-2-91(a) The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). Respondents shall pay such civil penalty to the Commission, in certified funds, within thirty (30) days from the date of this Order.

ORDERED FURTHER, this penalty is *in addition to* those penalties already assessed by previous Commission Orders in this Docket.

ORDERED FURTHER, 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, 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, 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 17th day of October, 2023.

Sallie Tanner

Sallie Tanner
Executive Secretary

12-28-23
Date

Jason Shaw
Chairman

12-28-23
Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

Bob Love's Plumbing & Septic Tank, Inc.	)	**DOCKET NO. 43823**
	)	**PSC Case No. 18-13810, 20-21016**

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 ensure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	**Bob Love's Plumbing & Septic Tank, Inc.** Attn: Bob Love, 105 Park Pines Circle, Grantville, GA 30220-2792
Janey Chauvet Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	Bob Love's Plumbing, registered agent c/o 29 Cherokee Street, Newnan, GA 30263

This 22nd day of January, 2024.

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
FEB 08 2023
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

DOCKET NO. 43823 Bob Love's Plumbing & Septic Tank, Inc.; PSC Case No. 18-13810, 20-21016

DOCKET# 43823
DOCUMENT# 193175

RECOMMENDED FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Janey Chauvet

Bob Love's Plumbing & Septic Tank, Inc.: No appearance

PROCEDURAL HISTORY

On January 25, 2023, the Georgia Public Service Commission ("Commission") conducted an evidentiary hearing in order to hear and receive evidence of an alleged violation of the Georgia Utilities Facility Protection Act ("GUFPA") by the Respondent, Bob Love's Plumbing & Septic Tank, Inc. No appearance was entered by the Respondent at that hearing. Subsequent to the hearing, the Commission entered an order on August 16, 2022 finding that the Respondent's actions had indeed violated O.C.G.A. § 25-9-6(a), 25-9-8-(a), 25-9-8(b) and 25-9-8(e) (collectively, the "Violations"). The Commission ordered that the Respondent be assessed a penalty pursuant to O.C.G.A. § 25-9-13(h)(7). A penalty in the amount of $16,000 was ordered and the Respondent was provided an opportunity to mitigate $12,000 of the penalty by completing a Commission approved damage prevention training program (the "Original Civil Penalty").

On November 1, 2022, the Commission issued a Procedural and Scheduling Order to address Respondents failure to have complied with the Commission's Final Orders dated. Specifically, the Commission asserted the following:

1. The Commission has the power and authority to enforce the provisions of O.C.G.A. T46, Ch 2-91.
2. The Commission issued Orders on August 16, 2022, requiring payment of a civil penalty and/or completion of a damage prevention-training program for Respondent committing the Violations. Respondent has neither paid the civil penalty nor completed a damage prevention course, thus violating the terms of the Order issued by the Commission.

A proceeding was held in accordance with O.C.G.A. § 46-2-91 on January 25, 2023.

FINDINGS AND CONCLUSIONS

Based upon the testimony of all witnesses, the documentary evidence at the evidentiary hearing, and an assessment of the credibility of the witnesses and evidence at this proceeding, the Commission hereby makes the following findings of fact and conclusions of law with respect to the issues involved in this case:

Marilyn Morris-Simmons testified in this proceeding on behalf of Commission Staff. Ms. Morris-Simmons is the assistant to the GUFPA Program Managers for the Commission's Pipeline and Facilities Safety Section and is generally responsible for the delivery of consent agreements, Notice of Hearings, and Final Orders to probable violators of the GUFPA and/or O.C.G.A. § 46-2-91.

During the hearing Staff entered Exhibits 3 and 4 into evidence. Exhibit 3 was a chart that detailed information regarding the Final Order, Notice of Hearing and the date of service for both the Final Order and Notice of Hearing. Exhibit 4 included copies of the Final Order, Notice of Hearing and supporting documents for the date of service for both the Final Order and Notice of Hearing.

On August 16, 2022, the Commission issued a Final Order in this docket finding that the Respondent committed the Violations, and provided Respondent thirty (30) days from the date of the Final Order to pay the Original Civil Penalty.

Ms. Morris-Simmons testified that the Commission's Final Order was mailed to Respondents by regular mail. Per Ms. Morris-Simmons, the regular mail copy of the Final Order was not returned.

Ms. Morris-Simmons testified that as of the date of this proceeding, Respondents had failed to comply with the Order of the Commission in this Docket. Specifically, Respondents had failed to pay the penalty and/or to mitigate a portion thereof through damage prevention training class and further, Respondents had not given any adequate explanation therefor.

Ms. Morris-Simmons testified that Respondents were provided notice of this proceeding by both regular and certified mail. The certified mail receipt and signed return receipt indicating the delivery of the Notice of Hearing and Procedural and Scheduling Order for this proceeding were entered into evidence as part of Staff Exhibit #4. Per Ms. Morris-Simmons, the regular mail copy of the Notice of Hearing was not returned.

As of the date of this proceeding, Respondents had not given any adequate explanation for having failed to comply with the Commission's Final Order of August 16, 2022.

Based upon the facts and circumstances presented in this case, and in accordance with O.C.G.A. § 46-2-91(b), the Commission finds that Respondents have failed to comply with a lawful Order of this Commission.

PENALTIES

Pursuant to O.C.G.A. § 46-2-91(a), the Commission has authority to impose a civil penalty not exceeding $15,000.00 for such violation of a Commission Order and an additional penalty not to exceed $10,000 for each day during which such violation continues. The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). This penalty is *in addition to* the Original Civil Penalty.

WHEREFORE IT IS ORDERED, that pursuant to O.C.G.A. § 46-2-91(a) The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). Respondents shall pay such civil penalty to the Commission, in certified funds, within thirty (30) days from the date of this Order.

ORDERED FURTHER, this penalty is *in addition to* those penalties already assessed by previous Commission Orders in this Docket.

ORDERED FURTHER, 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, 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, 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	**Tricia Pridemore**
Executive Secretary	**Chairman**
Date	Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

Bob Love's Plumbing & Septic Tank, Inc.	)	**DOCKET NO. 43823**
	)	**PSC Case No. 18-13810, 20-21016**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Recommended 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 ensure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	**Bob Love's Plumbing & Septic Tank, Inc.** Attn: Bob Love, 105 Park Pines Circle, Grantville, GA 30220-2792
Janey Chauvet Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	. , registered agent c/o Bob Love's Plumbing, 29 Cherokee Street, Newnan, GA 30263

This 20th day of January, 2023.

Nancy Gibson
Hearing Officer

Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

EXHIBIT 4
FILED
NOV 23 2022
EXECUTIVE SECRETARY
G.P.S.C.

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
STATE OF GEORGIA

DOCKET# 43823
DOCUMENT# 192207
MAILED
12.9.2022

IN THE MATTER OF:

GUFPA CASE NO. PSC 18-13810 and 20-21016

DOCKET NO. 43823

Bob Love's Plumbing & Septic Tank, Inc.
Respondent

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Bob Love's Plumbing & Septic Tank, Inc.**
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

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 Bob Love's Plumbing & Septic Tank, 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.

EXHIBIT 4

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.

EXHIBIT 4

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

11-23-22
Date

Tricia Pridemore
Chairman

11-23-22
Date

EXHIBIT 4

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:	)	
	)	
Bob Love's Plumbing & Septic Tank, Inc.,	)	DOCKET NO. 43823
RESPONDENTS	)	(PSC Case No. 18-13810
	)	and 20-21016)

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

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

Bob Love's Plumbing
registered agent c/o
29 Cherokee Street
Newnan, GA 30263

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

EXHIBIT 4

FILED

JUL 28 2022

EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 43823
DOCUMENT# 190999

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. 18-13810 and 20-21016
Bob Love's Plumbing & Septic Tank, Inc.;

DOCKET NO. 43823

FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Janey Chauvet
25-9-6(a); 25-9-8(a); 25-9-8(b) and 25-9-8(e)

Bob Love's Plumbing & Septic Tank, Inc.: No appearance

PROCEDURAL HISTORY

On August 6, 2018, while working at 819 Gresham Avenue SE, Atlanta, and June 30, 2020 and while working at 3111 King Walk Circle, Atlanta, Bob Love's Plumbing & Septic Tank, 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); 25-9-8(a); 25-9-8(b) and 25-9-8(e) (the "Violations") and recommended, through Consent Agreement, that Respondent be assessed a $15,000 civil penalty with the ability to mitigate $12,000 by completing a Commission approved damage prevention training program.

On April 19, 2021, 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. Responded failed to contact the UPC before commencing excavation or blasting with mechanized equipment in violation of O.C.G.A.§ 25-9-6(a); struck, injured, or loosened any utility facility which had been staked or marked in violation of O.C.G.A. § 25-9-8(a); failed to exercise reasonable care when excavating or blasting is to take place within the tolerance zone in violation of O.C.G.A. § 25-9-8(b) and failed to notify both the UPC and the affected facility owner/operator after a damage occurs 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 **$16,000** 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); 25-9-8(a); 25-9-8(b) 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 $12,000 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

EXHIBIT 4

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 43823 **Bob Love's Plumbing & Septic Tank, Inc.;** **Case Nos. 18-13810 and 20-21016**

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)	Bob Love's Plumbing & Septic Tank, Inc., Attn: Bob Love, 105 Park Pines Circle Grantville, GA 30220-2792 Bob Love registered agent c/o Bob Love's Plumbing 29 Cherokee Street Newnan, GA 30263
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

Ge

ATLANTA, GEORGIA 30334-5701

7012 1640 0000 4250 2510

US POSTAGE PITNEY BOWES
ZIP 30334 $ 009.65
02 4W
0000358407 AUG 26 202

PSC 18-13810

RECEIVED
SEP 26 2022
GUFPA UNIT
GPSC

, registered agent c/o
Bob Love's Plumbing
29 Cherokee Street
Newnan, GA 30263
RN HO FO PSC 18-13810
4/27/2022

-R-T-S- 302635060-1N 09/19/22

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

COMPLETE THIS SECTION

e items 1, 2, and 3. Also complete
Restricted Delivery is desired.
r name and address on the reverse
e can return the card to you.
is card to the back of the mailpiece,
front if space permits.

dressed to:

, registered agent c/o
Bob Love's Plumbing
29 Cherokee Street
Newnan, GA 30263
RN HO FO PSC 18-13810
4/27/2022

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x 03 Covid 19 ☐ Agent ☐ Addressee

B. Received by (Printed Name) B. Love
C. Date of Delivery 9 3 22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
SEP 07 2022
GUFPA UNIT
GPSC

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

e Number (fer from service label) 7012 1640 0000 4250 2510

3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street SW
Atlanta, Georgia 30334

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

AUG 26 2022
Postmark Here

, registered agent c/o
Bob Love's Plumbing
29 Cherokee Street
Newnan, GA 30263
RN HO FO PSC 18-13810

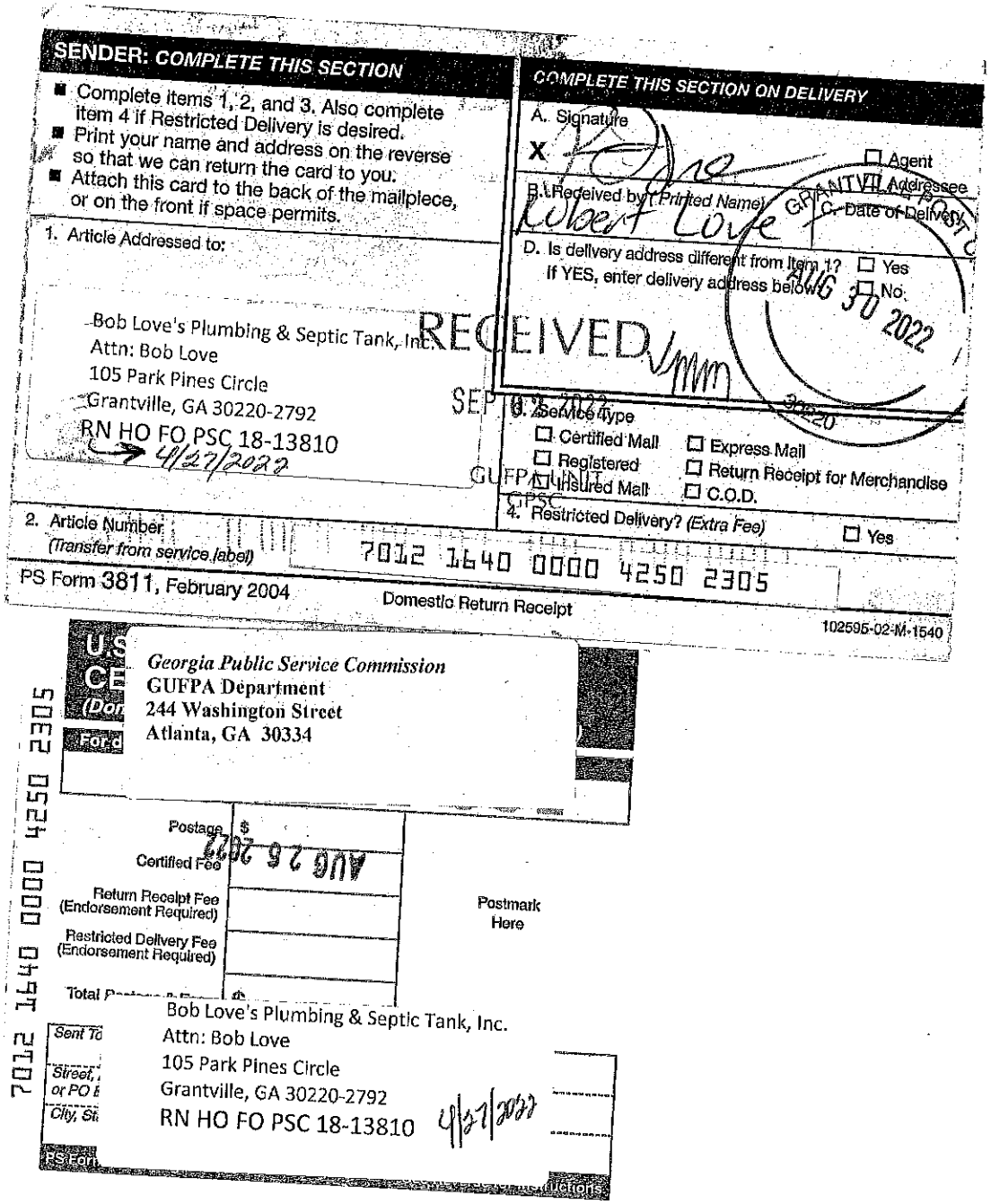
7012 1640 0000 4250 2510

EXHIBIT 4

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

UTF

EXHIBIT 4



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792
RN HO FO PSC 18-13810
4/27/2022

RECEIVED
SEP 0 5 2022
GUFPA UNIT
GPSC

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Robert Love
☐ Agent
☐ Addressee

B. Received by (Printed Name) Robert Love
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

AUG 30 2022
GRANTVILLE, GA 30220

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7012 1640 0000 4250 2305

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Certified Mail (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information, visit our website at www.usps.com

Georgia Public Service Commission
GUFPA Department
244 Washington Street
Atlanta, GA 30334

Postage $
Certified Fee AUG 26 2022
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

Sent To Bob Love's Plumbing & Septic Tank, Inc.
Street, Apt. No., or PO Box No. Attn: Bob Love
105 Park Pines Circle
City, State, ZIP+4 Grantville, GA 30220-2792
RN HO FO PSC 18-13810 4/27/2022

PS Form 3800, August 2006 See Reverse for Instructions

7012 1640 0000 4250 2305

EXHIBIT 4

FILED
MAY 17 2022
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 43823
DOCUMENT# 190141

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

IN THE MATTER OF:

Case Nos. 18-13810 and 20-21016 **DOCKET NO. 43823**
Bob Love's Plumbing & Septic Tank, Inc.;

RECOMMENDED FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Janey Chauvet
25-9-6(a); 25-9-8(a); 25-9-8(b) and 25-9-8(e)

Bob Love's Plumbing & Septic Tank, Inc.: No appearance

PROCEDURAL HISTORY

On August 6, 2018, while working at 819 Gresham Avenue SE, Atlanta, and June 30, 2020 and while working at 3111 King Walk Circle, Atlanta, Bob Love's Plumbing & Septic Tank, 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); 25-9-8(a); 25-9-8(b) and 25-9-8(e) (the "Violations") and recommended, through Consent Agreement, that Respondent be assessed a $15,000 civil penalty with the ability to mitigate $12,000 by completing a Commission approved damage prevention training program.

On April 19, 2021, 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. Responded failed to contact the UPC before commencing excavation or blasting with mechanized equipment in violation of O.C.G.A.§ 25-9-6(a); struck, injured, or loosened any utility facility which had been staked or marked in violation of O.C.G.A. § 25-9-8(a); failed to exercise reasonable care when excavating or blasting is to take place within the tolerance zone in violation of O.C.G.A. § 25-9-8(b) and failed to notify both the UPC and the affected facility owner/operator after a damage occurs 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 **$16,000** 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); 25-9-8(a); 25-9-8(b) 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.

EXHIBIT 4

ORDERED FURTHER, that Respondent may mitigate $12,000 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 __ day of _____ 2022.

Sallie Tanner **Executive Secretary**	**Tricia Pridemore** **Chairman**
Date	Date

EXHIBIT 4

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 43823 **Bob Love's Plumbing & Septic Tank, Inc.;** **Case Nos. 18-13810 and 20-21016**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Recommended 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)	Bob Love's Plumbing & Septic Tank, Inc., Attn: Bob Love, 105 Park Pines Circle Grantville, GA 30220-2792 Bob Love registered agent c/o Bob Love's Plumbing 29 Cherokee Street Newnan, GA 30263
Janey Chauvet Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	

This 17th day of May, 2022..

Nancy Gibson
Hearing Officer
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

EXHIBIT 4

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

FILED
MAR 07 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

MAILED
2-11-2022

IN THE MATTER OF:

GUFPA CASE NO. PSC 18-13810 20-21016

DOCKET NO. 43823

DOCKET# 43823
DOCUMENT# 189025

Bob Love's Plumbing & Septic Tank, Inc.,
Respondent

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Bob Love's Plumbing & Septic Tank, Inc.**
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

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 Bob Love's Plumbing & Septic Tank, 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 4

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 4

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 August 06, 2018, 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.

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

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

EXHIBIT 4

EXHIBIT 2

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

3-7-22
Date

Tricia Pridemore
Chairman

3-7-22
Date

EXHIBIT 4

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:	)	
	)	
Bob Love's Plumbing & Septic Tank, Inc.,	)	DOCKET NO. 43823
RESPONDENTS	)	(PSC Case No. 18-13810 and
	)	20-21016)

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

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

Bob Love's Plumbing, registered agent c/o
29 Cherokee Street
Newnan, GA 30263

Respectfully Submitted this 11th day of March, 2022:

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

EXHIBIT 4

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

EXHIBIT 2

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

4/19/2021

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

Date of Incident: 8/6/2018 and 6/30/2020
Docket #: 43823
Case #: PSC 18-13810 and 20-21016
Incident Location: 819 Gresham Avenue SE, Atlanta and 3111 King Walk Circle, Atlanta

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(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.

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

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 $15,000.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $12,000.00 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 $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

EXHIBIT 4

RESPONSE OPTIONS EXHIBIT 2

(Please check only one)

Respondent: Bob Love's Plumbing & Septic Tank, Inc.
Docket #: 43823
Case #: PSC 18-13810 and 20-21016

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 **$15,000.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

EXHIBIT 4

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

EXHIBIT 2

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 18-13810

INCIDENT INFORMATION

INCIDENT DATE:	8/6/2018	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	1/2 inch
INCIDENT ADDRESS:	819 Gresham Avenue SE, Atlanta		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Unknown/Other		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC Locating Service, Inc.
LOCATE NUMBER:	08068-225-045
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 24 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Atlanta Gas Light
CONTACT NAME:	Christy Rainwater
CONTACT NUMBER:	404-584-3135
MAILING ADDRESS:	Ten Peachtree Place N.E.
CITY, STATE, ZIP:	Atlanta, GA 30309
CUSTOMERS AFFECTED:	1
REPAIR COST:	$1,605.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Bob Love's Plumbing & Septic Tank, Inc.
CONTACT NAME:	Bob Love
CONTACT NUMBER:	770-301-6220
MAILING ADDRESS:	Attn: Bob Love 105 Park Pines Circle
CITY, STATE, ZIP:	Grantville, GA 30220-2792

FACILITY OWNER INFORMATION

FACILITY OWNER:	Atlanta Gas Light
CONTACT NUMBER:	404-584-3135

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.

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

DESCRIPTION OF DAMAGES:

While digging with mechanized equipment, Bobs Plumbing and Septic damaged 1/2-inch plastic gas line.

EXHIBIT 4

GEORGIA PUBLIC SERVICE COMMISSION EXHIBIT 2
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 18-13810

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:	43823
Case Number:	PSC 18-13810
Report Date:	8/31/2018
Incident Date:	8/6/2018
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	USIC Locating Service, Inc.
Locator Phone:	317-810-8077
Excavator:	Bobs Plumbing and Septic
Excavator Phone:	770-301-6220
Violator:	Bob Love's Plumbing & Septic Tank, Inc.
Contact:	Bob Love
Address:	Attn: Bob Love 105 Park Pines Circle
City, State, Zip	Grantville, GA 30220-2792
Incident Location:	819 Gresham Avenue SE
Incident City:	Atlanta
Incident County:	DeKalb
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	1/2 inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Service
Number of Customers Affected:	1
Repair Cost:	$1,605.00

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):	08068-225-045
Equipment Involved:	Unknown/Other
Nature of Excavation:	Water
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 4

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Bob Love's Plumbing & Septic Tank, Inc. was excavating at 819 Gresham Avenue, Atlanta, Georgia on August 6, 2018. Atlanta Gas Light reported this incident because Bob Love's Plumbing & Septic Tank, Inc., struck and damaged a marked gas 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 Atlanta Gas Light regarding the damage that occurred at 819 Gresham Avenue, Atlanta, Georgia on August 6, 2018. The submitted Atlanta Gas Light damage report indicates Bob Love's Plumbing & Septic Tank, Inc., caused damage to a ½" plastic gas service line. According to the report, the contractor was repairing a sewer service line and while excavating with mechanized equipment, the contractor struck and damaged a marked buried gas 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. OCGA 25-9-8(e) Failure to notify both the UPC (811) and the affected utility facility owner/operator after a damage occurs.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid emergency locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was unable to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds Bob Love's Plumbing & Septic Tank, Inc., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Bob Love's Plumbing & Septic Tank, 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.

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

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.

EXHIBIT 4

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 20-21016

INCIDENT INFORMATION

INCIDENT DATE:	6/30/2020
FACILITY TYPE:	Power
INCIDENT ADDRESS:	3111 King Walk Circle, Atlanta
UTILITY LINE FUNCTION:	Primary
MECHANZIED EQPT.:	Backhoe/Trackhoe
MATERIAL TYPE:	Cable
SIZE:	1/0

LOCATE INFORMATION

LOCATE COMPANY NAME:	Georgia Power Company
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	No

REPORTING INFORMATION

REPORTING COMPANY:	Georgia Power Company
CONTACT NAME:	Mark Monroe
CONTACT NUMBER:	404-954-4129
MAILING ADDRESS:	755 Jefferson St, BIN 39072
CITY, STATE, ZIP:	Atlanta, GA 30318
CUSTOMERS AFFECTED:	3
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Bob Love's Plumbing & Septic Tank, Inc.
CONTACT NAME:	Bob Love
CONTACT NUMBER:	770-301-6220
MAILING ADDRESS:	29 Cherokee St
CITY, STATE, ZIP:	Newnan, GA N/A

FACILITY OWNER INFORMATION

FACILITY OWNER:	Georgia Power Company
CONTACT NUMBER:	404-285-6587

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.

DESCRIPTION OF DAMAGES:

Working without a valid ticket and without marks, a crew with Bob's Plumbing and Septic damaged an unmarked 1/0 primary cable in the R/O/W of 3111 King Walk Circle. Emergency ticket 06300-252-042 was called in following the damage, and damage ticket 06300-260-052 was called in shortly thereafter.

EXHIBIT 4

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 20-21016

INCIDENT INFORMATION

INCIDENT DATE:	6/30/2020	MATERIAL TYPE:	Cable
FACILITY TYPE:	Power	SIZE:	1/0
INCIDENT ADDRESS:	3111 King Walk Circle, Atlanta		
UTILITY LINE FUNCTION:	Primary		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Georgia Power Company
LOCATE NUMBER:	00000-000-000
WAS FACILITY LOCATED?	No
LOCATE MARKS WITHIN 24 INCHES?	No

REPORTING INFORMATION

REPORTING COMPANY:	Georgia Power Company
CONTACT NAME:	Mark Monroe
CONTACT NUMBER:	404-954-4129
MAILING ADDRESS:	755 Jefferson St, BIN 39072
CITY, STATE, ZIP:	Atlanta, GA 30318
CUSTOMERS AFFECTED:	3
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Bob Love's Plumbing & Septic Tank, Inc.
CONTACT NAME:	Bob Love
CONTACT NUMBER:	770-301-6220
MAILING ADDRESS:	29 Cherokee St
CITY, STATE, ZIP:	Newnan, GA N/A

FACILITY OWNER INFORMATION

FACILITY OWNER:	Georgia Power Company
CONTACT NUMBER:	404-285-6587

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.

DESCRIPTION OF DAMAGES:

Working without a valid ticket and without marks, a crew with Bob's Plumbing and Septic damaged an unmarked 1/0 primary cable in the R/O/W of 3111 King Walk Circle. Emergency ticket 06300-252-042 was called in following the damage, and damage ticket 06300-260-052 was called in shortly thereafter.

EXHIBIT 4

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-21016

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:	43823
Case Number:	PSC 20-21016
Report Date:	7/24/2020
Incident Date:	6/30/2020
Facility Owner:	Georgia Power Company
Facility Owner Phone:	404-285-6587
Locator:	Georgia Power Company
Locator Phone:	404-506-6539
Excavator:	Bobs Plumbing and Septic
Excavator Phone:	770-301-6220
Violator:	Bob Love's Plumbing & Septic Tank, Inc.
Contact:	Bob Love
Address:	29 Cherokee Street
City, State, Zip	Newnan, GA N/A
Incident Location:	3111 King Walk Circle
Incident City:	Atlanta
Incident County:	Fulton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Power
Material Type:	Cable
Size (Diameter/Voltage/Pairs/etc.):	1/0
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Primary
Number of Customers Affected:	3
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:	Sewer (Sanitary/Storm)
Direction of Excavation Relative to Damaged Utility Line:	

EXHIBIT 4

EXHIBIT 2

SYNOPSIS

According to a submitted report of probable violation, Bob Love's Plumbing & Septic Tank, Inc. was excavating at 3111 King Walk Circle, Atlanta, Georgia on June 30, 2020. Georgia Power Company reported this incident because Bob Love's Plumbing & Septic Tank, Inc. 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 notice of probable violation from Georgia Power Company regarding the damage that occurred at 3111 King Walk Circle, Atlanta, Georgia on June 30, 2020. The submitted Georgia Power Company damage report indicates Bob Love's Plumbing & Septic Tank, Inc., caused damage to a primary power service line. According to the report the contractor was repairing a sewer line and while excavating with mechanized equipment, the contractor struck and damaged a buried power service facility. According to Georgia Power Company, contractor called in an emergency locate request after damage occurred. 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.

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 valid damage ticket covering incident date and address. Damage at incident location coincides with the incident report from Georgia Power Company. Thus far, based on this initial information submitted by Georgia Power Company; GUFPA staff finds Bob Love's Plumbing & Septic Tank, Inc., in violation.

EXHIBIT 4

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

EXHIBIT 2

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:

Bob Love's Plumbing & Septic Tank, Inc.,
RESPONDENTS

CASE NUMBER: PSC 18-13810 and 20-21016

CONSENT AGREEMENT

Bob Love's Plumbing & Septic Tank, 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 8/6/2018 and 6/30/2020, 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.

EXHIBIT 4

3. **EXHIBIT 2**

Respondent(s) agree to pay to the Commission a penalty of $15,000.00 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 $12,000.00 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 $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: Bob Love's Plumbing & Septic Tank, Inc.

PSC 18-13810 and 20-21016

EXHIBIT 4

EXHIBIT 2

"GUFPA" Questionnaire

PSC 18-13810 and 20-21016, Docket No. 43823

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.

EXHIBIT 4

"GUFPA" Questionnaire EXHIBIT 2

PSC 18-13810 and 20-21016, Docket No. 43823

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.)?

EXHIBIT 4

"GUFPA" Questionnaire EXHIBIT 2

PSC 18-13810 and 20-21016, Docket No. 43823

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?

EXHIBIT 4

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

EXHIBIT 2

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.

EXHIBIT 4

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

EXHIBIT 2

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.

EXHIBIT 4

EXHIBIT 2

COMMISSIONERS:
CHUCK EATON, CHAIRMAN
TIM G. ECHOLS, VICE-CHAIRMAN
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE
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
www.psc.state.ga.us

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Bob Love's Plumbing & Septic Tank, Inc.,	)	DOCKET NO. 43823
RESPONDENTS	)	(PSC Case No. 18-13810
	)	and 20-21016)

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.

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792

, registered agent c/o
Bob Love's Plumbing
29 Cherokee Street
Newnan, GA 30263

Respectfully Submitted this 19th day of April, 2021:

Marilyn K. Morris-Simmons

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

EXHIBIT 4

7011 3500 0003 1075 4957

U.S. Pos
CERTIF
(Domestic
For delivery i

Georgia Public Service Commission
GUFPA Department
244 Washington Street
Atlanta, GA 30334

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

DEC 12 2022

Postmark Here

Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792
46-2-91 18-13810 NOH 1-25-2023

PS Form 3800, A

MM 1/19/2023

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792
46-2-91 18-13810 NOH 1-25-2023

Rcvd 12/28/2022

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name) Robert Lewis
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

GRANTVILLE POST OFFICE
DEC 23 2022

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 3500 0003 1075 4957

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Geo

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5701

CERTIFIED MAIL™

7011 3500 0001 0594 3333

US POSTAGE PITNEY BOWES
ZIP 30334 $ 008.76
02 4W
0000358407 MAR 11 202

PSC-18-13810

RECEIVED
MAY 02 2022

-R-T-S- 302205122-1N

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER

04/22/22

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792
RULE NISI 18-13810 4-27-22

GUFPA UNIT
GPSC MAR 16 2022

MAR 31 2022

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Love's Plumbing & Septic Tank, Inc.
Attn: Bob Love
105 Park Pines Circle
Grantville, GA 30220-2792
RULE NISI 18-13810 4-27-22

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7011 3500 0001 0594 3333

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

EXHIBIT 4