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

FILED
MAY 08 2025
EXECUTIVE SECRETARY
GPSC

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# 55376
DOCUMENT# 222560

IN THE MATTER OF:

GUFPA CASE NO. PSC 23-25738, 23-25740, 23-25741, 23-25742, 23-25743, 23-25744

DOCKET NO. 55376

MAILED
5·15·2025

Falcon Directional Drilling, Inc.
Respondent

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Falcon Directional Drilling, Inc.**
Attn: Corina Melnicuic
3585 S. Puckett Rd.
Buford, GA 30519

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 the July 9, 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.46, Ch.2-91, as set forth herein under the heading titled "Matters Asserted" that, if proven, may result in the imposition of a penalty against Falcon Directional Drilling, Inc. (also referred to herein as "Respondent") in an amount not to exceed $15,000 per violation plus $10,000 for each day that the Respondent is found to be in violation of the Commission's Order. 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. § 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 an 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

The Respondent has 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 46 , Ch 2-91.

2.

The Commission issued an Order on requiring payment of a fine and/or completion of a damage prevention-training program in settlement of a violation of the Georgia Utility Facility Protection Act. That Order specified that any fine was to be paid within thirty (30) days of the date of the Order, and any training was to be accomplished within forty-five (45) days of the date of the Order. Respondent has not paid such fine and/or completed a damage-prevention training program, violating the terms of the Order issued by the Commission.

STATUTES INVOLVED

O.C.G.A. § 46-2-91: Failure, neglect, or refusal to abide by the terms of an Order issued by the Commission

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 also be given by publication 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, Mr. Phillip J. Smith, Esq.

NOTICE: 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, with a copy to Mrs. Yolanda Clay, 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 and yclay@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 March 18, 2025.

Sallie Tanner
Executive Secretary

5-8-25
Date

Jason Shaw
Chairman

5-8-25
Date

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Falcon Directional Drilling, Inc.,	)	DOCKET NO. 55376
RESPONDENTS	)	(PSC Case No. 23-25738,
	)	23-25740, 23-25741, 23-25742,
	)	23-25743, 23-25744)

CERTIFICATE OF SERVICE

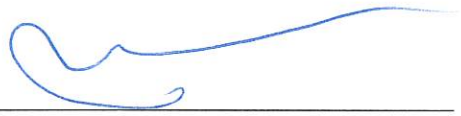
I hereby certify that this Notice of Hearing was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via hand delivery as indicated by an asterisk, or by depositing same in the United States mail.

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

Falcon Directional Drilling, Inc.
Attn: Corina Melnicuic
3585 S. Puckett Rd.
Buford, GA 30519

Corina Melnicuic, registered agent c/o
Falcon Directional Drilling, Inc.
2635 Camp Branch Rd.
Buford, GA 30519

Respectfully Submitted this 15th day of May, 2025:



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

FILED

OCT 22 2024

EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 55376
DOCUMENT# 220249

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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(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

IN THE MATTER OF:

DOCKET NO. 55376	**Falcon Directional Drilling, Inc.**	**CASE NOS. 23-25738; 23-25740; 23-25741; 23-25742; 23-25743; 23-25744**

FINAL ORDER

MAILED
10.23.2024

APPEARANCES:

Georgia Public Service Commission Staff: Chesley Dix

RESPONDENT: No appearance

PROCEDURAL HISTORY

On the following dates and at the following addresses:

- March 25, 2023, while working at 4133 Savanna Highway, Jesup
- February 2, 2021, while working at 2955 Cascade Rd. SW, Atlanta
- May 31, 2023, while working at 12470 Hwy. 310 N, Nahunta
- May 5, 2023, while working at 19836 Hwy. 301 N., Hortense
- May 30, 2023, while working at 11661 Hwy. 301 N, Nahunta
- June 2, 2023, while working at 10508 Main St. N., Nahunta

Falcon Directional Drilling, 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. §§ 25-9-8(a), 25-9-8(b), and 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 $35,000 civil penalty with the ability to mitigate $28,000 by completing a Commission approved damage prevention training program.

On March 19, 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 May 15, 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 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
2. 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
3. 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 **$36,000** 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 $28,000 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 September 2024.

Sallie Tanner

Sallie Tanner
Executive Secretary

10-22-24
Date

Jason Shaw
Chairman

10-22-24
Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 55376	Falcon Directional Drilling, Inc.;	Case Nos. 23-25738; 23-25740; 23-25741; 23-25742; 23-25743; 23-25744

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 insure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	Falcon Directional Drilling, Inc. Attn: Corina Melnicuic 1377 Duncan Lane Auburn, GA 30011
Chesley Dix Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	Registered Agent c/o Falcon Directional Drilling, Inc. 2635 Camp Branch Rd. Buford, GA 30519
Ray-Kelle Preston Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	Corina Melnicuic, registered agent c/o 3585 S. Puckett Road Buford, GA 30519

This 23rd day of October 2024

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

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

FILED
MAR 27 2024
EXECUTIVE SECRETARY
G.P.S.C.

EXHIBIT 2

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

IN THE MATTER OF:

GUFPA CASE NO. **PSC 23-25738, 23-25740, 23-25741, 23-25742, 23-25743, 23-25744**

DOCKET NO. **55376**

Falcon Directional Drilling, Inc.,
Respondent

DOCKET # 55376
DOCUMENT # 218113

NOTICE OF HEARING
AND PROCEDURAL AND SCHEDULING ORDER

MAILED
3.28.24

To: **Falcon Directional Drilling, Inc.**
Attn: Corina Melnicuic
1377 Duncan Lane
Auburn, GA 30011

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 May 15, 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 Falcon Directional Drilling, 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 March 25, 2023, 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 March 19, 2024.

Sallie Tanner
Executive Secretary

3-27-24
Date

Jason Shaw
Chairman

3-27-24
Date

COMMISSIONERS:

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

EXHIBIT 2

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

IN THE MATTER OF:	)	
	)	
Falcon Directional Drilling, Inc.,	)	DOCKET NO. 55376
RESPONDENTS	)	(PSC Case No. 23-25738,
	)	23-25740, 23-25741, 23-25742,
	)	23-25743, 23-25744)

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

Falcon Directional Drilling, Inc.
Attn: Corina Melnicuic
1377 Duncan Lane
Auburn, GA 30011

, registered agent c/o
Falcon Directional Drilling, Inc.
2635 Camp Branch Rd.
Buford, GA 30519

Corina Melnicuic, registered agent c/o
3585 S. Puckett Road
Buford, GA 30519

Respectfully Submitted this 28th day of March, 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

9/13/2023

Falcon Directional Drilling, Inc.
Attn: Corina Melniciuc
1377 Duncan Lane
Auburn, GA 30011

Date of Incident: Various
Docket #: 55376
Case #: PSC 23-25738 and 23-25740 thru 23-25744
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.

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

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 $35,000.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $28,000.00 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 $7,000.00 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

Onterio Johnson
ojohnson@psc.state.ga.us
GPSC GUFPA Investigator

EXHIBIT 2

RESPONSE OPTIONS

(Please check only one)

Respondent: Falcon Directional Drilling, Inc.
Docket #: 55376
Case #: PSC 23-25738 and 23-25740 thru 23-25744

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 **$7,000.00**. 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 **$35,000.00**. Staff must receive the **signed Consent Agreement** within **thirty (30) days** of this NOPV. THIS OPTION DOES NOT REQUIRE TRAINING.

DOCKET 55376 - FALCON DIRECTIONAL DRILLING, INC.

			INCIDENT ADDRESS				
CASE NUMBER	INCIDENT DATE	REPORT DATE	STREET	CITY	COUNTY	REPORTING FACILITATOR	VIOLATION CODES
PSC 23-25738	3/25/2023	4/19/2023	4133 Savannah Highway	Jesup	Wayne	Atlanta Gas Light	25-9-8(a), 25-9-8(b)
PSC 23-25740	2/4/2021	3/22/2021	2955 Cascade Rd. SW	Atlanta	Fulton	City of Atlanta Water	25-9-8(a), 25-9-8(b)
PSC 23-25741	5/31/2023	7/14/2023	12470 Hwy 301 N	Nahunta	Brantley	Brantley Telephone Company	25-9-8(a), 25-9-8(b)
PSC 23-25742	5/5/2023	7/14/2023	19836 Hwy 301 N.	Hortense	Brantley	Brantley Telephone Company	25-9-8(a), 25-9-8(b)
PSC 23-25743	5/30/2023	7/14/2023	11661 Hwy 301 N	Nahunta	Brantley	Brantley Telephone Company	25-9-8(a), 25-9-8(b)
PSC 23-25744	6/2/2023	7/17/2023	10508 Main St N	Nahunta	Brantley	Brantley Telephone Company	25-9-8(a), 25-9-8(b), 25-9-8(e)

EXHIBIT 2

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

EXHIBIT 2

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

Falcon Directional Drilling, Inc.,
RESPONDENTS
CASE NUMBER: PSC 23-25738, 23-25740 thru 23-25744

CONSENT AGREEMENT

Falcon Directional Drilling, 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 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 $35,000.00 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 $28,000.00 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 $7,000.00 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: Falcon Directional Drilling, Inc.

PSC 23-25738 and 23-25740 thru 23-25744

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

EXHIBIT 2

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

REQUESTS FOR CASES TO COME BEFORE "GUFPAAC"

THE GEORGIA UNDERGROUND FACILITY 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 insure 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.

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

EXHIBIT 2

MICHELLE THEBERT
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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.

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
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EXHIBIT 2

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psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Falcon Directional Drilling, Inc.,	)	DOCKET NO. 55376
RESPONDENTS	)	(PSC Case No. 23-25738
	)	and 23-25740 thru
	)	23-25744)

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.

Falcon Directional Drilling, Inc.
Attn: Corina Melnicuic
1377 Duncan Lane
Auburn, GA 30011

, registered agent c/o
Falcon Directional Drilling, Inc.
2635 Camp Branch Road
Buford, GA 30519

Corina Melnicuic, registered agent c/o
3585 S. Puckett Road
Buford, GA 30519

Respectfully Submitted this 13th day of September, 2023:

Marilyn K. Morris-Simmons

Marilyn K. Morris-Simmons, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street, 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
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FAX: (404) 463-6532
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DAMAGE REPORT (PROBABLE VIOLATION) – PSC 23-25738

INCIDENT INFORMATION

INCIDENT DATE:	3/25/2023	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	2 inch
INCIDENT ADDRESS:	4133 Savannah Highway, Jesup		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Stake Center Locating
LOCATE NUMBER:	230228-001009
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:	1
REPAIR COST:	$2,380.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Iarionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	Attn: Corina Melnicuic Duncan Lane
CITY, STATE, ZIP:	Auburn, GA 30011

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:

Falcon Directional Drilling damaged a 2" IPS Non-Metallic Plastic Main with Drilling - Vertical.

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25738

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:	55376
Case Number:	PSC 23-25738
Report Date:	4/19/2023
Incident Date:	3/25/2023
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	Stake Center Locating
Locator Phone:	770-530-8790
Excavator:	Falcon Directional Drilling
Excavator Phone:	404-772-7007
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Iarionesi
Address:	~~Attn: Corina Melnicuic~~ 1377 Duncan Lane
City, State, Zip	Auburn, GA 30011
Incident Location:	4133 Savannah Highway
Incident City:	Jesup
Incident County:	Wayne
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	2 inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Main
Number of Customers Affected:	1
Repair Cost:	$2,380.00

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):	230228-001009
Equipment Involved:	Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 4133 Savannah Highway, Jesup, Georgia on March 25, 2023. Atlanta Gas Light reported this incident because Falcon Directional Drilling, Inc. 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 Atlanta Gas Light regarding the damage that occurred at 4133 Savannah Highway, Jesup, Georgia on March 25, 2023. The submitted Atlanta Gas Light damage report indicates Falcon Directional Drilling, Inc. caused damage to a ½" plastic gas service facility. According to the report, the contractor was installing a fiber main and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. 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 searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, Atlanta Gas Light responded to the locate request, and the gas service was marked before the incident. Thus far, based on this initial information submitted by Atlanta Gas Light: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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:
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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 23-25740

INCIDENT INFORMATION

INCIDENT DATE:	2/4/2021	MATERIAL TYPE:	Other
FACILITY TYPE:	Water	SIZE:	.75
INCIDENT ADDRESS:	2955 Cascade Rd. SW, Atlanta		
UTILITY LINE FUNCTION:	Service		
MECHANZIED EQPT.:	Backhoe/Trackhoe		

LOCATE INFORMATION

LOCATE COMPANY NAME:	City of Atlanta Watershed
LOCATE NUMBER:	210209-005284
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	City of Atlanta Water
CONTACT NAME:	Kaskasklus Battle
CONTACT NUMBER:	404-496-3016
MAILING ADDRESS:	651 14th Street NW
CITY, STATE, ZIP:	Atlanta, GA 30318
CUSTOMERS AFFECTED:	0
REPAIR COST:	$0.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Larionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	3585 S Puckett Road
CITY, STATE, ZIP:	Buford, GA 30519

FACILITY OWNER INFORMATION

FACILITY OWNER:	City of Atlanta Watershed
CONTACT NUMBER:	404-304-3567

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, contractor struck a marked 3/4" service; contractor did not use reasonable care while excavating.

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25740

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:	55376
Case Number:	PSC 23-25740
Report Date:	3/22/2021
Incident Date:	2/4/2021
Facility Owner:	City of Atlanta Watershed
Facility Owner Phone:	404-304-3567
Locator:	City of Atlanta Watershed
Locator Phone:	404-397-0174
Excavator:	Falcon Directional Drilling
Excavator Phone:	470-261-3110
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Larionesi
Address:	3585 S Puckett Road
City, State, Zip	Buford, GA 30519
Incident Location:	2955 Cascade Rd. SW
Incident City:	Atlanta
Incident County:	Fulton
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Water
Material Type:	Other
Size (Diameter/Voltage/Pairs/etc.):	.75
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Service
Number of Customers Affected:	0
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):	210209-005284
Equipment Involved:	Backhoe/Trackhoe
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 2955 Cascade Road, Atlanta, Georgia on February 4, 2021. City of Atlanta Water reported this incident because Falcon Directional Drilling, Inc. struck and damaged a marked water 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 Atlanta Water regarding the damage that occurred at 2955 Cascade Road, Atlanta, Georgia on February 4, 2021. The submitted City of Atlanta Water damage report indicates Falcon Directional Drilling, Inc. caused damage to a water service facility. According to the report, the contractor was installing a phone service line and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. struck and damaged a marked buried water 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 searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, City of Atlanta Water responded to the locate request, and the water service was marked before the incident. Thus far, based on this initial information submitted by City of Atlanta Water: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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:
JASON SHAW, Chairman
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FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
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ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 23-25741

INCIDENT INFORMATION

INCIDENT DATE:	5/31/2023	MATERIAL TYPE:	Fiber
FACILITY TYPE:	Phone	SIZE:	168
INCIDENT ADDRESS:	12470 Hwy 301 N, Nahunta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Brantley Telephone Company
LOCATE NUMBER:	230419-006133
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Brantley Telephone Company
CONTACT NAME:	Ryan Middleton
CONTACT NUMBER:	912-462-3122
MAILING ADDRESS:	P.O. Box 255
Secondary Contact:	Daryl Hand darly.hand@btctelcom.net Off: 912-462-3178 Cel:912-288-
CITY, STATE, ZIP:	Nahunta, GA 31553
CUSTOMERS AFFECTED:	20
REPAIR COST:	$38,042.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Larionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	3585 S. Puckett Rd
CITY, STATE, ZIP:	Buford, GA 30519

FACILITY OWNER INFORMATION

FACILITY OWNER:	Brantley Telephone Company
CONTACT NUMBER:	912-462-3122

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.

EXHIBIT 2

DESCRIPTION OF DAMAGES:

On May 31, 2023, FDD was horizontally directional drilling on the rights-of-way along U.S. Highway 301 (Georgia State Route 23) in Brantley County near Nahunta, Georgia when a 168-fiber count cable owned by BTC was cut. This cable contained important trunk and feeder fibers for BTC's network. This damage occurred less than one mile from the strike on May 30th. The damaged cable was determined to be correctly and clearly marked. Once again, FDD had not followed the clear instructions to remain a minimum of 3 feet from any existing buried utilities and had bored directly in line with BTC's orange marking flags. BTC contacted GDOT to express concerns about unsafe work conditions and actions in the area where FDD had crews working and another discussion took place with George Aistrop from ADB. BTC is seeking reimbursement for the cost of repair and subsequent loss of service. **The address for FDD was pulled from the Georgia Corporations Division website. The address on the locate ticket for FDD is: 1377 Duncan Lane Auburn, GA 30011.**

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25741

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:	55376
Case Number:	PSC 23-25741
Report Date:	7/14/2023
Incident Date:	5/31/2023
Facility Owner:	Brantley Telephone Company
Facility Owner Phone:	912-462-3122
Locator:	Brantley Telephone Company
Locator Phone:	912-462-3122
Excavator:	Falcon Directional Drilling, Inc.
Excavator Phone:	404-772-7007
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Larionesi
Address:	3585 S. Puckett Rd
City, State, Zip	Buford, GA 30519
Incident Location:	12470 Hwy 301 N
Incident City:	Nahunta
Incident County:	Brantley
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Phone
Material Type:	Fiber
Size (Diameter/Voltage/Pairs/etc.):	168
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	20
Repair Cost:	$38,042.00

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):	230419-006133
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 12470 Highway 301 North, Nahunta, Georgia on June 31, 2023. Brantley Telephone Company reported this incident because Falcon Directional Drilling, Inc. struck and damaged a marked phone 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 Brantley Telephone Company regarding the damage that occurred at 12470 Highway 301 North, Nahunta, Georgia on June 31, 2023. The submitted Brantley Telephone Company damage report indicates Falcon Directional Drilling, Inc. caused damage to a fiber phone service facility. According to the report, the contractor was installing a fiber line and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. struck and damaged a marked buried phone 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 searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, Brantley Telephone Company responded to the locate request, and the phone service was marked before the incident. Thus far, based on this initial information submitted by Brantley Telephone Company: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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:
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 23-25742

INCIDENT INFORMATION

INCIDENT DATE:	5/5/2023	MATERIAL TYPE:	Fiber
FACILITY TYPE:	Phone	SIZE:	36
INCIDENT ADDRESS:	19836 Hwy 301 N., Hortense		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Brantley Telephone Company
LOCATE NUMBER:	230419-006133
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Brantley Telephone Company
CONTACT NAME:	Ryan Middleton
CONTACT NUMBER:	912-462-3122
MAILING ADDRESS:	P.O. Box 255
Secondary Contact:	Daryl Hand darly.hand@btctelcom.net Off: 912-462-3178 Cel:912-288-
CITY, STATE, ZIP:	Nahunta, GA 31553
CUSTOMERS AFFECTED:	5
REPAIR COST:	$6,640.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Larionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	3585 S. Puckett Rd
CITY, STATE, ZIP:	Buford, GA 30519

FACILITY OWNER INFORMATION

FACILITY OWNER:	Brantley Telephone Company
CONTACT NUMBER:	912-462-3122

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:

EXHIBIT 2

DESCRIPTION OF DAMAGES:

On May 5, 2023, Falcon Directional Drilling, INC. (FDD), a subcontractor for ADB, was horizontally directional drilling on the rights-of-way along U.S. Highway 301 (Georgia State Route 23) in Brantley County near Hortense, GA when a 36-fiber count cable owned by BTC was cut. The damaged cable was determined to be correctly and clearly marked. FDD had not followed the clear instructions to remain a minimum of 3 feet from existing buried utilities and had bored directly in line with BTC's orange marking flags. BTC is seeking reimbursement for the cost of repair and subsequent loss of service. BTC has concerns about being able to accurately locate this cable in the future since FDD place two conduits directly in line and within the buffer zone. **The address listed for FDD was pulled from the Georgia Corporations Division. The large project locate ticket listed a different address: 1377 Duncan Lane Auburn, GA 30011**

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25742

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:	55376
Case Number:	PSC 23-25742
Report Date:	7/14/2023
Incident Date:	5/5/2023
Facility Owner:	Brantley Telephone Company
Facility Owner Phone:	912-462-3122
Locator:	Brantley Telephone Company
Locator Phone:	912-462-3122
Excavator:	Falcon Directional Drilling, Inc.
Excavator Phone:	404-772-7007
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Larionesi
Address:	3585 S. Puckett Rd
City, State, Zip	Buford, GA 30519
Incident Location:	19836 Hwy 301 N.
Incident City:	Hortense
Incident County:	Brantley
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Phone
Material Type:	Fiber
Size (Diameter/Voltage/Pairs/etc.):	36
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	5
Repair Cost:	$6,640.00

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):	230419-006133
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 19836 Highway 301 North, Nahunta, Georgia on May 5, 2023. Brantley Telephone Company reported this incident because Falcon Directional Drilling, Inc. struck and damaged a marked phone 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 Brantley Telephone Company regarding the damage that occurred at 19836 Highway 301 North, Nahunta, Georgia on May 5, 2023. The submitted Brantley Telephone Company damage report indicates Falcon Directional Drilling, Inc. caused damage to a fiber phone service facility. According to the report, the contractor was installing a fiber line and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. struck and damaged a marked buried phone 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 searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, Brantley Telephone Company responded to the locate request, and the phone service was marked before the incident. Thus far, based on this initial information submitted by Brantley Telephone Company: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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:
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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(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 23-25743

INCIDENT INFORMATION

INCIDENT DATE:	5/30/2023	MATERIAL TYPE:	Fiber
FACILITY TYPE:	Phone	SIZE:	96
INCIDENT ADDRESS:	11661 Hwy 301 N, Nahunta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Brantley Telephone Company
LOCATE NUMBER:	230419-006133
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Brantley Telephone Company
CONTACT NAME:	Ryan Middleton
CONTACT NUMBER:	912-462-3122
MAILING ADDRESS:	P.O. Box 255
Secondary Contact:	Daryl Hand darly.hand@btctelcom.net Off: 912-462-3178 Cel:912-288-
CITY, STATE, ZIP:	Nahunta, GA 31553
CUSTOMERS AFFECTED:	0
REPAIR COST:	$49,133.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Larionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	3585 S. Puckett Rd
CITY, STATE, ZIP:	Buford, GA 30519

FACILITY OWNER INFORMATION

FACILITY OWNER:	Brantley Telephone Company
CONTACT NUMBER:	912-462-3122

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:

EXHIBIT 2

On May 30, 2023, FDD was horizontally directional drilling on the rights-of-way along U.S. Highway 301 (Georgia State Route 23) in Brantley County near Nahunta, Georgia when a 96-fiber count cable owned by BTC was cut. This cable contains important trunk and feeder fibers for BTC's network. The damaged cable was determined to be correctly and clearly marked. FDD had not followed clear instructions provided by Windstream and ADB to remain a minimum of 3 feet from any existing buried utilities and had bored directly in line with BTC's orange marking flags. This incident led BTC management to initiate a discussion with a foreman from FDD as well as George Alstrop, a supervisor for ADB. BTC is seeking reimbursement for the cost of repair and subsequent loss of service.

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25743

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:	55376
Case Number:	PSC 23-25743
Report Date:	7/14/2023
Incident Date:	5/30/2023
Facility Owner:	Brantley Telephone Company
Facility Owner Phone:	912-462-3122
Locator:	Brantley Telephone Company
Locator Phone:	912-462-3122
Excavator:	Falcon Directional Drilling, Inc.
Excavator Phone:	404-772-7007
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Larionesi
Address:	3585 S. Puckett Rd
City, State, Zip	Buford, GA 30519
Incident Location:	11661 Hwy 301 N
Incident City:	Nahunta
Incident County:	Brantley
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Phone
Material Type:	Fiber
Size (Diameter/Voltage/Pairs/etc.):	96
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	0
Repair Cost:	$49,133.00

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):	230419-006133
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 11661 Highway 301 North, Nahunta, Georgia on May 30, 2023. Brantley Telephone Company reported this incident because Falcon Directional Drilling, Inc. struck and damaged a marked phone 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 Brantley Telephone Company regarding the damage that occurred at 11661 Highway 301 North, Nahunta, Georgia on May 30, 2023. The submitted Brantley Telephone Company damage report indicates Falcon Directional Drilling, Inc. caused damage to a fiber phone service facility. According to the report, the contractor was installing a fiber line and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. struck and damaged a marked buried phone 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 searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, Brantley Telephone Company responded to the locate request, and the phone service was marked before the incident. Thus far, based on this initial information submitted by Brantley Telephone Company: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
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244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

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

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 23-25744

INCIDENT INFORMATION

INCIDENT DATE:	6/2/2023	MATERIAL TYPE:	Fiber
FACILITY TYPE:	Phone	SIZE:	24
INCIDENT ADDRESS:	10508 Main St N, Nahunta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	Brantley Telephone Company
LOCATE NUMBER:	230419-006133
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	No

REPORTING INFORMATION

REPORTING COMPANY:	Brantley Telephone Company
CONTACT NAME:	Ryan Middleton
CONTACT NUMBER:	912-462-3122
MAILING ADDRESS:	P.O. Box 255
Secondary Contact:	Daryl Hand darly.hand@btctelcom.net Off: 912-462-3178 Cel:912-288-
CITY, STATE, ZIP:	Nahunta, GA 31553
CUSTOMERS AFFECTED:	5
REPAIR COST:	$9,407.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	Falcon Directional Drilling, Inc.
CONTACT NAME:	Ilie Larionesi
CONTACT NUMBER:	404-772-7007
MAILING ADDRESS:	3585 S. Puckett Rd
CITY, STATE, ZIP:	Buford, GA 30519

FACILITY OWNER INFORMATION

FACILITY OWNER:	Brantley Telephone Company
CONTACT NUMBER:	912-462-3122

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.

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

DESCRIPTION OF DAMAGES: **EXHIBIT 2**

On June 2, 2023, FDD was horizontally directional drilling on the rights-of-way along U.S. Highway 301 (Georgia State Route 23) in Brantley County in Nahunta, Georgia when a 24-fiber cable owned by BTC was cut. Upon investigation, BTC found the crew had drilled directly on top of a clearly and accurately marked fiber cable, evidenced by discovery of the bore hole and drilling mud seen in the pictures provided. However, the damage occurred closer to the machine in a place where there were no orange marking flags present. The two BTC employees responsible for marking that section of cable were certain they had placed flags where the damage occurred. However, BTC has no documentation to prove the flags had been removed by FDD. BTC does have evidence that FDD made a bore within 3 feet of a correctly and clearly marked section of fiber before they moved the drilling machine approximately 5 feet to the right of the original bore. Because BTC cannot provide indisputable evidence that the marking flags were moved, it does not wish to seek reimbursement for cost of repair or for subsequent loss of service. We do wish to point out the negligence by FDD in failing to remain at least 3 feet from existing buried utilities. Following this incident, BTC contacted ADB Supervisor George Aistrop, ADB Senior Project Manager Donald Proschko, Windstream Construction Supervisor Larry Beard, and GDOT to discuss the negligence shown by FDD crews. On June 5, ADB Senior Project Manager Donald Proshcko told BTC that Falcon Directional Drilling, LLC would be relocated and would no longer be working in BTC territory.

EXHIBIT 2

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UTILITY FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 23-25744

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:	55376
Case Number:	PSC 23-25744
Report Date:	7/17/2023
Incident Date:	6/2/2023
Facility Owner:	Brantley Telephone Company
Facility Owner Phone:	912-462-3122
Locator:	Brantley Telephone Company
Locator Phone:	912-462-3122
Excavator:	Falcon Directional Drilling, Inc.
Excavator Phone:	404-772-7007
Violator:	Falcon Directional Drilling, Inc.
Contact:	Ilie Larionesi
Address:	3585 S. Puckett Rd
City, State, Zip	Buford, GA 30519
Incident Location:	10508 Main St N
Incident City:	Nahunta
Incident County:	Brantley
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Phone
Material Type:	Fiber
Size (Diameter/Voltage/Pairs/etc.):	24
Pressure (PSIG/Inches):	NOT REPORTED
Utility Line Function:	Main
Number of Customers Affected:	5
Repair Cost:	$9,407.00

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):	230419-006133
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of a probable violation, Falcon Directional Drilling, Inc. was excavating at 10508 Main Street, Nahunta, Georgia on June 2, 2023. Brantley Telephone Company reported this incident because Falcon Directional Drilling, Inc. struck and damaged a marked phone 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 Brantley Telephone Company regarding the damage that occurred at 10508 Main Street, Nahunta, Georgia on June 2, 2023. The submitted Brantley Telephone Company damage report indicates Falcon Directional Drilling, Inc. caused damage to a fiber phone service facility. According to the report, the contractor was installing a fiber line and while excavating with mechanized equipment, Falcon Directional Drilling, Inc. struck and damaged a marked buried phone 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. OCGA 25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

Staff searched Georgia (811) locate request database and was able to find the contractor's locate ticket. According to the (811) positive response database, Brantley Telephone Company responded to the locate request, and the phone service was marked before the incident. Staff was unable to find a valid damage ticket. Thus far, based on this initial information submitted by Brantley Telephone Company: It appears that Falcon Directional Drilling, Inc. may be in violation, pending a response to this Notice of Probable Violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **Falcon Directional Drilling, 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.

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.

****** ATTENTION PLEASE READ ****** ****** ATTENTION PLEASE READ ******

You have just received a Notice of Probable Violation (NOPV) from The Georgia Public Service Commission (PSC) and here is why.

Anytime a buried public utility is damaged by mechanized equipment, by law that utility operator must repair the damaged utility and then report the incident to The PSC within 30 days. That utility operator is also required by law to do an investigation to determine the cause of the damage. If the damage was a result of an error made by the Utility operator or the locate company, the utility company must report themselves to the PSC. If the damage was the result of an error made by the contractor, the utility company must report the contractor, and list the dig law violations that may have occurred during the incident. Once the incident is reported, it gets assigned to a Georgia Dig Law Investigator and a notice is mailed.

Please keep in mind you have NOT been found in violation yet. The NOPV is sent to inform you of what has been reported against you, and is pending on a response from you. You must respond to the notice by letting your investigator know if you agree or disagree with the violations.

If you do NOT respond within 30 days, the PSC will proceed, finding you in violation. This decision will be based solely on the information provided by the utility operator.

Contact information for your investigator will be at the bottom of the first page. Please feel free to call or send an email to your investigator, they will be more than happy to assist and walk you through this process.

EXHIBIT 2

Common questions about this NOPV

I disagree how do I respond

Check option 1 or 2 on the response options page, return that document to your investigator by USPS or email. Send a statement letting us know why you disagree, along with any documentation or photos that proves why you are not in violation. The investigator will continue the investigation based on your disagreement and will contact you once the investigation is complete.

I agree with the violation, what do I do next?

Check option 3 or 4 on the response options page; Option 3 indicates you agree with the violations and you would like to pay the smaller mitigated penalty by sending employees to a training class. Option 4 indicates you agree with the violation but would rather pay the fine in full instead of attending training. After you've chosen an option, please sign and date the two-page consent agreement and return those 3 documents to you investigator by email or USPS. If you chose option 3 you will have 30 days to get the training completed, penalty payments can be mailed or delivered to The Georgia Public Service Commission. Cashier checks or money orders are the only acceptable payment methods at this time.

I hired a subcontractor am I responsible for the violation / I was a subcontractor am I at fault?

The Georgia dig laws falls on whom ever was operating the equipment at the time of the incident. If you receive a notice from the PSC and you hired a sub, you should disagree with the violation. Check the appropriate box, provide a statement saying who you hired and provide documentation (Invoice) and contact information on the sub. Staff at The PSC will remove your name from the notice and reissue the notice to the Subcontractor.

How do I attend damage prevention training?

Use the GUFPA Training list that was provided in the packet to call and schedule the class. The class is a one-day class that usually last about 4 hours. After you complete training, you will get certificates of completion. The training facility will send copies of the certificates to the PSC.

I paid the utility company for the damage why do I have to pay the PSC?

Payment made for the repair cost to the utility company is a civil matter. That repair payment has no bearing over the possible penalty amounts for a violation of the state dig law.