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FACILITIES PROTECTION UNIT DIRECTOR

Georgia Public Service Commission

(404) 463-6526
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244 Washington Street, SW
Atlanta, GA 30334-5701

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

DOCKET# 37038
DOCUMENT# 223144

Docket No. 37038

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

☐ Certified Mail ☐ Regular Mail

Attention: Mr. Matthew Hailey

On December 18, 2023, a representative of the Georgia Public Service Commission Pipeline Safety/Facilities Protection Office conducted a review of the terms of your Consent Agreement and found that the previously agreed upon items have either been addressed, or are continuing, as identified below.

☐ Consent Agreement complied with - All provisions have been completed

☒ Consent Agreement has not yet been complied with

- ☐ Operator is still working to address the provisions of the Consent Agreement / Staff to schedule followup based on Operators response to this inspection.
- ☒ Operator has addressed the provisions of the Consent Agreement / Monitoring by Staff will continue as required under the terms of the Consent Agreement.

☐ Consent Agreement not complied with - Additional Enforcement

- ☐ Notice of Proposed Violation with Proposed Civil Penalty
- ☐ Notice of Proposed Violation
- ☐ Warning Letter
- ☐ Letter of Concern
- ☐ Observed Issue

The enclosed inspection report numbered JS23-033 is provided for your information and file.

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

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

Sincerely,

Michelle Thebert

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

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: JS23-033

OPERATOR: City of Commerce Gas System

INVESTIGATOR: Jason Smith

INSPECTION DATE: December 18, 2023 REPORT MAILED DATE: June 25, 2025

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

1. PURPOSE OF INSPECTION

To conduct a follow-up inspection of the Operator's previously existing probable violations.

2. CONTINUING VIOLATIONS

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

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF COMMERCE GAS SYSTEM / FOLLOW-UP INSPECTION
INSPECTION NUMBER JS23-033 / DOKET NUMBER 37038

On December 19, 2023, Pipeline Safety Staff reported to the City of Commerce Gas System to perform a follow-up inspection on the Operator's previously existing probable violations.

During this inspection the Operator was represented by:
Lonnie Roberson - Natural Gas Utility Director
Tim Franklin - MGAG/SRCS (consultant)

Commission Staff was represented by:
Jason Smith - Lead Inspector
Glen Murphy - Pipeline Safety Inspector

At the time of this inspection (#JS23-033) the City of Commerce Gas System was under a Final Order adopting a Consent Agreement identified under inspection #JB19-011.

In January 2023 during follow-up inspection #DJ23-003 Staff identified one (1) of the eleven (11) items still needing to be addressed in order for the Consent Agreement to be completed.

CONSENT AGREEMENT CONTINUING

In regard to the one remaining Consent Agreement item needing to be addressed, Staff found the following: Consent Agreement Item #5 states:

> "In order to minimize reoccurrence of this type of incident, no fewer than four (4) of Commerce's gas department employees shall attend/participate in the following training courses. Leak Patrol, Leak Detection (Inside & Outside), Customer Leak Investigation, Investigating and Pinpointing Underground Leaks, and Properties of Natural Gas. These training courses can be completed at a training facility that is listed in the City of Commerce OQ Program. In addition, four (4) of Commerce's gas department employees shall attend/participate in the following training courses at Leak City in Athens, Alabama: Excavating and Backfilling, Prevention of Accidental Ignition, First Response, Fire Training (Main & Service Fires, Ground Fires, Regulator Fires), Emergency Conditions, and Accidental Release of Gas. The target date for training to be complete is June 30, 2022. In no event shall Commerce's gas supervisor/superintendent be excused from these requirements. In the event that the above classes are not offered, or scheduling prohibits training to be completed by the target date, Commerce shall notify the Pipeline Safety Director as soon as possible. The intent of this provision is to have consistent progress in completing the training outlined above."

FOLLOW-UP INSPECTION #1: On January 25, 2023, Staff reported to the City of Commerce to conduct a follow-up inspection of the Operator's previously existing probable violation under inspection #DJ23-003. In this inspection Staff stated that:

> "During this inspection (DJ23-003), the City of Commerce provided documentation for scheduling conflicts as well as training for two employees who attended Leak City, Athens, Alabama.
>
> - March 10, 2020 - Commerce tries to send two gas employees to Leak City for required training but was postponed. Email sent from Athens Utilities Gas

Department to City of Commerce stating scheduling conflicts with APSC. APSC postponing Natural Gas Fire Training from 03/18/2020 to 04/22/2020.

- September 13, 2021 - Email to Director of Facilities Protection Unit from Commerce Gas Utility Director, stating that Commerce has begun sending two of their employees to Leak City, Athens, Alabama for required training. Commerce sent Sammy Bachman and Richard Elrod for training.

- April 4-7, 2022 – Commerce Gas Utility Director stated he notified Director of Facilities Protection Unit in person at the Pipeline Safety Seminar that APSC was again postponing Natural Gas Fire Training for August 2022.

- April 2022 - Email sent from Athens Utilities Gas Department to City of Commerce stating scheduling conflicts again with APSC. APSC postponing Natural Gas Fire Training from August 2022 - September 2022.

- As of this inspection (DJ23-003), Commerce still has two gas employees that need to attend Leak City, Athens, Alabama for required training. Lonnie Robinson and Jody Saxon will be attending Leak City, Athens, Alabama in September 2023.

Staff determined that this item has not been completely addressed."

FOLLOW-UP INSPECTION #2: During this inspection (#JS23-033) Pipeline Safety Staff asked the Operator if there has been any update to the status of getting the training, as specified in the consent agreement completed. Commerce Gas System inform Staff that they have been doing the training thru a combination of gas department safety meetings and sending employees to classes at Leak City Athens, Alabama.

The Operator provided documentation of the following taking place:

<u>2020</u>
2020-07-09 Emergency Response: Prevent Ignition (gas dept. safety meeting training = GDSM)
2020-07-20 Prevent Accidental Ignition (GDSM)
2020-09-25 13Z – Prevention of Accidental Ignition (GDSM)
2020-10-29 Prevention of Accidental Ignition
Precautions in Excavation Trenches (GDSM)
2020-12-01 Prevention of Accidental Ignition (GDSM)

<u>2021</u>
2021-01-11 13Z – Prevention of Accidental Ignition
Other Safety Concerns (GDSM)
2021-03-18 4.2.3 Excavation Damage (GDSM)
2021-03-23 13Z – Prevention of Accidental Ignition (GDSM)
2021-04-09 13Z – Prevention of Accidental Ignition
Implement Emergency Response Plan: Natural Gas Leaks (GDSM)
2021-05-05 Prevention of Accidental Ignition (192.751)
Leak Recognition – smell, hearing, sight (GDSM)

2021-09-02 Leak Investigation (Sammy Backman & Richard Elrod @ Leak City)
2021-12-08 discussion – 13Z - Prevention of Accidental Ignition (192.751) (GDSM)

2022
2022-02-04 Identify / Remove Ignition Sources (GDSM)
2022-02-25 Precautions in Excavated Trenches (#05)
13Z - Prevention of Accidental Ignition (192.751) (GDSM)
2022-04-14 Identify / Remove Ignition Sources (GDSM)
2022-04-21 Walking / Mobil Survey / Pinpointing (GDSM)
2022-05-11 Identify / Remove Ignition Sources (GDSM)
2022-05-18 Precaution in Excavated Trenches (#05) (GDSM)
2022-09-02 Identify / Remove Ignition Sources (GDSM)
2022-10-07 Identify / Remove Ignition Sources
13Z - Prevention of Accidental Ignition (192.751)
Precaution in Excavated Trenches (GDSM)
2022-11-18 Leak Investigation: Inside Gas Leak Investigation &
Outside Leak (Gas) Investigation (GDSM)

2023
2023-08-28 Leak Investigation (Lonnie Robinson, Keith Barrett, Trevor Johnson @ Leak City)
2023-08-29 Plastic Fusion
Natural Gas Fire Training (Lonnie Robinson, Keith Barrett, Trevor Johnson @ Leak City)
2023-08-30 Service Tech II / Static Electricity (Lonnie Robinson, Keith Barrett, Trevor Johnson @ Leak City)

Staff asked the Commerce Natural Gas Director to attempt to explain the training classes described in the consent agreement verses what they've done. The Gas Director informed Staff that during September 2021 in addition to taking the Leak Investigation training the two (2) employees took the Natural Gas Fire Training at Leak City.

- The August 28, 2023, Leak Investigation training session included Pinpointing Underground Leaks (bar-hole testing) & Inside/Outside Leak Investigation at Leak City.

- The August 29, 2023, Natural Gas Fire Training session included the topics: regulator station, meter and ground fire(s) at Leak City.

- And the August 30, 2023, Service Tech II/Static Electricity session included the topic preventing accidental ignition at Leak City.

On January 3, 2024, Staff conducted a Teams meeting call with Commerce's Natural Gas Director, the Facilities Protection Director and Pipeline Safety Supervisor to clear up what needs to occur in order to satisfy item #5 of the Consent Agreement.

The following consensus was reached:

- Leak Patrol, Leak Detection (Inside & Outside), Customer Leak Investigation, Investigating and Pinpointing Underground Leaks was successfully completed by 4+ Commerce Gas employees in Athens, AL (Leak City).

- Fire Training (Main & Service Fires, Ground Fires, Regulator Fires) was successfully completed by 4+ Commerce Gas employees at Leak City.

- Prevention of Accidental Ignition was attended by only 3 Commerce Gas employees. The Operator believes 2 other employees attended this training, so they will be reaching out to Leak City to verify.

- Properties of Natural Gas, Emergency Conditions, Accidental Release of Gas; has not been attended as of this inspection.

- Excavating and Backfilling; has not been attended as of this inspection.

Commerce's Natural Gas Director plans to find out about the training that still needs to be completed. If there's any difficulty finding and getting into the training, the Operator will contact Staff to discuss possible alternatives.

Staff determined that this item has not been completely addressed.

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

OPERATOR RESPONSE FORM

Informal Conference Requested: Yes ☐ No ☐

Operator Name: City of Commerce

Docket Number: 37038

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

Response to Inspection Number:_____

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

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

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

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

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

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

   Additional Comments: (Optional)_____

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

Operator Response to Enforcement Action

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

Enforcement Action(s) cited in report:	Conference Requested:	
☐ Notice of Probable Violation (NOPV)	☐ Yes ☐ No	$_____ Proposed Penalty for this violation
☐ Notice of Amendment (NOA)	☐ Yes ☐ No	
☐ 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:	)	
	)	
City of Commerce Gas System	)	**DOCKET NO. 37038**
	)	
	)	
	)	

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

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

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

Respectfully Submitted this 1st day of July 2025:

Cathy Nesbitt

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