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Georgia Public Service Commission

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244 Washington Street, SW
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DOCKET# 37020
DOCUMENT# 226284

Docket No. 37020

City of Albany
1726 Lily Pond Road
Albany, GA 31701

REF: Public Awareness Inspection # JJ25-070

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Derrick Brown

On December 8, 2025, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered JJ25-070 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 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. 37020 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: JJ25-070

OPERATOR: City of Albany

INVESTIGATOR: Joe Jones

INSPECTION DATE: December 8, 2025 REPORT MAILED DATE: April 15, 2026

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

1. PURPOSE OF INSPECTION

To conduct an inspection of the Operator's Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.616(b)	The operator's program must follow the general program recommendations of API RP 1162 and assess...	JJ25-070	12/8/2025
192.616(d)	The operator's program must specifically include provisions to educate the public, appropriate...	JJ25-070	12/8/2025

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF ALBANY / PUBLIC AWARENESS PROGRAM INSPECTION
INSPECTION NUMBER JJ25-070 / DOCKET NUMBER 37020

On December 8, through 10, 2025 Pipeline Safety Staff reported to the City of Albany to perform an inspection of the Operator's public awareness program.

During this inspection, the Operator was represented by:
Lee Daniel – Assistant Utility Director
Jammie Brown – Gas Foreman
Chris Welborn - MGAG/SRCS (consultant)

Pipeline Safety Staff was represented by:
Joseph Jones - Lead Inspector
Glen Murphy - Pipeline Safety Inspector
Chuck Whitaker - Pipeline Safety Inspector

At the time of this inspection the City of Albany had no previously existing probable violations.

NOTICE OF PROBABLE VIOLATION

As a result of this inspection Staff found that the City of Albany Gas System was in probable violation of the minimum federal safety standards; specifically: 192.616(b) and 192.616(d)

1. 49CFR, §192.616 - Public Awareness.
   (b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

   Public Awareness Program Effectiveness Inspection form question #9: Messages on Pipeline Facility Locations States: Were messages developed and delivered to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

   STAFFS COMMENTS: The Operator's Public Awareness Plan section IV.2 'Unique Attributes' states: "Albany Utility Board has identified the following facilities to be included in this program (i.e. Odorizers, Regulator Stations) and its locations:" The program does follow the general program recommendations of API RP1162 and assess the unique attributes and characteristics of City of Abany's pipeline and facilities."

   During this inspection, (JJ25-070) Staff asked the Operator if they could demonstrate properties adjacent to unique attributes locations have received the required messages for 2020 through 2024. The Operator was not able to provide records to demonstrate that messages were delivered to advise municipalities, school districts, businesses, and residents of pipeline facility locations concerning their unique attributes.

   PROBABLE VIOLATION: The City of Albany Gas System failed to provide records that show that the required messaging for municipalities, school districts, businesses, and residents of pipeline facility locations concerning their unique attributes was delivered for the CY's 2020 through 2024 as required.

2. 49CFR, §192.616(d) - Public Awareness.
   (d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:

(1) Use of a one-call notification system prior to excavation and other damage prevention activities.
(2) Possible hazards associated with unintended releases from a gas pipeline facility.
(3) Physical indications that such a release may have occurred.
(4) Steps that should be taken for public safety in the event of a gas pipeline release; and
(5) Procedures for reporting such an event.

PHMSA PAP inspection form question #11 Liaison with Public Officials states - Do records indicate liaisons established and maintained with appropriate fire, police, other public officials, and 911 emergency call centers in accordance with procedures?

STAFFS COMMENTS: During this inspection, Staff asked if the Operator could demonstrate Public Officials received the required messages for 2021 through 2024. The Operator was not able to provide records to indicate liaisons had been established and maintained with appropriate fire, police, public officials, and 911 emergency call centers in accordance with their procedures.

PROBABLE VIOLATION: Based on the deficiencies identified under Questions Number #11 PHMSA Public Awareness Program Effectiveness Inspection form, The City of Albany failed to provide records that show they established and maintained liaison with appropriate Emergency and Public Officials as required.

ITEM OF CONCERN

49CFR, §192.616 Public Awareness.
(g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

STAFFS CONCERN: During this inspection, Staff noted that the City of Albany's Public Awareness Program process for compliance with §192.616(g) references Section 203 of the Voting Rights Act.

- Staff have been unable to locate any evidence where the code requirement, or the guidance in API Recommended Practice (RP) 1162, references the Voting Rights Act of 1965.
- Staff notes that the Voting Rights Act appears to only pertain to individuals who are of voting age, and under that guidance, there is only one county in Georgia—Gwinnett County—that is federally required to provide election materials in another language (Spanish) under Section 203.
- The requirements under §192.616 are specifically aimed at the non-English speaking population in the operator's area, and the guidance from API RP 1162 refers to the affected public—i.e., residents, and places of congregation (businesses, schools, etc.) along the pipeline and the associated right-of-way (ROW).

Staff are concerned that the City of Albany may be relying on a legal framework—specifically, the Voting Rights Act—that is not aligned with the intent or scope of 49 CFR §192.616(g) or the guidance provided in API Recommended Practice (RP) 1162. While Section 203 of the Voting Rights Act requires certain jurisdictions to provide election materials in languages other than English, it applies only to voting-age citizens and is based on specific thresholds related to voter participation. Currently, only one county in Georgia—Gwinnett County—is subject to these requirements.

Staff is concerned that referencing Section 203 as a basis for language outreach may result in an underestimation of the non-English speaking population that should be considered in the operator's public awareness efforts. The requirements under §192.616(g) and API RP 1162 are broader in scope, focusing

on the general public—including residents, businesses, schools, and other places of congregation—along the pipeline right-of-way. These requirements are not limited to voting-age individuals and instead emphasize communication with all segments of the affected public, including those with limited English proficiency.

The City of Albany is advised that Staff will continue to review this matter with the Commissions legal staff and may issue a written data request to further evaluate the operator's process for identifying and reaching non-English speaking populations.

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: City of Albany

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 37020

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:	)	
	)	
Albany Water, Gas & Light Commission	)	**DOCKET NO. 37020**
	)	
	)	
	)	

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

*Derrick Brown, Interim City Manager
Albany Water, Gas & Light Commission
1726 Lily Pond Road
Albany, GA 31701
khodge@albanyga.gov

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

Respectfully Submitted this 23rd day of April 2026:

Cathy Nesbitt

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