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Georgia Public Service Commission

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

244 Washington Street, SW
Atlanta, GA 30334-5701

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

DOCKET# 56007
DOCUMENT# 222696

Docket No. 56007

AGL - Operations and Engineering
Ten Peachtree Place, NE Suite 1000
Location 1365
Atlanta, GA 30309

REF: Incident Inspection # JB25-001

☒ Certified Mail ☐ Regular Mail

Attention: Mr. Walt Farrell

On January 1, 2025, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an investigation of a reported incident involving your natural gas system. The enclosed inspection report numbered JB25-001 is provided for your information and file.

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

Enforcement Action:

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

Enforcement Letter:

- ☐ Warning Letter
- ☒ Letter of Concern

Enforcement Notification:

- ☐ Observed Issue
- ☐ No Violation

Please note that unless specifically addressed in the attached report, any previously existing probable violations were not addressed during this investigation, and no response is required for those items.

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Actions, Enforcement Letters, and Notifications Issued by the Georgia Public Service Commission. Please refer to Docket No. 56007 in your response.

Please let me know if there are any questions concerning this report at (404) 985-4271 or mthebert@psc.ga.gov.

Thank you for your continuing contribution toward increased pipeline safety.

Sincerely,

Michelle Thebert

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

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: JB25-001

OPERATOR: AGL - Jesup

INVESTIGATOR: Jeff Baggett

INSPECTION DATE: January 1, 2025 REPORT MAILED DATE: May 16, 2025

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

1. PURPOSE OF INSPECTION

To perform an investigation of a reported incident.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
192.614(a)	Except for pipelines listed in paragraphs (d) and (e) of this section, each operator of a buried...	DL19-013	3/4/2019

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

From April 16, 2024 through April 8, 2025 Staff performed an investigation of a reportable incident with a fatality which occurred at 2175 Savannah Highway, Jesup GA, 31545 on April 15, 2024.

During this inspection, the Operator was represented by:
Leticia Quezada - Director, Compliance and Pipeline Risk Management
Joe Caubo – Manager, Compliance and QA, Regulatory Compliance
Rick Slagle – Director, Compliance & Quality Assurance
Ralph McCollum – Principal Compliance Engineer

Commission Staff was represented by:
Jeff Baggett – Supervisor, Facilities Protection Unit / Lead Inspector
Michelle Thebert – Director, Facilities Protection Unit
David Lewis – Pipeline Safety Inspector
Jack Hewitt – Pipeline Safety Inspector
Joe Jones – Pipeline Safety Inspector

NOTICE OF PROBABLE VIOLATION

As a result of this investigation Staff found that the Atlanta Gas Light Company was in probable violation of the minimum federal safety standards; specifically:

(1) Commission Rule 515-9-1-.06 Incident Requiring Telephonic Notification
   (1) Concurrent to and in conformance with the notice requirements delineated in 49 C.F.R. § 191.5, each operator shall give telephonic notice of such an incident to the Commission's Pipeline Safety Staff.

   STAFFS COMMENTS: Under 49C.F.R., §191.5(a), at the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, each operator must give notice in accordance with paragraph (b) of this section of each incident as defined in § 191.3.

   During this investigation Staff determined that AGLC failed to comply with the reporting requirements of §191.5(a) and Commission Rule 515-9-1-.06 when they failed to provide notification of a reportable incident at the earliest practicable moment following discovery, but no later than one hour after confirmed discovery. This requirement is addressed in their OPM procedure in Division II, Section 5.1.2.

   - Staff was not notified of this incident until 9:37 p.m. on April 15, 2024; more than four (4) hours after AGLC was notified by the Wayne County Sheriff's Office.
     - In Staff's First Set of Data Requests they requested a timeline, by name and job title or function, of each individual who was notified of the death of Brandon Butler between the time the Company was notified at 5:23 p.m. and the time the Commission was notified at 9:37 p.m. AGLC responded that they did not track the information requested, but provided a list of 10 personnel that were made aware of Brandon's death prior to 9:37 p.m. They also indicated that AGL attorneys were notified, but did not provide the names or numbers of personnel.
   - The National Response Center (NRC) was not notified until 10:23 p.m.

PROBABLE VIOLATION: Atlanta Gas Light Company failed to provide notice at the earliest practicable moment following discovery, but no later than one hour after confirmed discovery, of the reportable incident at 2175 Savannah Highway in Jesup GA.

(2) §192.723 Distribution systems: Leakage surveys.
(a) Each operator of a distribution system shall conduct periodic leakage surveys in accordance with this section.
(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:
(2) A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every 5 calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to §192.465(e) on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every 3 calendar years at intervals not exceeding 39 months.

STAFF'S COMMENTS: AGLC's leak survey procedures are addressed in OPM Division II, Section 4.1.1(f), which states that: "A leakage survey of all cathodically protected metallic and plastic service lines and mains shall be conducted as frequently as necessary, but at least once every five (5) calendar years at intervals not exceeding sixty-three (63) months. However, all vintage plastic pipelines outside of business districts shall be leakage surveyed once every three (3) years in the state of Georgia."

During this investigation, Staff requested documentation for the dates of the last leak survey for 2175 Savannah Highway in Jesup, GA. AGLC advised that they had no record of any leak survey or other work performed at the premise prior to April 15, 2024.

PROBABLE VIOLATION: Atlanta Gas Light Company failed to demonstrate that they had performed leakage surveys at 2175 Savannah Highway in Jesup, GA as required by §192.723(b)(2) and their OPM procedures.

(3) §192.481 Atmospheric corrosion control: Monitoring.
(a) Each operator must inspect and evaluate each pipeline or portion of the pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

Pipeline type:	Then the frequency of inspection is:
(1) …	
(2) Onshore Service Line	At least once every 5 calendar years, but with intervals not exceeding 63 months, except as provided in paragraph (d) of this section.

STAFF'S COMMENTS: AGLC's atmospheric corrosion control monitoring procedures are addressed in OPM Division II, Section 8.22 which states that: "All aboveground facilities that transport gas, including pipe, valves, compressor units, metering stations, regulator and odorizer stations, storage tanks, holders, and fabricated assemblies, shall be inspected for evidence of active corrosion at least once every 3 calendar years, but with intervals not exceeding 39 months."

During this investigation Staff requested documentation for the dates of the last atmospheric corrosion survey for 2175 Savannah Highway in Jesup, GA. AGLC advised that they had no record of any work performed at the premise prior to April 15, 2024.

PROBABLE VIOLATION: Atlanta Gas Light Corporation failed to demonstrate that they performed atmospheric corrosion monitoring as required by §192.481(a)(2) and their OPM procedures.

NOTICE OF AMENDMENT

§192.605 Procedural manual for operations, maintenance, and emergencies
(b) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.
(9) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.

STAFF'S COMMENTS: Under 49CFR, §192.615(a)(4), operators are required to establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency. Under §192.615(a)(5) operators are required to establish written procedures to ensure that their actions are directed toward protecting people first and then property.

AGLC provided Staff with the job description of Field Specialist A. In that job description it states that these individuals are "First responder on emergency calls, including off shift call outs and responsible for making repairs on below ground pipe up to 5/8" in diameter." In interviews with the company personnel Staff learned that FSA's typically work by themselves. When questioned by Staff as to when an excavation would reach a point that it would be unsafe to work on by themselves, every individual stated that it was at "their discretion."

Staff determined that AGLC's Field Specialist personnel typically work alone and AGLC's procedures do not sufficiently address scenarios where a response to a leak near a building, requiring excavation in a non-hazardous atmosphere, could escalate into a hazardous situation due to failures involving personnel, equipment, or pipeline facilities.

Staff found that AGLC's OPM (2024-02-21) does not contain a specific reference for §192.605(b)(9); however, in their response to STF 1-14 in Staff's First Set of Data Request AGLC stated:

"The AGL OPM maintains compliance with 49 CFR § 192.605(b)(9) with the content found within OPM Division II, Section 19.3 "Working in Confined Spaces" and its subsections (specifically, OPM Division II, Section 19.3.1 "Working in Confined Spaces – Hazardous Atmosphere" and OPM Division II, Section 19.3.2 "Working in Confined Spaces – Life Protective Equipment"). Additionally, further guidance for taking precautions in a "hazardous atmosphere" can be found in the "Respiratory Protection Program" and the "Excavation Program" found in the Southern Company Gas Safety Compliance Manual (see "105-Respiratory Protection Program.pdf;" Section 105.6.5 "IDLH Atmospheres;" 119-Excavation Program, Section 119.7.6 "Hazardous Atmospheres")."

- Staff noted that OPM Division II, Section 19.3.1 (Working in Confined Spaces – Hazardous Atmosphere) anticipates the presence of a hazardous atmosphere, which would require the employee to have a respirator and a retrieval harness with lifeline.

- Staff noted that OPM Division II, Section 19.3.2 (Working in Confined Spaces – Life Protective Equipment) also anticipates potentially hazardous atmospheres which may require the use of a safety harness, and an air supplied respirator. This section also notes that the use of supplied-air respirators, or self-contained breathing apparatus (SCBA) requires a second person.

- In their response to STF 1-19 in Staff's First Set of Data Request AGLC stated: "No, Field Specialist A vehicles are not equipped with a harness/lifeline type of equipment. For respiratory protection, Field Specialist A vehicles are only equipped with an N95 mask; however, they are not equipped with self-contained breathing apparatus (SCBA) type of equipment."

Staff also found that AGLC's procedures do not contain a specific reference for §192.615(a)(4), however, their Emergency Manual is in Division II, Section 22 of their OPM. This section indicates that: "Employee(s) shall perform his / her duties in a safe and effective manner following all safety precautions as outlined in Division II, Section 19 Hazard Control and the Company's Safety Compliance Manual."

Staff also noted that while Division II, Section 19, Hazard Control, was not named in the tasks being performed by AGLC, it states that:

> "Fire extinguishers should be located at construction and maintenance work in such a manner that they will be easily accessible in the event they are needed.
>
> When a hazardous amount of gas is being vented into the open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided. Fire extinguishers should be positioned and manned on the up-wind side of the leak or discharge at a distance that provides protection for the user and adequate coverage for repair personnel."

While preparing the written report for this investigation Staff found that on December 18, 2024, AGLC published a revised Operations and Procedures manual. In the "What's New in the OPM" Section, Section 7 - Important Changes in the OPM, Staff found that Section 19.2.4 was changed for a "Clarification" and the stated purpose was that it "Aligned language with Code and Company safety requirements around fire extinguishers." Staff found that this change was to remove the requirement for fire extinguishers to be manned.

REQUIRED AMENDMENT: Based on the totality of Staff's investigation they determined that the primary contributing factors to this incident were deficiencies in AGLC's procedures required by §192.605(b)(9), §192.615(a)(4), and §192.615(a)(5) that allow individuals to perform underground work alone based on their own discretion. Atlanta Gas Light Company must amend their procedures to ensure the availability of sufficient personnel, equipment, tools, and materials whenever work is being performed below-ground, and that their personnel are protected from the hazards of unsafe accumulations of vapor or gas in the event of an abnormal operating condition.

ITEM OF CONCERN

During this investigation Staff learned that Atlanta Gas Light Company does not actively track the status of their employees who are performing covered functions, often alone and in situations where potentially hazardous conditions could be encountered. Staff recommends that Atlanta Gas Light Company evaluate this process and implement measures to ensure the safety of their personnel, especially those that are working alone.

PROPOSED CIVIL PENALTY

Under Commission Rule 515-9-1.01, by virtue of the authority vested in the Commission by law and pursuant to orders issued by the Commission on May 4, 1967, July 6, 1967, April 23, 1968, and October 29, 1970, all Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (C.F.R. 49, Parts 191 and 192) are by this Rule made the Rules and Regulations of the Georgia Public Service Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission within this State.

Under Commission Rule 515-9-3-.08 (Written Formal Notice of Violation), the Commission may propose a civil penalty in conjunction with this notice of probable violation. Further, Atlanta Gas Light Company is subject to civil penalties under O.C.G.A. § 46-2-91(b) which states that: Any operator which violates any rule or regulation of the commission prescribed pursuant to subsection (i) of Code Section 46-2-20, or which fails, neglects, or refuses to comply with any order after notice thereof, shall be liable to a penalty not to exceed the maximum penalties provided for in 49 C.F.R. Section 190.223.

Staff has reviewed the circumstances surrounding the probable violations cited in this report and has recommended the civil penalty listed below. Please note that this recommended amount is less than the amount authorized by Georgia law.

Item #	Code / Rule	Description	Proposed Penalty
1	515-9-1-.06	Incident Notification	$15,000.00
2	§192.723(b)(2)	Distribution System: Leakage Survey	$15,000.00
3	§192.481(a)(2)	Atmospheric Corrosion Monitoring	$15,000.00
TOTAL PROPOSED PENALTY			$45,000.00

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

OPERATOR RESPONSE FORM

Operator Name: ATLANTA GAS LIGHT COMPANY

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 56007

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

Response to Inspection Number:_____

Type of Enforcement Action(s) cited in report:			Informal Conference Requested	
☐ Notice of Probable Violation (NOPV)	☐ New	☐Continuing	☐ Yes	☐ No
☐ Notice of Amendment (NOA)	☐ New	☐Continuing	☐ Yes	☐ No
☐ Warning Letter	☐ New	☐Continuing	☐ Yes	☐ No
☐ Letter of Concern	☐ New	☐Continuing	☐ Yes	☐ No
☐ Observed Issue	☐ New	☐Continuing	☐ Yes	☐ No
☐ Proposed Civil Penalty	$ _____ PCP $ Amount (Total for report)			

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

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

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

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

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

   Additional Comments: (Optional)_____
   _____
   _____

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

Operator Response to Enforcement Action

Enforcement Action for:_____ ☐ New Violation ☐ Continuing Violation

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

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

OPERATORS RESPONSE: _____

_____

_____

_____

_____

_____

_____

_____

Response Provided by: _____ Date:_____

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed:_____

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

_____

Supervisor Review by:_____ Date Reviewed:_____

Additional Enforcement Recommended: ☐ Yes ☐ No

_____

Director Review

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

Cleared Violation: ☐ Yes ☐ No

Comments:_____

_____

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

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

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

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

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

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

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

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

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
Atlanta Gas Light Company	)	**DOCKET NO. 56007**
	)	
	)	
	)	

CERTIFICATE OF SERVICE

I, hereby certify that I have this day served a copy of the within and foregoing document on the following persons via email and/or United States Mail as follows:

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

* Walt Farrell, President and CEO
Southern Company Gas
Ten Peachtree Place, NE,
Atlanta, GA 30309
wffarell@southernco.com

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

Respectfully Submitted this 19th day of May 2025:

Cathy Nesbitt

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

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* Walt Farrell, President and CEO
Southern Company Gas
Ten Peachtree Place, NE,
Atlanta, GA 30309

DN 56001-222196 JB25-001

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

* Walt Farrell, President and CEO
Southern Company Gas
Ten Peachtree Place, NE,
Atlanta, GA 30309

DN 56001-222196
JB25-001

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
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3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7011 2970 0003 0172 3713

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