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

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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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET# 43631
DOCUMENT# 220574

IN THE MATTER OF:

GUFPA CASE NO. PSC 20-20140, 21-22897, 21-22898 and 24-20562

DOCKET NO. 43631

European Construction & Design, L.L.C. (Property Owner),
Respondent

MAILED
12.4.2024

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **European Construction & Design, L.L.C. (Property Owner)**
Attn: Adrian Burciu
763 Blackberry Trail
Lawrenceville, GA 30043

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 March 19, 2025*** 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 European Construction & Design, L.L.C. (Property Owner) (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.

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.

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 April 24, 2020, 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.

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 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 October 16, 2024.

Sallie Tanner
Executive Secretary

12-2-24
Date

Jason Shaw
Chairman

12-2-24
Date

COMMISSIONERS:

JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
European Construction & Design, L.L.C. (Property Owner),	)	DOCKET NO. 43631
RESPONDENTS	)	(PSC Case No. 20-20140,
	)	21-22897, 21-22898 and
	)	24-26562)

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

European Construction & Design, L.L.C.
(Property Owner)
Attn: Adrian Burciu
763 Blackberry Trail
Lawrenceville, GA 30043

Respectfully Submitted this 4th day of November, 2024:

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

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
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MICHELLE THEBERT
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6/24/2024

REVISED

European Construction & Design, L.L.C.
Attn: Adrian Burciu
763 Blackberry Trail
Lawrenceville, GA 30043

Date of Incident: Various
Docket #: 43631
Case #: PSC 20-20140 (Property Owner), 21-22897, 21-22898 and 24-26562
Incident Location: Various

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Underground 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

25-9-8(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.

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**, 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.ga.gov
GPSC GUFPA Investigator

RESPONSE OPTIONS

(Please check only one)

REVISED

Respondent: European Construction & Design, L.L.C.
Docket #: 43631
Case #: PSC 20-20140 (Property Owner), 21-22897, 21-22898 and 24-26562

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 Underground 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.

REVISED DOCKET 43631: EUROPEAN CONSTRUCTION & DESIGN, L.L.C.							
CASE NUMBER	INCIDENT DATE	REPORT DATE	INCIDENT ADDRESS	CITY	COUNTY	REPORTER NAME	VIOLATIONS
21-22897	3/8/2021	3/14/2021	1591 Azalea Drive	Lawrenceville	Gwinnett	City of Lawrenceville Damage Prevention Department	25-9-8(a), 25-9-8(b)
21-22898	11/24/2020	12/17/2020	3348 Lee Drive	Buford	Hall	Atlanta Gas Light	25-9-8(a), 25-9-8(b)
24-26562	10/27/2021	12/1/2021	174 Drake Street	Buford	Gwinnett	City of Buford Gas	25-9-(e), 25 9-8(a)
20-20140	4/24/2020	5/6/2020	763 Blackberry Trail (Property Owner)	Lawrenceville	Gwinnett	City of Lawrenceville Damage Prevention Department	25-9-8(a), 25-9-8(b)

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-20140

INCIDENT INFORMATION

INCIDENT DATE:	4/24/2020	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	5/8-inch
INCIDENT ADDRESS:	763 Blackberry Trail, Lawrenceville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention Department
LOCATE NUMBER:	04060-264-016
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	770-277-7440
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Lawrenceville, GA 30046
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	European Construction & Design, L.L.C. (Property Owner)
CONTACT NAME:	Adrian Burciu
CONTACT NUMBER:	404 328-6356
MAILING ADDRESS:	Attn: Adrian Burciu 763 Blackberry Trail
CITY, STATE, ZIP:	Lawrenceville, GA 30043

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

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.

DESCRIPTION OF DAMAGES:

Damage Ticket 04240-210-023, Grading with a backhoe/track hoe when they ripped a 5/8-inch PE gas service apart. They had graded away the locate marks. Locate photos show that it had been marked correctly.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-20140

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:	43631
Case Number:	PSC 20-20140
Report Date:	5/6/2020
Incident Date:	4/24/2020
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention Department
Locator Phone:	470 233-9717
Excavator:	European Construction & Design
Excavator Phone:	678 744-3999, 404 328-6356
Violator:	European Construction & Design, L.L.C. (Property Owner)
Contact:	Adrian Burciu
Address:	Attn: Adrian Burciu 763 Blackberry Trail
City, State, Zip	Lawrenceville, GA 30043
Incident Location:	763 Blackberry Trail
Incident City:	Lawrenceville
Incident County:	Gwinnett
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	5/8-inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
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):	04060-264-016
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, European Construction & Design, L.L.C. was excavating at 763 Blackberry Trail, Lawrenceville, Georgia on May 19, 2020. City of Lawrenceville Gas reported this incident because European Construction & Design, L.L.C. 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 City of Lawrenceville Gas regarding the damage that occurred at 763 Blackberry Trail, Lawrenceville, Georgia on May 19, 2020. The submitted City of Lawrenceville Gas damage report indicates European Construction & Design, L.L.C., caused damage to a 5/8" plastic gas service line. According to the report, the contractor was installing a septic service 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.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was able to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds European Construction & Design, L.L.C., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **European Construction & Design, L.L.C. (Property Owner)** 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.

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.

COMMISSIONERS:
JASON SHAW, Chairman
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FITZ JOHNSON
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TRICIA PRIDEMORE

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 21-22897

INCIDENT INFORMATION

INCIDENT DATE:	3/8/2021	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	3/4-inch
INCIDENT ADDRESS:	1591 Azalea Drive, Lawrenceville		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Lawrenceville Damage Prevention Department
LOCATE NUMBER:	210226-001227
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	City of Lawrenceville Damage Prevention Department
CONTACT NAME:	Lisa Clark McKnight
CONTACT NUMBER:	404-328-6356
MAILING ADDRESS:	P.O. Box 2200
CITY, STATE, ZIP:	Dacula, GA 30019
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	European Construction & Design, L.L.C.
CONTACT NAME:	Adrian Burciu
CONTACT NUMBER:	404 328-6356
MAILING ADDRESS:	Attn: Adrian Burciu 763 Blackberry Trail
CITY, STATE, ZIP:	Lawrenceville, GA 30043

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Lawrenceville Gas Department
CONTACT NUMBER:	770 963-3332

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.

DESCRIPTION OF DAMAGES:

Damage Ticket 210308-003769, European Construction & Design was using a track hoe to install new trees and plants when they struck and damaged a properly marked 3/4-inch PE gas service. It was marked with paint and flags. Excavator did not pothole the service before digging.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 21-22897

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:	43631
Case Number:	PSC 21-22897
Report Date:	3/14/2021
Incident Date:	3/8/2021
Facility Owner:	City of Lawrenceville Gas Department
Facility Owner Phone:	770 963-3332
Locator:	City of Lawrenceville Damage Prevention Department
Locator Phone:	770 349-5241
Excavator:	European Construction & Design
Excavator Phone:	404 328-6356
Violator:	European Construction & Design, L.L.C.
Contact:	Adrian Burciu
Address:	Attn: Adrian Burciu 763 Blackberry Trail
City, State, Zip	Lawrenceville, GA 30043
Incident Location:	1591 Azalea Drive
Incident City:	Lawrenceville
Incident County:	Gwinnett
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	3/4-inch
Pressure (PSIG/Inches):	60
Utility Line Function:	Service
Number of Customers Affected:	1
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):	210226-001227
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Landscaping
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, European Construction & Design, L.L.C. was excavating at 1591 Azalea Drive, Lawrenceville, Georgia on March 8, 2021. City of Lawrenceville Gas reported this incident because European Construction & Design, L.L.C., 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 City of Lawrenceville Gas regarding the damage that occurred at 1591 Azalea Drive, Lawrenceville, Georgia on March 8, 2021. The submitted City of Lawrenceville Gas damage report indicates European Construction & Design, L.L.C., caused damage to a ¾" plastic gas service line. According to the report, the contractor was installing trees and plants 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.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was able to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by City of Lawrenceville Gas. Thus far, based on this initial information submitted by City of Lawrenceville Gas; GUFPA staff finds European Construction & Design, L.L.C., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **European Construction & Design, L.L.C.** 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.

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.

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

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
psc.ga.gov

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 21-22898

INCIDENT INFORMATION

INCIDENT DATE:	11/24/2020	MATERIAL TYPE:	Steel
FACILITY TYPE:	Gas	SIZE:	1/2 Inch
INCIDENT ADDRESS:	3348 Lee Drive, Buford		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Grader/Scraper		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC Locating
LOCATE NUMBER:	201113-003245
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 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:	0
REPAIR COST:	$1,099.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	European Construction & Design, L.L.C.
CONTACT NAME:	Adrian Burciu
CONTACT NUMBER:	404-328-6356
MAILING ADDRESS:	763 Blackberry Trail
CITY, STATE, ZIP:	Lawrenceville, GA 30043

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.

DESCRIPTION OF DAMAGES:

While excavating with mechanized equipment, European Construction and Design damaged a 1/2-inch coated steel riser.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 21-22898

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:	43631
Case Number:	PSC 21-22898
Report Date:	12/17/2020
Incident Date:	11/24/2020
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	USIC Locating
Locator Phone:	1-317-810-8770
Excavator:	European Construction and Design
Excavator Phone:	404-328-6356
Violator:	European Construction & Design, L.L.C.
Contact:	Adrian Burciu
Address:	763 Blackberry Trail
City, State, Zip	Lawrenceville, GA 30043
Incident Location:	3348 Lee Drive
Incident City:	Buford
Incident County:	Hall
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Steel
Size (Diameter/Voltage/Pairs/etc.):	1/2 Inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Service
Number of Customers Affected:	0
Repair Cost:	$1,099.00

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):	201113-003245
Equipment Involved:	Grader/Scraper
Nature of Excavation:	Grading
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, European Construction & Design, L.L.C. was excavating at 3348 Lee Drive, Buford, Georgia on November 24, 2020. Atlanta Gas Light reported this incident because European Construction & Design, L.L.C., 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 3348 Lee Drive, Buford, Georgia on November 24, 2020. The submitted Atlanta Gas Light damage report indicates European Construction & Design, L.L.C., caused damage to a ½" plastic gas service line. According to the report, the contractor was clearing and grubbing 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.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. 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 European Construction & Design, L.L.C., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **European Construction & Design, L.L.C.** 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.

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.

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
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DAMAGE REPORT (PROBABLE VIOLATION) – PSC 24-26562

INCIDENT INFORMATION

INCIDENT DATE:	10/27/2021	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	1/2
INCIDENT ADDRESS:	174 Drake Street, Buford		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Buford
LOCATE NUMBER:	211004-004435
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	City of Buford Gas
CONTACT NAME:	Jason Higgins
CONTACT NUMBER:	770-932-7981
MAILING ADDRESS:	2300 Buford Highway
CITY, STATE, ZIP:	Buford, GA 30518
CUSTOMERS AFFECTED:	1
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	European Construction & Design, L.L.C.
CONTACT NAME:	Adrian Burcie
CONTACT NUMBER:	404-328-6356
MAILING ADDRESS:	763 Blackberry Trail
CITY, STATE, ZIP:	Lawrenceville, GA 30043

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Buford
CONTACT NUMBER:	770-932-7981

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.

DESCRIPTION OF DAMAGES:

The contractor was installing the water and sewer service and hit the gas service. Excavator stated there were no marks, pre-excavation pictures show the gas service marked. Not sure if the excavator checked PRIS before excavation, no 2nd request.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 24-26562

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:	43631
Case Number:	PSC 24-26562
Report Date:	12/1/2021
Incident Date:	10/27/2021
Facility Owner:	City of Buford
Facility Owner Phone:	770-932-7981
Locator:	City of Buford
Locator Phone:	770-932-7981
Excavator:	PT Johnson
Excavator Phone:	770-527-1596
Violator:	European Construction & Design, L.L.C.
Contact:	Adrian Burcie
Address:	763 Blackberry Trail
City, State, Zip	Lawrenceville, GA 30043
Incident Location:	174 Drake Street
Incident City:	Buford
Incident County:	Gwinnett
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	1/2
Pressure (PSIG/Inches):	38
Utility Line Function:	Service
Number of Customers Affected:	1
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):	211004-004435
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Water
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, European Construction & Design, L.L.C. was excavating at 174 Drake Street, Buford, Georgia on October 27, 2021. City of Buford Gas reported this incident because European Construction & Design, L.L.C. struck and damaged a marked gas service facility and failed to exercise reasonable care while excavating within the tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received notification of probable violation from City of Buford Gas regarding the damage that occurred at 174 Drake Street, Buford, Georgia on October 27, 2021. The submitted City of Buford Gas damage report indicates European Construction & Design, L.L.C. caused damage to a ½" plastic gas service facility. According to the report, the contractor was installing a sewer service line and while excavating with mechanized equipment, European Construction & Design, L.L.C. 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.

GUFPA staff searched the Georgia (811) locate request database and was able to find the contractor's valid locate ticket. According to the (811) positive response database, City of Buford Gas responded to the locate request, and the gas service was marked before the incident. Thus far, based on the initial information submitted by City of Buford Gas: It appears that European Construction & Design, L.L.C. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **European Construction & Design, L.L.C.** 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.

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.

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

REVISED

European Construction & Design, L.L.C.,
RESPONDENTS

CASE NUMBER: PSC 20-20140 (Property Owner), 21-22897, 21-22898 and 24-26562

CONSENT AGREEMENT

European Construction & Design, L.L.C. (Property Owner), ("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 Underground 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 various dates, 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.

3.

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 all payments will be processed upon receipt. However, this does not release the Respondent of the terms of this agreement.

6.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

7.

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.

8.

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__.

REVISED

Consented to:
(***Sign, date, and mail, email, or fax***)

_____

On behalf of: European Construction & Design, L.L.C.

PSC 20-20140 (Property Owner), 21-22897, 21-22898 and 24-26562

COMMISSIONERS:
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REQUESTS FOR CASES TO COME BEFORE "GUFPAAC"

THE GEORGIA UNDERGROUND FACILTY PROTECTION ACT ADVISORY COMMITTEE

All requests for cases to come before the Georgia Underground 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 ensure 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.

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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. Glenda Harris, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995 or email: glenda@guca.com

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. Glenda Harris, Georgia Utility Contractors Association ("GUCA")
(404) 362-9995 or email: glenda@guca.com

If you have questions or need additional information, please call (404) 463-6526.

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

European Construction & Design, L.L.C. (Property Owner),
RESPONDENTS

REVISED

DOCKET NO. 43631
(PSC Case No. 20-20140,
(Property Owner), 21-22897,
21-22898 and 24-26562)

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.

European Construction & Design, L.L.C.
Attn: Adrian Burciu
763 Blackberry Trail
Lawrenceville, GA 30043

Respectfully Submitted this 24th day of June, 2024:

MM

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