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Georgia Public Service Commission

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DOCKET# 37018
DOCUMENT# 226285

Docket No. 37018

City of Adairsville Gas System
116 Public Square
Adairsville, GA 30103

REF: Public Awareness Inspection # EA25-028

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Ms. Pamela Madison

On July 30, 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 EA25-028 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. 37018 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

COMMISSIONERS

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: EA25-028

OPERATOR: City of Adairsville Gas System

INVESTIGATOR: Eric Atkins

INSPECTION DATE: July 30, 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

Violation	Description	Inspection#	Date
Under Consent Agreement	Operator is under a Consent Agreement.	JB18-005	5/30/2018
192.605(a)	Each operator shall prepare and follow for each pipeline, a manual of written procedures for...	JB18-012	7/17/2018
192.181(a)	Each high-pressure distribution system must have valves spaced so as to reduce the time to...	KR22-016	5/23/2022

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.616(c)	The operator must follow the general program recommendations, including baseline and supplemental...	EA25-028	7/30/2025

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF ADAIRSVILLE GAS SYSTEM / PUBLIC AWARENESS
INSPECTION NUMBER EA25-028 / DOCKET NUMBER 37018

From July 29, 2025, through July 30, 2025, Staff conducted an inspection of the Operators Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616 and performed OQ Protocol 9 personnel inspections for compliance with the minimum federal safety standards. An exit meeting was held on July 30, 2025.

During this Inspection, the Operator was represented by:
Steve Smith – Gas Superintendent
Maurice Chaney – MGAG/SRCS (Consultant)

Commission Staff were represented by:
Eric Atkins – Lead Inspector
Jack Hewitt – Pipeline Safety Inspector

At the time of this inspection the City of Adairsville's Gas System was under a consent agreement, and two (2) previously existing probable violations. A follow-up inspection was not conducted during this inspection.

During this Inspection, Staff examined the Operator's Public Awareness Plan (PAP) and utilized the PHMSA checklist to record the findings of the inspection. Commission Staff examined the supporting records provided by the Operator that verified compliance with the minimum safety standards.

The City of Adairsville's existing Public Awareness Committee consists of personnel involved in regulatory compliance, operations, and damage prevention. All these functions support the execution of Adairsville's Public Awareness Program (PAP).

The City of Adairsville's Public Awareness Program (PAP) was developed following the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162. The objectives of this Public Awareness Program and Plan are "to raise the awareness of the affected public and key stakeholders of the presence of buried pipelines and other related gas facilities in the communities where we serve. It is the intent of this plan to accomplish this by educating and bringing awareness to each stakeholder audience regarding the presence of our pipelines in their communities through education, awareness, response, and plan flexibility".

WARNING LETTER

As a result of this inspection Staff found that the City of Adairsville was in probable violation of the minimum federal safety standards; specifically:

§192.616 Public Awareness.
(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

PHMSA PAP inspection form Question #15 - Has an audit or review of the operator's program implementation been performed annually since the program was developed?

STAFFS COMMENTS: Section XI of the Operators plan requires an annual evaluation of the public awareness program, and the plan states that Appendix C-1 and the Annual Review Sheet located in the front of this plan shall serve as documentation of program assessment. Under the requirements of §192.616(i),

the operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.

During this inspection the City of Adairsville could not provide documentation which demonstrated that they had conducted an annual review of their PAP for CY2020. Staff noted that for all the years prior to and since the annual reviews have been completed on time. Adairsville advised Staff that during CY2020 the person responsible was dealing with COVID issues and they had a change in management.

PROBABLE VIOLATION: The City of Adairsville failed to conduct an annual review of their PAP as required by §192.616(c) and API RP 1162 Section 8.3.

ITEM OF CONCERN

In a Management of Change (MOC) notice identified as MOC Tracking # 052925-001, dated May 29, 2025, the City of Adairsville's public awareness plan states that:

> "The need for alternate-language materials should not be based upon the ethnicity of the affected public, but rather on the Census Bureau Director's determination of which US counties are subject to the minority language assistance provisions of Section 203 of the Voting Rights Act of 1965, as amended. The Census Bureau Director's determination is published in the Federal Register."

STAFFS CONCERN: During this inspection, Staff noted that the City of Adairsville 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 Adairsville 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 Adairsville 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.

OQ PROTOCOL 9 FIELD EVALUATIONS

While on site, Staff conducted three (3) Operator Qualification Protocol 9 field verification inspections to ensure that covered task(s) were being performed in accordance with appropriate operator-approved procedures, that the procedures were present at the job site, and that the individuals performing the observed covered task(s) were adhering to the operator-approved procedures as written.

Staff verified that the individual was able to perform the covered tasks according to the procedures and were able to identify generic and task specific abnormal operating conditions and define the applicable actions.

Steve Smith, Gas Supervisor, performed:

- "Visual Inspection of Atmospheric Corrosion" Task #1141 / Tasks performed correctly / Qualification verified as current Qualifications good through 01/16/2029.
- "Locating Underground Pipelines" Task #1291 / Tasks performed correctly / Qualification verified as current Qualifications good through 03/09/2026.
- "Measure Pipe to Soil Potential" Task #0001 / Tasks performed correctly / Qualification verified as current Qualifications good through 01/16/2029.

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 Adairsville

Docket Number: 37018

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 Adairsville Gas System	)	**DOCKET NO. 37018**
	)	
	)	
	)	

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

*Pamela Madison, City Manager
City of Adairsville Gas System
116 Public Square
Adairsville, GA 30103
pmadison@adairsvillega.net

*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