FILED
APR 17 2025
EXECUTIVE SECRETARY
GPSC

DOCKET# 43869
DOCUMENT# 222330

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

**IN THE MATTER OF:**

**DOCKET NO. 43869** **Dellsie Utilities, Inc.** **CASE NO. 18-13308; 20-20979**

MAILED
4.22.2025

## FINAL ORDER

## APPEARANCES:

Georgia Public Service Commission Staff: Chesley Dix

RESPONDENT: No appearance

## PROCEDURAL HISTORY

On the following dates and at the following locations:

- August 8, 2018 at 601 Saunders Avenue in Hinesville; and
- August 29, 2019 at 2 Woodward Lane in Savannah;

**Dellsie Utilities, 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), 25-9-8(e) (the "Violations"), sections of the Georgia Underground Facilities Protection Act ("GUFPA"). Staff recommended, through Consent Agreement, that Respondent be assessed a $15,000 civil penalty with the ability to mitigate $11,000 by completing a Commission approved damage prevention training program.

On May 21, 2024, 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 October 23, 2024, 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 § 25-9-14(k)(7) [pursuant to O.C.G.A § 25-9-13(h)(7) prior to September 2022] in an amount of up to $10,000.00 for each violation.

## FINDINGS AND CONCLUSIONS

Staff witnesses Onterio Johnson and Morgan Mitchell testified at the proceeding. Mr. Johnson is an investigator with the Facility Protection section of the Commission and is generally responsible for investigating notices of probable violation of the Act. Ms. Mitchell is an administrative assistant with the Facility Protection section of the Commission 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. Respondent failed to contact the UPC before commencing excavation or blasting with mechanized equipment in violation of O.C.G.A. § 25-9-6(a); and
2. Respondent struck, injured, or loosened any utility facility which had been staked or marked in violation of O.C.G.A. § 25-9-8(a); and
3. Respondent failed to exercise reasonable care when blasting or excavating is to take place within the tolerance zone in violation of O.C.G.A. § 25-9-8(b); and
4. Respondent 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 § 25-9-14(k)(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 § 25-9-14(k)(7) a civil penalty in the amount of **$16,000** be imposed against Respondent for the above cited violations. 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 $11,000 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 4th day of March 2025.

Sallie Tanner

**Sallie Tanner**
**Executive Secretary**

4-17-25
Date

**Jason Shaw**
**Chairman**

4-17-25
Date

**BEFORE THE PUBLIC SERVICE COMMISSION**
**STATE OF GEORGIA**

| DOCKET NO. 43869 | Dellsie Utilities, Inc.; | Case Nos. 18-13308; 20-20979 |
|---|---|---|

## 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<br>Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta, GA 30334<br>(BY HAND) | Dellsie Utilities, Inc.<br>Attn: Jennifer Gudiel<br>456 School Road<br>Hampton, GA 30228 |
| Chesley Dix<br>Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta, GA 30334<br>(BY ELECTRONICALLY) | Dellsie Utilities, Inc.<br>Attn: Jennifer Gudiel<br>500 School Road<br>Hampton, GA 30228 |
| | |

This 22nd day of April, 2025.

Maritza Rivera
Clerk
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

FILED
NOV 26 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 43869
DOCUMENT# 220538

COMMISSIONERS:

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

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

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**IN THE MATTER OF:**

| | | |
|---|---|---|
| **DOCKET NO. 43869** | **Dellsie Utilities, Inc.** | **CASE NO. 18-13308; 20-20979** |

## RECOMMENDED FINAL ORDER

## APPEARANCES:

Georgia Public Service Commission Staff: Chesley Dix

RESPONDENT: No appearance

## PROCEDURAL HISTORY

On the following dates and at the following locations:

- August 8, 2018 at 601 Saunders Avenue in Hinesville; and
- August 29, 2019 at 2 Woodward Lane in Savannah;

**Dellsie Utilities, 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), 25-9-8(e) (the "Violations"), sections of the Georgia Underground Facilities Protection Act ("GUFPA"). Staff recommended, through Consent Agreement, that Respondent be assessed a $15,000 civil penalty with the ability to mitigate $11,000 by completing a Commission approved damage prevention training program.

On May 21, 2024, 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 October 23, 2024, 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 § 25-9-14(k)(7) [pursuant to O.C.G.A § 25-9-13(h)(7) prior to September 2022] in an amount of up to $10,000.00 for each violation.

## FINDINGS AND CONCLUSIONS

Staff witnesses Onterio Johnson and Morgan Mitchell testified at the proceeding. Mr. Johnson is an investigator with the Facility Protection section of the Commission and is generally responsible for investigating notices of probable violation of the Act. Ms. Mitchell is an administrative assistant with the Facility Protection section of the Commission 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. Respondent failed to contact the UPC before commencing excavation or blasting with mechanized equipment in violation of O.C.G.A. § 25-9-6(a); and
2. Respondent struck, injured, or loosened any utility facility which had been staked or marked in violation of O.C.G.A. § 25-9-8(a); and
3. Respondent failed to exercise reasonable care when blasting or excavating is to take place within the tolerance zone in violation of O.C.G.A. § 25-9-8(b); and
4. Respondent 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 § 25-9-14(k)(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 § 25-9-14(k)(7) a civil penalty in the amount of **$16,000** be imposed against Respondent for the above cited violations. 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 $11,000 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 _____ 2024.

| | |
|---|---|
| **Sallie Tanner** | **Jason Shaw** |
| **Executive Secretary** | **Chairman** |
| Date | Date |

**BEFORE THE PUBLIC SERVICE COMMISSION**
**STATE OF GEORGIA**

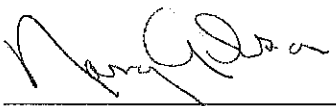
| DOCKET NO. 43869 | Dellsie Utilities, Inc.; | Case Nos. 18-13308; 20-20979 |
|---|---|---|

## 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 ensure delivery and addressed as follows:

| | |
|---|---|
| Sallie Tanner, Executive Secretary<br>Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta, GA 30334<br>(BY HAND) | Dellsie Utilities, Inc.<br>Attn: Jennifer Gudiel<br>456 School Road<br>Hampton, GA 30228 |
| Chesley Dix<br>Georgia Public Service Commission<br>244 Washington Street, SW<br>Atlanta, GA 30334<br>(BY ELECTRONICALLY) | Dellsie Utilities, Inc.<br>Attn: Jennifer Gudiel<br>500 School Road<br>Hampton, GA 30228 |

This **26** day of **November**, 2024



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

EXHIBIT 2

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

FILED
SEP 06 2024
EXECUTIVE SECRETARY
G.P.S.C.

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

# Georgia Public Service Commission

(404) 656-4501
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ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

**BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION**
**STATE OF GEORGIA**

DOCKET# 43869
DOCUMENT# 219853

**IN THE MATTER OF:**

~~GUFPA CASE NO. PSC 20-20979~~

**DOCKET NO. 43869**

**Dellsie Utilities, Inc.,**
**Respondent**

MAILED
9·10·2024

## NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Dellsie Utilities, Inc.**
**Attn: Jennifer Gudiel**
**456 School Road**
**Hampton, GA 30228**

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 October 23, 2024** 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 Dellsie Utilities, 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.

## 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 August 29, 2019, 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

**25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.**

**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 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 May 21, 2024.

Sallie Tanner
Executive Secretary

9-6-24
Date

Jason Shaw
Chairman

9-6-24
Date

**EXHIBIT 2**

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

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

## BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| Dellsie Utilities, Inc., | ) | DOCKET NO. 43869 |
| RESPONDENTS | ) | (PSC Case No. 20-20979) |
| | ) | |

## 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

Dellsie Utilities, Inc.
Attn: Jennifer Gudiel
456 School Road
Hampton, GA 30228

Dellsie Utilties Inc., registered agent c/o
Dellsie Utilties Inc.
500 School Road
Hampton, GA 30228

Respectfully Submitted this 10th day of September, 2024:

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

**EXHIBIT 2**

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

12/27/2023

Dellsie Utilities, Inc.
Attn: Jennifer Gudiel
456 School Road
Hampton, GA 30228

| | |
|---|---|
| **Date of Incident:** | ~~8/29/2019 and 8/8/2018~~ |
| **Docket #:** | 43869 |
| **Case #:** | PSC 20-20979 and 18-13308 |
| **Incident Location:** | 2 Woodard Lane, Savannah and 601 Saunders Avenue, Hinesville |

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(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.**

**On January 16, 2023, Commission Staff received three "Damage Prevention Training" certificates from Georgia Utility Contractors Association dated December 15, 2022. The respondent is responsible for the $4,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission and returning the signed Consent Agreement.**

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 NOPV/Incident Report and Consent Agreement.

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV. Failure to respond by executing the consent agreement 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

**EXHIBIT 2**

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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FAX: (404) 463-6532
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## DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-20979

### INCIDENT INFORMATION

| | | | |
|---|---|---|---|
| INCIDENT DATE: | 8/29/2019 | MATERIAL TYPE: | Plastic |
| FACILITY TYPE: | Gas | SIZE: | 1/2 Inch |
| INCIDENT ADDRESS: | 2 Woodard Lane, Savannah | | |
| UTILITY LINE FUNCTION: | Service | | |
| MECHANZIED EQPT.: | Boring | | |

### LOCATE INFORMATION

| | |
|---|---|
| LOCATE COMPANY NAME: | USIC Locating Services, Inc. |
| LOCATE NUMBER: | 99999-999-999 |
| WAS FACILITY LOCATED? | No |
| LOCATE MARKS WITHIN 18 INCHES? | No |

### 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: | $561.00 |

### PROBABLE VIOLATOR INFORMATION

| | |
|---|---|
| VIOLATOR COMPANY NAME: | Dellsle Utilities, Inc. |
| CONTACT NAME: | Sandy |
| CONTACT NUMBER: | 678-938-0965 |
| MAILING ADDRESS: | Attn: Jennifer Gudiel<br>456 School Road |
| CITY, STATE, ZIP: | Hampton, GA 30228 |

### FACILITY OWNER INFORMATION

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

### 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.

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

### DESCRIPTION OF DAMAGES:

Repaired 1/2-inch plastic service damaged by Dellsle Utilities Inc. while boring. No Locate Ticket requested.

# GEORGIA PUBLIC SERVICE COMMISSION
# GEORGIA UTILITY FACILITY PROTECTION ACT

## NOPV / INCIDENT REPORT – PSC 20-20979

| | |
|---|---|
| **Mail, Fax or e-mail to:** | Georgia Public Service Commission<br>Facilities Protection Unit<br>244 Washington Street, SW<br>Atlanta, Georgia 30334 |
| **Investigator:** | Onterio Johnson |
| **Work Number:** | (404) 463-6526 |
| **Website:** | www.psc.state.ga.us |
| **Docket Number:** | 43869 |
| **Case Number:** | PSC 20-20979 |
| **Report Date:** | 9/12/2019 |
| **Incident Date:** | 8/29/2019 |
| **Facility Owner:** | Atlanta Gas Light |
| **Facility Owner Phone:** | 404-584-3135 |
| **Locator:** | USIC Locating Services, Inc. |
| **Locator Phone:** | (317) 810-8077 |
| **Excavator:** | Dellsie Utilities Inc. |
| **Excavator Phone:** | 678-938-0965 |
| **Violator:** | Dellsie Utilities, Inc. |
| **Contact:** | Sandy |
| **Address:** | Attn: Jennifer Gudiel<br>456 School Road |
| **City, State, Zip** | Hampton, GA 30228 |
| **Incident Location:** | 2 Woodard Lane |
| **Incident City:** | Savannah |
| **Incident County:** | Chatham |
| **Jurisdiction:** | NOT REPORTED |

### UTILITY LINE IMPACT

| | |
|---|---|
| **Facility Type:** | Gas |
| **Material Type:** | Plastic |
| **Size (Diameter/Voltage/Pairs/etc.):** | 1/2 inch |
| **Pressure (PSIG/Inches):** | 60 PSIG |
| **Utility Line Function:** | Service |
| **Number of Customers Affected:** | 0 |
| **Repair Cost:** | $561.00 |

### 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):** | 99999-999-999 |
| **Equipment Involved:** | Boring |
| **Nature of Excavation:** | Cable TV |
| **Direction of Excavation Relative to Damaged Utility Line:** | |

**EXHIBIT 2**

## SYNOPSIS

According to a submitted report of probable violation, Dellsie Utilities, Inc. was excavating at 2 Woodard Lane, Savannah, Georgia on August 29, 2019. Atlanta Gas Light reported this incident because Dellsie Utilities, 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 Atlanta Gas Light regarding the damage that occurred at 2 Woodard Lane, Savannah, Georgia on August 29, 2019. The submitted Atlanta Gas Light damage report indicates Dellsie Utilities, Inc. caused damage to a ½" plastic gas service line. According to the report the contractor was installing a CATV service line and while excavating with mechanized equipment, the contractor struck and damaged a buried gas service facility. 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. 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 not able to find a valid locate ticket present. Staff was unable to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the incident report from Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds Dellsie Utilities, Inc. in violation.

## CONCLUSION:

The Pipeline/Facilities Safety Staff found **Dellsie Utilities, Inc.** in violation of:

**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(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 2**

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 18-13308

### INCIDENT INFORMATION

| | | | |
|---|---|---|---|
| INCIDENT DATE: | 8/8/2018 | MATERIAL TYPE: | Plastic |
| FACILITY TYPE: | Gas | SIZE: | 1/2 Inch |
| INCIDENT ADDRESS: | 601 Saunders Avenue, Hinesville | | |
| UTILITY LINE FUNCTION: | Service | | |
| MECHANZIED EQPT.: | Drilling | | |

### LOCATE INFORMATION

| | |
|---|---|
| LOCATE COMPANY NAME: | S&N Locating Services, LLC |
| LOCATE NUMBER: | 07068-400-123 |
| 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: | 11 |
| REPAIR COST: | $1,835.00 |

### PROBABLE VIOLATOR INFORMATION

| | |
|---|---|
| VIOLATOR COMPANY NAME: | Dellsie Utilities, Inc. |
| CONTACT NAME: | Lisa Hays |
| CONTACT NUMBER: | 678-271-7100 |
| MAILING ADDRESS: | Attn: Jennifer Gudiel<br>500 School Road |
| CITY, STATE, ZIP: | Hampton, GA 30228 |

### 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:

Repaired 1/2 inch plastic service damaged by Dellsie Utilities while boring with mechanical equipment to install cable lines.

# GEORGIA PUBLIC SERVICE COMMISSION
# GEORGIA UNDERGROUND FACILITY PROTECTION ACT

## NOPV / INCIDENT REPORT – PSC 18-13308

| | |
|---|---|
| **Mail, Fax or e-mail to:** | Georgia Public Service Commission<br>Facilities Protection Unit<br>244 Washington Street, SW<br>Atlanta, Georgia 30334 |
| **Investigator:** | Onterio Johnson |
| **Work Number:** | (404) 463-6526 |
| **Website:** | www.psc.state.ga.us |
| **Docket Number:** | 43869 |
| **Case Number:** | PSC 18-13308 |
| **Report Date:** | 8/22/2018 |
| **Incident Date:** | 8/8/2018 |
| **Facility Owner:** | Atlanta Gas Light |
| **Facility Owner Phone:** | 404-584-3135 |
| **Locator:** | S&N Locating Services, LLC |
| **Locator Phone:** | (434) 942-6949 |
| **Excavator:** | Dellsle Utilities |
| **Excavator Phone:** | 678-271-7100 |
| **Violator:** | Dellsle Utilities, Inc. |
| **Contact:** | Lisa Hays |
| **Address:** | Attn: Jennifer Gudiel<br>500 School Road |
| **City, State, Zip** | Hampton, GA 30228 |
| **Incident Location:** | 601 Saunders Avenue |
| **Incident City:** | Hinesville |
| **Incident County:** | Liberty |
| **Jurisdiction:** | NOT REPORTED |

### UTILITY LINE IMPACT

| | |
|---|---|
| **Facility Type:** | Gas |
| **Material Type:** | Plastic |
| **Size (Diameter/Voltage/Pairs/etc.):** | 1/2 inch |
| **Pressure (PSIG/Inches):** | 60 PSIG |
| **Utility Line Function:** | Service |
| **Number of Customers Affected:** | 11 |
| **Repair Cost:** | $1,835.00 |

### 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):** | 07068-400-123 |
| **Equipment Involved:** | Drilling |
| **Nature of Excavation:** | Cable TV |
| **Direction of Excavation Relative to Damaged Utility Line:** | |

## SYNOPSIS

According to a submitted report of probable violation, Dellsie Utilities, Inc. was excavating at 601 Saunders Avenue, Hinesville, Georgia on August 8, 2018. Atlanta Gas Light reported this incident because Dellsie Utilities, 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 601 Saunders Avenue, Hinesville, Georgia on August 8, 2018. The submitted Atlanta Gas Light damage report indicates Dellsie Utilities, Inc., caused damage to a ½" plastic gas service line. According to the report, the contractor was installing CATV service main and while excavating with boring 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 Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds Dellsie Utilities, Inc., in violation.

## CONCLUSION:

The Pipeline/Facilities Safety Staff found **Dellsie Utilities, 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.**

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 2

COMMISSIONERS:
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psc.ga.gov

## BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
## STATE OF GEORGIA

**IN THE MATTER OF:**

**Dellsie Utilities, Inc.,**
**RESPONDENTS**

**CASE NUMBER: PSC 20-20979 and 18-13308**

# CONSENT AGREEMENT

Dellsie Utilities, 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 8/29/2019 and 8/8/2018, 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 $11,000.00 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 $4,000.00 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__.

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

_____

**On behalf of: Dellsie Utilities, Inc.**

**PSC 20-20979 and 18-13308**

**EXHIBIT 2**

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

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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

## BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| Dellsie Utilities, Inc., | ) | DOCKET NO. 43869 |
| RESPONDENTS | ) | (PSC Case No. 20-20979 |
| | ) | and 18-13308) |

## 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.

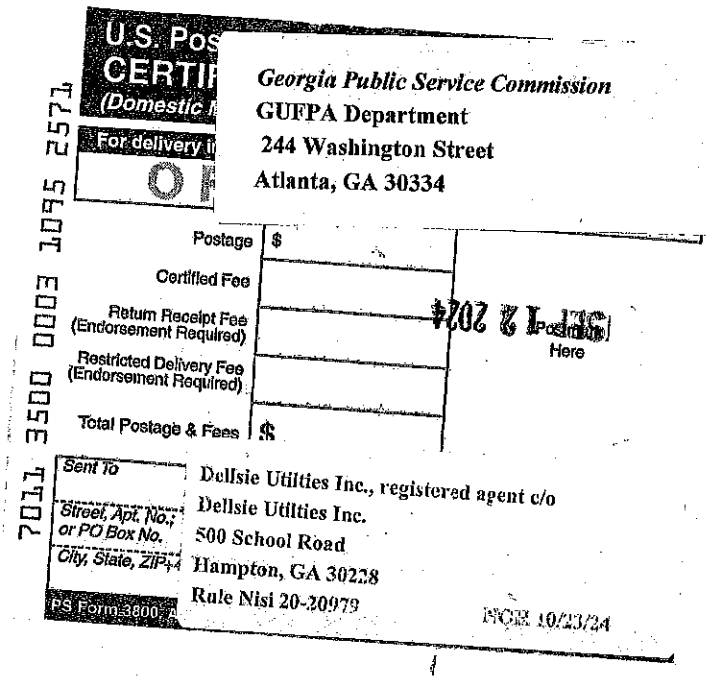
Dellsie Utilities, Inc.
Attn: Jennifer Gudiel
456 School Road
Hampton, GA 30228

, registered agent c/o
Dellsie Utilities Inc.
500 School Road
Hampton, GA 30228

Respectfully Submitted this 27th day of December, 2023:

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

**EXHIBIT 2**



U.S. Pos
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For delivery i

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

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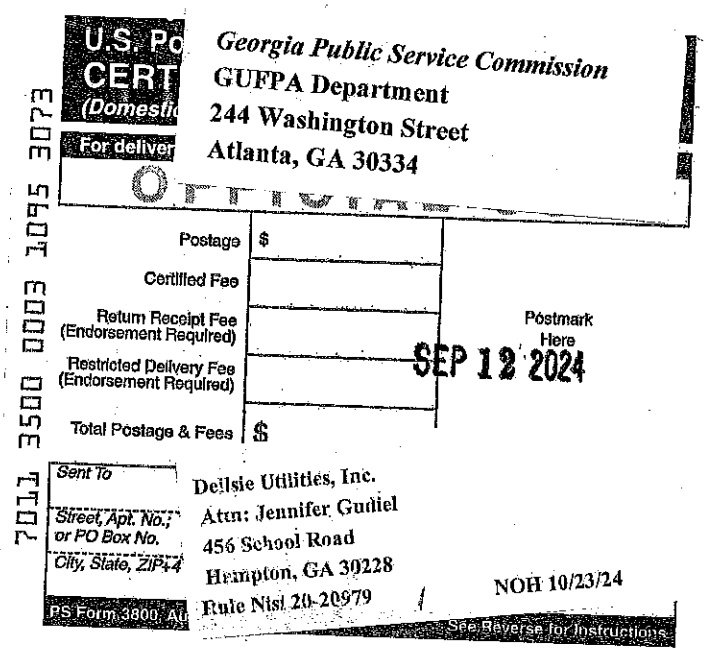
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Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

**Dellsie Utilties Inc., registered agent c/o**
**Dellsie Utilties Inc.**
**500 School Road**
**Hampton, GA 30228**
**Rule Nisi 20-20979**

PS Form 3800
PCR 10/23/24

**EXHIBIT 2**



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

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

Postmark Here
SEP 12 2024

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

**Dellsie Utilities, Inc.**
**Attn: Jennifer Gudiel**
**456 School Road**
**Hampton, GA 30228**
**Rule Nisi 20-20979**

**NOH 10/23/24**

PS Form 3800, Au
See Reverse for Instructions