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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. 37057

City of Hartwell Gas System
456 East Howell Street
Hartwell, GA 30643

DOCKET# 37057
DOCUMENT# 229069

REF: Public Awareness Inspection # DJ25-057

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Mr. Jon Herschell

On October 7, 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 DJ25-057 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. 37057 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: DJ25-057

OPERATOR: City of Hartwell Gas System

INVESTIGATOR: Daphne Jones

INSPECTION DATE: October 7, 2025 REPORT MAILED DATE: October 7, 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

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF HARTWELL GAS DEPARTMENT / PUBLIC AWARENESS
INSPECTION NUMBER DJ25-057 / DOCKET NUMBER 37057

On October 7, 2025, Staff reported to the City of Hartwell Gas Department to perform an inspection of the Operators Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616 and to conduct Operator Qualification (OQ) Protocol 9 inspections for compliance with the minimum federal safety standards. An exit interview was performed on October 8, 2025.

During this inspection, the Operator was represented by:
Audie Laviolette – Gas Director
Steve Sayer – Gas Superintendent
Chad Lathan – Assistant Gas Supervisor
Adam Chastain – Gas Supervisor
Jessie Mize - Gas Supervisor
Scott Kibbey – Locator
Thomas Hardmon – Service Technician
Scott Crump – Service Technician
Lori Lamberth – MGAG/SRCS (Consultant)

Commission Staff were represented by:
Daphne Jones – Lead Pipeline Safety Inspector
Eric Atkins – Pipeline Safety Inspector

At the time of this inspection, the City of Hartwell was under two (2) previously existing probable violations. These violations will be addressed under Follow-Up Inspection Number DJ25-001.

ITEM OF CONCERN

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 Hartwell's existing Public Awareness Committee consists of personnel involved in regulatory compliance, operations, and damage prevention. All these functions support the execution of this PAP. This committee is responsible for general planning oversight. More specifically, the Public Awareness Committee is responsible for:

A. Conducting annual reviews of the City of Hartwell's Public Awareness Program.
B. Conducting annual reviews of the City of Hartwell PAP Plan.
C. Conducting effective four-year reviews of the City of Hartwell PAP Plan.
D. Reviewing information gathered through feedback activities and operational data to determine PAP effectiveness and the need for supplemental communications.
E. Review communications content.
F. Review Languages Other than English as per §192.616(g), this program will be conducted in English as well as other languages commonly understood by a significant number and concentration of the non-English speaking population in our operating area.
G. Review Appendix D-1 which contains the operator's methodology, data sources, and decision logic for language-specific messaging determinations.
H. Review Appendices D-2 and D-3 which contains the percentages of the population aged 5 years and older with limited English proficiency by ZIP code and County, respectively, for the 12 language groups identified in the Census Bureau report.

STAFFS CONCERN: During this inspection, Staff noted that the City of Hartwell'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 Hartwell 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 Hartwell 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

During the field evaluation performed on October 7, 2025, Staff observed the Operator's personnel perform three (3) protocol 9 field inspections in Hartwell, Ga. The Operator provided individual qualifications for Scott Kibbey, Thomas (Jermaine) Hardmon and Scott Crump to perform covered tasks. Staff examined the individual records before observing the performance in the field. Staff verified that qualification records for these individuals were current.

- Scott Kibbey / Locator / "Locate Underground Pipelines" Task #1291 / Tasks performed correctly / Qualification verified as current Qualifications good through 5/05/2026.

- Thomas (Jermaine) Hardmon / Service Technician. / "Joining Plastic Pipe Using Manual Butt Heat Fusion" Task #0751 Tasks performed correctly / Qualification verified as current Qualifications good through 2/11/2026.

- Scott Crump / Service Technician / "Open and Close Valves Manually" Task #0301 Tasks performed correctly / Qualification verified as current Qualifications good through 10/23/2027.

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

As a result of this inspection, Staff noted no probable violations of the minimum federal safety standards.

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 Hartwell

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 37057

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) | | | |

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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 Hartwell Gas System** | ) | **DOCKET NO. 37057** |
| | ) | |
| | ) | |
| | ) | |

**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

*Jon Herschell, City Manager
City of Hartwell Gas System
456 East Howell Street
Hartwell, GA 30643
jherschell@hartcom.net

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

Respectfully Submitted this _____ day of October 2026:

*Morgan Mitchell*

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