OPERATOR RESPONSE FORM

Operator Name: City of Bainbridge

Informal Conference Requested: Yes X No ☐

Docket Number: 56377 – Document Number 224711

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

Response to Inspection Number: JB25-048

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	$10,000.00	
	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] Gas Superintendent
   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 FORM

Operator Name: City of Bainbridge

Informal Conference Requested: Yes X No ☐

Docket Number: 56377 – Document Number 224711

Enforcement Action for: §191.5 ☒ 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	$5,000.00 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: The City of Bainbridge submits the following response regarding the probable violation of 49 CFR 191.5, as stated in Inspection Number JB25-048 that was conducted on June 9, 2025. This inspection report cites a Final Rule for Docket No. PHMSA-2013-0163, Federal Register Volume 82, Number 13 (Monday, January 23, 2017), in which PHSMA proposed adding "may have occurred" in the definition of 'confirmed discovery'. As of the date of this inspection report, the current definition of 'confirmed discovery' as defined in 49 CFR Part 191.3 is as follows: "means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation". The City of Bainbridge respectfully disagrees with Staff's position that the City of Bainbridge's Operations and Maintenance Manual, in Sections 4-A and 4-E 'mainly parrots the 191 reporting requirements' and that 'Bainbridge has identified some events that we consider as significant to address the requirements in Commission Rule 515-9-1-.06', and that staff's view on these items appear to be primarily general considerations. The City of Bainbridge respectfully requests an informal conference to discuss this probable violation/civil penalty and subsequent statements regarding how staff determined that there was an "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". The City of Bainbridge's internal investigation determined that those two instances were unrelated. This determination was made based on multiple things including the lack of any resident, apartment maintenance personnel, or anyone else at the time of the flash fire reporting to the City of Bainbridge of a gas smell/leak at this location at the time of the flash fire, before, or after. The City of Bainbridge believes that it correctly followed its procedures and feels that its current procedures comply with 49 CFR Part 192 and Commission Rule(s)

Response Provided by: Kevin Maxwell, Superintendent (Name / Title) Date: 12/30/2025

Internal use only:

Lead Inspector: _____ Date Response Reviewed: _____

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

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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

Informal Conference Requested: Yes X No ☐

Operator Name: City of Bainbridge

Docket Number: 56377 – Document Number 224711

Enforcement Action for: §192.617 ☒ 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	$5,000.00 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: The City of Bainbridge submits the following response regarding the probable violation of 49 CFR 192.617, as stated in Inspection Number JB25-048 that was conducted on June 9, 2025. The inspection report cites that 'because the City of Bainbridge failed to provide notice of a reportable incident as required by 49 CFR, §191.5 Staff were denied the ability to initiate an investigation until approximately 41 days after the event occurred'. According to this inspection report, this resulted in a probable violation of §192.617. The City of Bainbridge disagrees with this assessment as the City of Bainbridge's investigation into the events in question determined that the two instances were unrelated. The City of Bainbridge respectfully requests an informal conference to discuss this probable violation and civil penalty.

Response Provided by: KO Gas Superintendent Date: 12/30/25

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.