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Georgia Public Service Commission

(404) 463-6526
(800) 282-5813

244 Washington Street, SW
Atlanta, GA 30334-5701

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

DOCKET# 37038
DOCUMENT# 219961

Docket No. 37038

City of Commerce Gas System
P. O. Box 348 27 Sycamore Street
Commerce, GA 30529

REF: Public Awareness Inspection # JS24-019

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Mr. Matthew Hailey

On May 21, 2024, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered JS24-019 is provided for your information and file.

In conjunction with this inspection report, Staff has recommended the following enforcement(s):

Enforcement Action:

- ☒ Notice of Probable Violation
- ☐ Notice of Probable Violation with Proposed Civil Penalty
- ☐ Notice of Amendment

Enforcement Letter:

- ☐ Warning Letter
- ☐ Letter of Concern

Enforcement Notification:

- ☒ Observed Issue
- ☐ No Violation

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Actions, Enforcement Letters, and Notifications Issued by the Georgia Public Service Commission. Please refer to Docket No. 37038 in your response.

Please let me know if there are any questions concerning this report at (404) 985-4271 or mthebert@psc.ga.gov. Thank you for your continuing contribution toward increased pipeline safety.

Sincerely,

Michelle Thebert

Michelle L. Thebert
Director, Office of Pipeline Safety/Facilities Protection

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: JS24-019

OPERATOR: City of Commerce Gas System

INVESTIGATOR: Jason Smith

INSPECTION DATE: May 21, 2024 REPORT MAILED DATE: October 23, 2024

Any questions concerning this report may be directed to the above address or by telephoning (404) 463-6526.

1. PURPOSE OF INSPECTION

To conduct an inspection of the Operator's Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
Under Consent Agreement	Operator is under a Consent Agreement.	DJ23-003	1/25/2023

3. CLEARED VIOLATIONS

Cleared on 5/21/2024

Violation	Description	Inspection#	Date
199.101	Anti-Drug Plan	JS23-034	12/19/2023
192.805(b)	Ensure through evaluation that individuals performing covered tasks are qualified.	JS23-034	12/19/2023

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.615	Emergency plans.	JS24-019	5/21/2024
192.616	Public education.	JS24-019	5/21/2024

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF COMMERCE GAS SYSTEM / PUBLIC AWARENESS PROGRAM INSPECTION
INSPECTION NUMBER JS24-019 / DOCKET NUMBER 37038

On May 21, 2024, Pipeline Safety Staff reported to the City of Commerce Gas System to perform an inspection of the Operator's public awareness program.

During this inspection, the Operator was represented by:
Lonnie Robinson - Natural Gas Director (Deputy City Manager)
Bruce Bagnasco - MGAG/SRCS (consultant)

Pipeline Safety Staff was represented by:
Jason Smith - Lead Inspector
Jack Hewitt - Pipeline Safety Inspector

At the time of this inspection (#JS24-018) the City of Commerce Gas System was under two (2) probable violations and a Consent Agreement for violations and civil penalties which were issued under Inspection Number JB19-011. These items are addressed under follow-up Inspection Number JS24-018.

NOTICE OF PROBABLE VIOLATION

As a result of this inspection Staff found that the City of Commerce Gas System was in probable violation of the minimum federal safety standards; specifically:

a) 49CFR, §192.615 Emergency plans.
(c) Each operator must establish and maintain liaison with the appropriate public safety answering point (i.e., 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to:
(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;
(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and
(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

STAFFS COMMENTS: PHMSA PAP inspection form question #11 & 20 states - Do records indicate liaisons established and maintained with appropriate fire, police, other public officials, and 911 emergency call centers in accordance with procedures?

During this inspection, the Operator provided documentation showing they e-mailed meeting invitations to the Emergency Officials & Public Official groups in 2019. They attached PAP material/messaging to the e-mail.

Staff asked if they could demonstrate Public Officials received the required messages three years later; in 2022. The Operator was not able to provide records to show all members of the Public Officials audience group were reached.

In addition, the Operator had no records to demonstrate sheriff, police and EMA/911 agencies in Madison, Clarke, Banks and Jackson counties received the required public awareness material/messages in 2023.

PROBABLE VIOLATION: The City of Commerce Gas System failed to provide records that show they established and maintained liaison with appropriate Emergency and Public Officials as required.

b) 49CFR, §192.616 - Public Awareness.
(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.
(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.
(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:
(1) Use of a one-call notification system prior to excavation and other damage prevention activities;
(2) Possible hazards associated with unintended releases from a gas pipeline facility;
(3) Physical indications that such a release may have occurred;
(4) Steps that should be taken for public safety in the event of a gas pipeline release; and
(5) Procedures for reporting such an event.
(e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

PROBABLE VIOLATION: Based on the deficiencies identified under Questions Number 3, 5, and 10 of the PHMSA Public Awareness Program Effectiveness Inspection form, the City of Commerce has failed to conduct a Public Awareness Program as required by 49CFR §192.616.

OBSERVED DEFICIENCIES

a) PHMSA PAP inspection form question #3 states - Does the program clearly identify the specific pipeline systems and facilities to be included in the program, along with the unique attributes and characteristics of each?

STAFFS COMMENTS: In Section IV.2 'Unique Attributes' of their public awareness plan Commerce identified their regulator station as locations that would fall under this category. Eight reg. stations were listed in the PAP. Staff questioned if this list contained all of Commerce Gas System's regulator stations. The Operator informed Staff that two of their reg. stations were missing from the list; the Diana Way station (installed in 2018) and the Joe Bolton station (installed in 2023). Since these two locations were not listed, Staff questioned if material/messages giving a brief overview of the reg. stations had been provided to the audience member that is located on or immediately adjacent to these stations. The Operator informed Staff the unique attribute location material/messages were not distributed at these two locations.

OBSERVED DEFICIENCY: The City of Commerce Gas System's public awareness plan failed to address all locations in their distribution system that contain unique attributes as required under Section IV.2 of their plan.

b) PHMSA PAP inspection form question #10 states - Did the delivery of materials and messages meet or exceed the baseline delivery frequencies specified in API RP 1162, Table 2-1 through Table 2.3?

STAFFS COMMENTS: During this inspection, Staff asked for various documentation that would illustrate the delivery of public awareness material/messages to all stakeholder audience members. In 2019, the Operator e-mailed a large number of Emergency Officials and Public Officials to a liaison

meeting event Commerce Gas System was sponsoring. Since the baseline frequency for material/messages delivery for Public Officials is every three years, Staff asked to see proof of the next time Commerce Gas System reached out. The Operator was not able to provide documentation showing any sort of delivery in three years' time, which would be 2022.

In addition, the Operator was not able to provide documentation showing delivery of public awareness material/messages to all Emergency Officials (fire, sheriff, police, EMA/911) annually.

OBSERVED DEFICIENCY: Commerce Gas System failed to ensure delivery of public awareness material/messages meet or exceed the baseline frequencies specified in API RP 1162 for Emergency and Public Officials.

c) PHMSA PAP inspection form question #5 states - Do records identify the individual stakeholders in the four affected stakeholder audience groups: Affected Public, Emergency Officials, Local Public Officials, and Excavators, as well as affected municipalities, school districts, businesses, and residents to which it sends public awareness materials and messages?

STAFFS COMMENTS: Staff determined that Commerce Gas System left two unique attribute locations off their listing in section IV.2 of their PAP. The Operator has ten regulator stations in their distribution system, but only eight were on the list of locations with unique attributes. The list was missing the Diana Way station and the Joe Bolton station.

Since these two locations were not listed, Staff questioned if material/messages giving a brief overview of the reg. stations were provided to the Affected Public that may be located on or immediately adjacent to these regulator stations. The Operator informed Staff the unique attribute location material/messages were not distributed to the Affected Public at these two locations.

In addition, Commerce Gas System was not able to provide documentation demonstrating all Emergency Officials (specifically sheriffs, police & EMA/911) operating within their distribution system have received public awareness material/messages annually.

OBSERVED DEFICIENCY: The City of Commerce Gas System failed to ensure public awareness program material/messages are being provided to various stakeholder groups as required.

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Letters Issued by the Georgia Public Service Commission.

OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ 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: _____

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.

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

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

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

   Additional Comments: (Optional) _____

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

Operator Response to Enforcement Action

Enforcement Action for: _____ ☐ New Violation ☐ Continuing Violation
Enter Code / Commission Rule (Complete a separate attachment for each enforcement action)

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

OPERATORS RESPONSE: _____

Response Provided by: _____ Date: _____
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.

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
Public Awareness Inspection	)	**DOCKET NO. 37038**
City of Commerce Gas System	)	
Inspection JS24-019 on May 21, 2024	)	
	)	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have caused to be served a copy of the foregoing, and a copy of same was served upon all parties and persons listed below via electronic mail as indicated by an asterisk. I further certify that the *City of Commerce Gas System was* served a hard copy of the above-stated document by U.S. Mail, certified/return receipt requested.

*Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

*Matthew Hailey, City Manager
City of Commerce Gas System
P.O. Box 348
27 Sycamore Street
Commerce, GA 30529

*Michelle Thebert, Facilities Protection Unit Director
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

Respectfully Submitted this 24th day of September 2024:

Cathy Nesbitt

Cathy Nesbitt, Administrative Assistant
Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, GA 30334