# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes X No ☐

Operator Name: City of Commerce

Docket Number: 37038

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

Response to Inspection Number: JS23-034

| 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 | $10,000.00 PCP $ Amount (Total for report) | |

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

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

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

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

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

Enforcement Action for: §199.101 ☒ New Violation ☐ Continuing Violation

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

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

OPERATORS RESPONSE: On the day of the inspection, the City of Commerce ("Commerce") could not find a copy of the Procedures and Forms that comprise Appendix EE. After the discovery that the documents that comprise Appendix EE were missing from the hard copy of its D&A Plan, Commerce found the Procedures and Forms in its computer files, printed the Procedures and Forms, and inserted them into the hard copy.

Commerce also could not locate documentation of having reviewed its Contractors' Drug & Alcohol Plans (and MIS records). However, subsequent to the inspection on December 29, 2023, the documentation was found and was emailed to the Lead Inspector, Jason Smith. The 10-page PDF file documentation included completed forms entitled "Contractor Verification of Compliant Drug and Alcohol Plan" for two Leak Survey companies (Gulf Coast Survey, and Lisco) and a Utility Contractor (Harrison & Harrison).

To be certain that its contractors have compliant Drug and Alcohol Plans, Commerce has requested current D&A Plans from each of its contractors. Commerce's review process will be followed, including completion of a "Contractor Verification of Compliant Drug and Alcohol Plan" form. Required MIS data reports will be submitted for each contractor. The target date for completion of this process is June 30, 2024.

Supplemental documentation can be provided to support this response.

Response Provided by: Matthew Hailey / City Manager Date: 04/01/24
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

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Director Review

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

Cleared Violation: ☐ Yes ☐ No

Comments:_____

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# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes X No ☐

Operator Name: City of Commerce

Docket Number: 37038

Enforcement Action for: §199.239 ☒ 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 Commerce ("Commerce") has an Educational Materials packet that is provided to new Gas Department employees. The packet is comprised of over a dozen documents that address the effects of Alcohol & Drug abuse. To ensure that Educational Packets are available for new employees, hard copies of the Educational Packet were recently printed, along with an "Acknowledgement of Receipt" form that each new employee must sign to confirm that the employee received an Educational Materials packet. Effective immediately, Commerce will post one of the documents from the educational packet on the employee bulletin board located in the utilities office building and periodically change the posted document to a different educational document.

Supplemental documentation can be provided to support this response.

Response Provided by: Matthew Hailey/ City Manager (Name / Title) Date: 04/01/24

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

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

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

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

Cleared Violation: ☐ Yes ☐ No

Comments: _____

# OPERATOR RESPONSE FORM

Informal Conference Requested: Yes X No ☐

Operator Name: City of Commerce

Docket Number: 37038

Enforcement Action for: §192.805(b) ☒ 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 | $10,000.00 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: While updating Operator Qualification ("OQ") Records as the evaluator for several employees after requalification, Lonnie Robinson incorrectly updated some of his own OQ Records on the same date as the requalified employees. Subsequent to the inspection, Lonnie Robinson's OQ Records have been corrected. A current report of Lonnie Robinson's task qualifications is available for Staff's review. It should be noted that as a Director, Lonnie Robinson rarely performs Covered Tasks. Therefore, many of the subject covered tasks have been unassigned to Lonnie Robinson.

Supplemental documentation can be provided to support this response.

Response Provided by: Matthew Hailey / City Manager Date: 04/01/2024

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

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

Supervisor Review by: _____ Date Reviewed: _____

Additional Enforcement Recommended: ☐ Yes ☐ No

Director Review

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

Cleared Violation: ☐ Yes ☐ No

Comments: _____

**Filings:**

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

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

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

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

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

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

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

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