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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 No. 56377



City of Bainbridge Gas Department
P. O. Box 158
Bainbridge, GA 39818
REF: Incident Inspection # JB25-048

Certified Mail

Regular Mail

Attention: Mr. Roy Oliver

On June 9, 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 JB25-048 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. 56377 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 L. Thebert
Director, Office of Pipeline Safety/Facilities Protection

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: JB25-048

OPERATOR: City of Bainbridge Gas Department

INVESTIGATOR: Jeff Baggett

INSPECTION DATE: June 9, 2025

REPORT MAILED DATE: December 4, 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 the incident which occurred at 710 Gordon Ave, Bainbridge, Georgia on April 28-29, 2025.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INCIDENT INVESTIGATION REPORT

CITY OF BAINBRIDGE GAS DEPARTMENT / INCIDENT INVESTIGATION
INSPECTION NUMBER JB25-048 / DOCKET NUMBER 56377

On June 9, 2025, Staff initiated an investigation into an event that occurred at 710 Gordon Avenue Bainbridge, Georgia, between April 28 and 29, 2025.

During this investigation the City of Bainbridge was represented by:

Kevin Maxwell – Gas Superintendent, City of Bainbridge Gas Department

April Crosby – Regulatory Compliance Officer, City of Bainbridge Gas Department

Sam Yarley – Municipal Gas Authority Subscribed Regulatory Compliance Service – City of Bainbridge’s Consultant

Commission Staff was represented by:

Jeff Baggett – Supervisor, Facilities Protection Unit / Lead Inspector

Joe Jones – Pipeline Safety Inspector / Lead on-site inspector

Chuck Whitaker – Pipeline Safety Inspector

On June 9, 2025, the Facilities Protection Unit (FPU) Supervisor received an open records request seeking all documents related to a gas leak or gas line repair at 710 Gordon Avenue, Bainbridge, Georgia 39819, occurring on or around April 28, 2025¹. The request also included any records of similar incidents at the same location from January 1, 2022, through April 27, 2025. The City of Bainbridge (“Bainbridge,” “Operator,” or “City”) is the natural gas operator for this location.

The Commission had not been previously notified of any such incident involving the City of Bainbridge, therefore, the FPU Supervisor dispatched Pipeline Safety personnel to initiate an investigation. The Staff investigation focused on an event that occurred between April 28 and 29, 2025, located at 710 Gordon Avenue, which was later found to be a unit in the Landmark Apartment complex. Staff sought to determine if the City of Bainbridge was in compliance with the minimum federal pipeline safety standards, specifically 49CFR §191.5-Immediate notice of certain incidents & 49CFR §192.617- Investigation of failures and incidents.

As a result of Staff’s investigation, it was determined Bainbridge was in violation of 49CFR §191.5 and 49CFR §192.617.

Timeline of Relevant Events:

April 28, 2025:

- A flash fire occurred in Apartment H-30 around 8:19 a.m. when a resident attempted to light a cigarette in the bathroom. She suffered burns to her upper body and was transported to a local hospital and later transferred to the burn unit at Grady Hospital in Atlanta, where she remained for 13 (thirteen) days.

April 29, 2025

- The City of Bainbridge was notified of the smell of gas behind Apartment H of the Landmark Apartments at approximately 8:23 a.m.
- The Bainbridge Gas Department employees arrived at 710 Gordon Avenue at approximately 8:32 a.m. At approximately 10:30 a.m., Bainbridge Public Safety department assisted with the evacuation of approximately 38 (thirty-eight) residents from multiple buildings in the complex.
 - The Bainbridge Gas Technicians shut-off the gas service to the Landmark Apartments complex to excavate and complete repairs.

¹ Open Records request filed June 6, 2025, by Max Compton, Morgan & Morgan

- Bainbridge Gas Technicians found accumulations of gas inside several apartments and identified an underground leak on the 2-inch PE gas main located behind Building H.

Incident Investigation

NOTICE OF PROBABLE VIOLATION

As a result of this investigation, Staff found that the City of Bainbridge Gas Department was in probable violation of the minimum federal safety standards; specifically:

- 1) §191.5 Immediate notice of certain incidents.
 - (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.

STAFF'S COMMENTS:

- Under 49CFR, §191.3 – Definitions - Incident means any of the following events:
 - (1) An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility (UNGSF), liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - (i) A death, or personal injury necessitating in-patient hospitalization;
 - (ii) Estimated property damage of \$122,000 or more, including loss to the operator and others, or both, but excluding the cost of gas lost. For adjustments for inflation observed in calendar year 2021 onwards, changes to the reporting threshold will be posted on PHMSA's website. These changes will be determined in accordance with the procedures in appendix A to part 191.
 - (iii) Unintentional estimated gas loss of three million cubic feet or more.
 - (2) An event that results in an emergency shutdown of an LNG facility or a UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency within the facility does not constitute an incident.
 - (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2) of this definition.
- Under 49CFR, §191.3 – Definitions - “Confirmed Discovery means when it can be reasonably determined, based on information available to the operator at the time, that a reportable event has occurred—even if only based on a preliminary evaluation.
- In the final rule for Docket No. PHMSA-2013-0163, Federal Register Volume 82, Number 13 (Monday, January 23, 2017) PHMSA clarified:

“PHMSA proposed ‘may have occurred’ in the definition of ‘confirmed discovery’ to abide by the Congressional mandate requiring operators to alert the NRC to accidents and incidents despite not having a complete assessment. The purpose of the notification is to alert local, state, and federal agencies with notification at the earliest practicable moment so that emergency personnel or investigators can be dispatched quickly to mitigate the consequences of such an event. Without this requirement, each operator may have a different methodology in its procedures when responding to an accident or incident that could potentially take hours or days before an operator has completed its evaluation and determined that an accident or incident had in fact occurred. If an operator were allowed to wait for a definitive confirmation, based upon the procedures it has in place to identify and report accidents and incidents, even if the operator has

CITY OF BAINBRIDGE GAS DEPARTMENT / INCIDENT INVESTIGATION
INSPECTION NUMBER JB25-048 / DOCKET NUMBER 56377

sufficient evidence through its employees or the public, the intent of the Congressional mandate would be defeated. To address the public comments and the Advisory Committees recommendations, PHMSA has revised the definition of 'confirmed discovery.'”

- Under 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 incident to the Commission's Pipeline Safety Staff.
 - (2) For the purposes of this Rule, “incident” shall mean:
 - (a) An event that involves a release of gas from a pipeline, or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - 1. A death, or personal injury necessitating in-patient hospitalization;
 - 2. Unless otherwise adopted by Federal Code(49C.F.R. § 191.3), estimated property damage of \$50,000.00 or more, including loss to the operator and others, or both, but excluding cost of gas lost;
 - 3. Unless otherwise adopted by Federal Code(49C.F.R.§ 191.3), unintentional estimated gas loss of three million cubic feet or more;
 - (b) An event that results in any emergency shutdown of an LNG facility. Activation of an emergency shutdown for reasons other than an actual emergency does not constitute an incident.
 - (c) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraphs (a) or (b) of this definition. Operators shall evaluate their respective natural gas systems and provide written guidance for their personnel in the Operator's Operations & Maintenance and/or Emergency Procedural Manuals as to what constitutes a "significant event" for their natural gas system which would require telephonic notification.
 - (3) Within thirty (30) days following any incident, any operator having so reported, shall prepare and submit to the Commission, a written report describing the relevant facts regarding such incident as well as any investigation conducted by the operator.
- The City of Bainbridge Operations and Maintenance Procedures Manual, in Sections 4-A Immediate Notice of Certain Incidents to the National Response Center (NRC), and 4-E Incident Notification to Georgia PSC Pipeline Safety mainly parrots the 191 reporting requirements. Bainbridge has identified some events that they consider as significant to address the requirements in Commission Rule 515-9-1-.06, however these items appear to be primarily general considerations.
- Staff determined that the presence of a known outside gas leak, with apparent migration leading to gas accumulation inside multiple apartments and the evacuation of approximately 38 residents, combined with prior knowledge of a flash fire injury in the affected building the day before, constituted a confirmed discovery of a reportable incident. Accordingly, the Operator was required to notify both the National Response Center and the Commission within one hour of that discovery.

PROBABLE VIOLATION: The City of Bainbridge Gas Department failed to notify the National Response Center and the Commission within one hour of confirmed discovery of an incident involving in-patient hospitalization, as required by 49CFR, §191.5(a) and Commission Rule 515-9-1-.06.

- 2) §192.617 Investigation of failures and incidents.

CITY OF BAINBRIDGE GAS DEPARTMENT / INCIDENT INVESTIGATION
INSPECTION NUMBER JB25-048 / DOCKET NUMBER 56377

- (a) Post-failure and incident procedures. Each operator must establish and follow procedures for investigating and analyzing failures and incidents as defined in § 191.3, including sending the failed pipe, component, or equipment for laboratory testing or examination, where appropriate, for the purpose of determining the causes and contributing factor(s) of the failure or incident and minimizing the possibility of a recurrence.
- (b) Post-failure and incident lessons learned. Each operator of a transmission or distribution pipeline must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs; and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

STAFF'S COMMENTS: Staff's investigation into the events which occurred at 710 Gordon Ave in Bainbridge, GA on April 28 and 29 indicated that the City of Bainbridge Gas Department either failed to recognize or failed to acknowledge that they had a series of events that involved a release of gas which resulted in a personal injury necessitating in-patient hospitalization. Because they did not recognize or acknowledge this, they failed to perform a failure investigation as required.

Staff determined that the presence of a known outside gas leak, with apparent migration leading to gas accumulation inside multiple apartments and the evacuation of approximately 38 residents, combined with prior knowledge of a flash fire injury in the affected building the day before, constituted a confirmed discovery of a reportable incident. Accordingly, the Operator was required to notify both the National Response Center and the Commission within one hour of that discovery.

Because the City of Bainbridge Gas Department failed to provide notice of a reportable incident as required by 49CFR, §191.5 Staff were denied the ability to initiate an investigation until approximately 41 days after the event occurred.

PROBABLE VIOLATION: The City of Bainbridge failed to perform a failure investigation for the incident which occurred on April 28, 2025.

ITEMS OF CONCERN

1. Staff is concerned that the Operators listing significant events required for compliance with Commission Rule 515-9-1-.06 is too generalized for their system. Staff recommends that the City of Bainbridge review their existing criteria to ensure the timely reporting of significant events as required.
2. Staff is concerned that there appears to be some confusion in the City of Bainbridge's processes regarding the requirements of §192.605(b)(8), §192.615(b)(3), and §192.617. For the gas leak that was reported on April 29, 2025, Bainbridge completed an Appendix Q - After Action Review for this event. In their response to Date Request #2 Bainbridge stated that they had received a total of eleven leaks calls between Jan 1 and April 29, 2025; however, they also stated that they do not complete an Appendix Q – After Action Review for all gas leak calls. In their response to STF 2-6 Bainbridge stated that: "Pursuant to the City's procedures, After-Action Review is requires (sic) for events that qualify as a defined incident. Answering further, the City is actively involved in ongoing investigations into the incident due to ongoing civil proceedings related to said incident."

Because Staff was denied the opportunity to investigate this incident in a timely manner, and because the Operator continues to insist that this was not a reportable incident, Staff has elected to address this issue with the Operator later.

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, the City of Bainbridge 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 penalties listed below. Please note that this recommended amount is less than the amount authorized by Georgia law.

<u>Item #</u>	<u>Code / Rule</u>	<u>Description</u>	<u>Proposed Penalty</u>
1	§191.5	Incident Notification	\$5,000.00
2	§192.617	Failure Investigation	\$5,000.00
TOTAL PROPOSED PENALTY			\$10,000.00

OPERATOR RESPONSE FORM

Operator Name: City of Bainbridge

Informal Conference Requested: Yes No

Docket Number: 56377

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

Response to Inspection Number: _____

Type of Enforcement Action(s) cited in report:

Informal Conference Requested

- | | | |
|--|--|--|
| <input type="checkbox"/> Notice of Probable Violation (NOPV) | <input type="checkbox"/> New <input type="checkbox"/> Continuing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Notice of Amendment (NOA) | <input type="checkbox"/> New <input type="checkbox"/> Continuing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Warning Letter | <input type="checkbox"/> New <input type="checkbox"/> Continuing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Letter of Concern | <input type="checkbox"/> New <input type="checkbox"/> Continuing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Observed Issue | <input type="checkbox"/> New <input type="checkbox"/> Continuing | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> 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):
- Written statement indicating that corrective measures have achieved Compliance or
 - Written plan of action outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.
- B. Response for **NOA**:
- 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
 - Not Contested**: Explanation, information, or other material believed to warrant modification of the NOA in whole or in part; or
 - 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:

- Notice of Probable Violation (NOPV)
- Notice of Amendment (NOA)
- Warning Letter
- Letter of Concern
- Observed Issue
- Proposed Civil Penalty

Conference Requested:

- Yes No
- Yes No
- Yes No
- Yes No
- Yes No
- Yes No

\$ _____
Proposed Penalty for this violation

OPERATORS RESPONSE: _____

Response Provided by: _____
Name / Title

Date: _____

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: _____

OPERATOR RESPONSE FORM

Operator Name: City of Bainbridge

Informal Conference Requested: Yes No

Docket Number: 56377

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 Bainbridge Gas Department

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DOCKET NO. 56377

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

*Roy Oliver, City Manager
City of Bainbridge Gas Department
P. O. Box 158
Bainbridge, GA 39818

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

Respectfully Submitted this 4th day of December 2025:

Cathy Nesbitt

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