OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No X

Operator Name: City of Eatonton

Docket Number: 37049

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

Response to Inspection Number: RS23-032

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)

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.

   The City of Eatonton notes that neither response option is consistent with its response.

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: Not Applicable
   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

The City of Eatonton acknowledges receipt of the No Violation Letter for this Report.

Enforcement Action for: §192.181(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
☐ Warning Letter	☐ Yes ☐ No
☐ Letter of Concern	☐ Yes ☐ No
☐ Observed Issue	☐ Yes ☐ No
☐ Proposed Civil Penalty	☐ Yes ☐ No

Proposed Penalty for this violation

OPERATORS RESPONSE: The City of Eatonton (Eatonton) believes there is a misunderstanding about the status of this Continuing Violation. Although part of the initial response to AT21-025 was that Eatonton would address the proposed Rule when it is finalized, the same response also said that Eatonton would implement criteria for determining the placement of valves. Subsequently, Eatonton's response to JS22-015 amended the expected implementation date for these criteria and the response to JS22-014 that was filed on January 12, 2023, stated that Eatonton had implemented a Construction Manual that includes criteria for valve placement.

Based on the actions and dates described above, Eatonton does not think it appropriate to focus on one part of its responses without also recognizing that the same responses twice state Eatonton's commitment to implementing valve placement criteria and then advising that implementation had taken place some ten months before the Report on Inspection AT23-003 was filed.

Therefore, Eatonton requests that GPSC withdraw the new Probable Violation and Proposed Civil Penalty included in this Report and review the valve placement provisions of Eatonton's Construction Manual in order to clear the Continuing Violation of §192.181(a). However, if an Informal Conference is needed to discuss these matters, Eatonton would also like to discuss the propriety of the initial Probable Violation of §192.181(a) in light of PHMSA Advisory Bulletin ADB-94-02 and other pertinent information.

Response Provided by: Charlie Bales / Gas Superintendent Date: 03/06/24
Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed:_____

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

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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: City of Eatonton

Docket Number: 37049

Enforcement Action for: 515-9-3-.09 ☐ 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: The City of Eatonton (Eatonton) believes there is a misunderstanding about the status of the Continuing Violation of §192.181 (a). Although part of the initial response to AT21-025 was that Eatonton would address the proposed Rule when it is finalized, the same response also said that Eatonton would implement criteria for determining the placement of valves. Subsequently, Eatonton's response to JS22-015 amended the expected implementation date for these criteria and the response to JS22-014 that was filed on January 12, 2023, stated that Eatonton had implemented a Construction Manual that includes criteria for valve placement.

Based on the actions and dates described above, Eatonton does not think it appropriate to focus on one part of its responses without also recognizing that the same responses twice state Eatonton's commitment to implementing valve placement criteria and then advising that implementation had taken place some ten months before the Report on Inspection AT23-003 was filed.

Therefore, Eatonton requests that GPSC withdraw this new Probable Violation and the related Proposed Civil Penalty that are included in this Report and review the valve placement provisions of Eatonton's Construction Manual in order to clear the Continuing Violation of §192.181(a). However, if an Informal Conference is needed to discuss these matters, Eatonton would also like to discuss the propriety of the initial Probable Violation of §192.181(a) in light of PHMSA Advisory Bulletin ADB-94-02 and other pertinent information.

Response Provided by: Charlie Bales / Gas Superintendent Date: 03/05/24

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed:_____

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

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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.