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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  
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**DOCKET#** \_\_\_\_\_ Docket No. 42166  
**DOCUMENT#** 176323

AGL - Operations and Engineering  
Ten Peachtree Place, NE Suite 1000  
Location 1365  
Atlanta, GA 30309

Certified Mail

Regular Mail

Attention: Mr. Bryan Batson

On January 1, 2019, 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 DL19-004 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. 42166 in your response.

Please let me know if there are any questions concerning this report at (404) 463-6526 or michellet@psc.state.ga.us.

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: DL19-004

OPERATOR: AGL - Waycross

INVESTIGATOR: David Lewis

INSPECTION DATE: January 1, 2019

REPORT MAILED DATE: March 27, 2019

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

#### 1. PURPOSE OF INSPECTION

To investigate an explosion which occurred at 23 E Dame Avenue (The Coffee Corner) in Homerville, GA on August 17, 2018

## 2. CONTINUING VIOLATIONS

<b>Violation</b>	<b>Description</b>	<b>Inspection#</b>	<b>Date</b>
192.619(a)	No person may operate a segment of steel or plastic pipeline at a pressure that exceeds a maximum...	LB17-020	5/15/2017

## 3. CLEARED VIOLATIONS

## 4. NEW VIOLATIONS

<b>Violation</b>	<b>Description</b>	<b>Inspection#</b>	<b>Date</b>
192.617	Investigation of failures.	DL19-004	1/1/2019
192.614(a)	Except for pipelines listed in paragraphs (d) and (e) of this section, each operator of a buried...	DL19-004	1/1/2019
192.615(a)(3) (i)	Prompt and effective response to a notice of each type of emergency, including the following...	DL19-004	1/1/2019
199.105(c)(2)	Post-accident testing; If a test required by this section is not administered within the...	DL19-004	1/1/2019
199.225(a)(1)	Post-accident; As soon as practicable following an accident, the Company must test each surviving...	DL19-004	1/1/2019

## 5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

ATLANTA GAS LIGHT COMPANY – WAYCROSS SVC CNTR / INCIDENT INVESTIGATION  
INSPECTION NUMBER DL19-004 / DOCKET NUMBER 42166

On August 17 2018, Staff was notified of an explosion in Homerville, Ga. in the Waycross service area of Atlanta Gas Light Company.

During this investigation, the Operator was represented by:

Julie Adkins – Counsel, Litigation  
Rick Slagle – Director Compliance & Quality Assurance  
Steve Fivish – Operations Superintendent  
Jeff Busby – Operations Foreman  
Everett Lee – Crew Leader  
Promes Life – Asset Protection  
Samuel James (Jamie) Harper - Field Specialist B  
Nathan Bass - Field Tech C  
Zane Stalvey - General Tech / AMR  
Nicholas Cox - USIC District Manager for South Georgia  
Anne Marie Schloemmer - Attorney / USIC (Squire Patton Boggs (US) LLP)  
Demetrius Barnes - Utility Locator / USIC (AGLC Contractor)  
Carlos Wilkinson - Utility Locator / USIC (AGLC Contractor)

Commission Staff was represented by:

David Lewis – Lead Investigator  
Michelle Thebert - Director, Facilities Protection Unit  
Jeff Baggett – Supervisor, Facilities Protection Unit  
Alan Towe – Pipeline Safety Inspector  
Joe Jones – Pipeline Safety Inspector  
Jack Hewitt – Pipeline Safety Inspector  
Will Culbreath – GUFPA Case Manager

At the time of this investigation the AGLC - Waycross Service Center was under one (1) previously existing probable violation. Because this investigation was specifically to address the explosion/incident in the City of Homerville, Staff did not review this item.

#### NOTICE OF PROBABLE VIOLATION

As a result of this inspection Staff found that Atlanta Gas Light Company was in probable violation of the minimum federal safety standards; specifically:

1. 49 CFR §192.605(a) - Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.
  - a) 192.614(a) - Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline shall carry out, in accordance with this section a written program to prevent damage to that pipeline from excavation activities. For the purpose of this section, "excavation activities" includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earth moving operations.
- 1) Staff determined that the Operator failed to identify and mark their facilities as required by their procedures in Division II, Section 3.3, of their Operations and Procedural Manual (Staking and Marking Facilities) which states: "Before staking or marking underground gas facilities, the exact area where the blasting or excavation is to take place must be verified. If there is any

question of where the work is to be performed, it should be resolved before any stakes or markings are placed.”

INVESTIGATION FINDINGS: Staff found that the Operator failed to locate and mark their natural gas facilities which were located within the scope of UPC locate request number 08088-262-004.

- 2) Staff determined that the Operator failed to identify and mark their facilities as required by their procedures in Division II, Section 3.12, (Abandoned Gas Facilities) which states:

“For purpose of locating gas facilities in the State of Georgia and Virginia, the Company or its contractor will attempt to locate and mark an abandoned gas facility or provide information to the excavator regarding such facility should the presence of an abandoned gas facility within an excavation site be known. For this purpose, an abandoned gas facility is identified as a gas facility taken out of service on or after January 1, 2001 in Georgia and July 1, 2002 in Virginia. In Virginia, service lines connected to a single family dwelling unit are excluded.

Where gas facilities are abandoned in place and not removed, the Company shall maintain records or a data base concerning the location and other characteristics of the abandoned gas facilities. When located or exposed, the excavator shall treat all abandoned facilities as a live facility. At no time shall an excavator remove an abandoned gas facility without first receiving authorization to do so by the Company.”

INVESTIGATION FINDINGS: Staff determined that the Operator failed to locate their abandoned natural gas facility at 107 Courtland Ave., which was within the scope of UPC locate request numbers 08088-262-004 and 08088-262-005.

PROBABLE VIOLATION: AGLC failed to follow their procedures required under §192.605(a) for conducting their damage prevention program required under §192.614.

- b) 49CFR §192.615 (a) - Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:
- (3) Prompt and effective response to a notice of each type of emergency, including the following:
- (i) Gas detected inside or near a building.

INVESTIGATION FINDINGS: Staff found that the Operators Emergency Response Procedures found in OPM Division II Section 22.3.7 (Visible Leaks or Third Party Damages) states:

“If the leak location is visible, the following steps should be taken to control the flow of gas and protect the public:

- (a) The Company IC will ensure that the flow of gas is stopped using valves, plugs, squeeze-off equipment, etc. All Company procedures shall be followed to ensure that Company personnel and the general public are not endangered. All vehicles and non-essential responders should be kept a safe distance from the site.

- (b) Where necessary, call the Service Center Support Team (SCST) for a section shutdown as described in Division II, Section 22.3.9 of this OPM if the leakage is creating a hazardous condition and cannot be located and/or immediately brought under control.

When there is a delay in venting or stopping the gas flow, it may be necessary to check surrounding buildings or other confined areas for the presence of gas more than once. Rechecking shall be as frequent as necessary. It is possible for gas to find a way into nearby buildings or confined areas while the crew is bringing the gas under control. Company crews or a designated contractor, properly equipped fire department personnel, etc. may be utilized to recheck, but the AGLC IC should be sure that rechecking is being done if appropriate.”

During this investigation Staff found that the Operators initial responder/IC arrived at the scene of the incident at approximately 10:54 AM, and according to records provided by the Operator made the area safe at 11:48 AM. The explosion occurred at approximately 12:15 PM. Staff found no evidence which indicated that AGLC ever considered the use of an emergency valve to stop the flow of gas to the damaged facility. AGLC advised Staff that there was an identified emergency valve, and had it been used to stop the leak they would have lost service to an estimated 122 customers. Staff also found no evidence which demonstrated that any AGLC responder ever performed any monitoring in the surrounding buildings or other confined areas for the presence of gas with a combustible gas indicator prior to the explosion.

PROBABLE VIOLATION: AGLC failed to consider the use of a valve to stop the flow of gas, or to check the surrounding buildings and confined areas, during the response to this incident, as required by their procedures.

2. 49CFR §192.617 - Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

INVESTIGATION FINDINGS: Staff determined that the Operator failed to follow their investigation procedures found in OPM Division II, Section 3.14.1 (Investigating and Documenting Third Party Damages) which states:

“At a minimum, an investigation shall be performed to determine the cause of each third party damage on Company facilities. A report should be completed as soon as possible indicating the results of the investigation. If the locating was performed by an independent contractor and the accuracy or availability of locate marks are in question, the person performing the investigation shall immediately notify the locating contractor to request a representative be present. Once the investigation has been performed and the cause has been identified, corrective actions shall be taken to work with all parties involved to try and eliminate the chance of a future occurrence.”

Staff found that the Operator did not perform an independent investigation into this third party damage, but allowed their locate contractor, USIC, who performed the locate request to perform their investigation. Staff determined that the failure investigation performed by USIC was fundamentally flawed. The USIC investigators claim that the excavator “was boring outside the scope of all locate

requests called in for the area” has no basis in fact, and demonstrates a failure to properly investigate the damage which led to this explosion.

Staff also found that AGLC then used the results of their 3<sup>rd</sup>-party investigation of the damage as the basis for their initial and 30-day report to PHMSA; however, they have failed to provide any evidence to demonstrate that they have investigated the events which occurred during the time following the damage, up to the point the explosion occurred.

PROBABLE VIOLATION: AGLC failed to perform a complete failure investigation of the damage and subsequent events which led to the explosion of the Coffee Corner in Homerville, GA.

3. 49 CFR §199.105(c)(2) – Post-accident testing; If a test required by this section is not administered within the 32 hours following the accident, the operator must prepare and maintain its decision stating the reasons why the test was not promptly administered. If a test required by paragraph (b)(1) of this section is not administered within 32 hours following the accident, the operator must cease attempts to administer a drug test and must state in the record the reasons for not administering the test.

INVESTIGATION FINDINGS: During this investigation Staff found that the Operator failed to follow their Anti-Drug and Alcohol procedures found in Section 4.2. (Post-Accident Testing) of their plan which states:

“As soon as possible but no later than 32 hours after an accident, the Company will drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test will be based on the Company’s determination, using the best available immediately after the that the employee’s performance could not have contributed to the accident or that, because of the time between the performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.”

PROBABLE VIOLATION: AGLC failed to perform post-accident drug testing of their covered employees whose performance either contributed to the accident or could not be completely discounted as a contributing factor to the accident.

4. 49 CFR §199.225(a)(1) – Post-accident; As soon as practicable following an accident, the Company must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test must be based on specific information that the covered employee’s performance had no role in the cause(s) or severity of the accident.

INVESTIGATION FINDINGS: During this investigation Staff found that the Operator failed to follow their Anti-Drug and Alcohol procedures found in Section 15.2.1 (Post-Accident Testing) of their plan which states:

“As soon as practicable following an accident, the Company must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test must be based on specific information that the covered employee’s performance had no role in the cause(s) or severity of the accident.”

PROBABLE VIOLATION: AGLC failed to perform post-accident alcohol testing of their covered employees whose performance either contributed to the accident or could not be completely discounted as a contributing factor to the accident.

#### LETTER OF CONCERN

During this investigation, Staff noted issues with the number of “3N – Unmarked – Late” responses provided to the GA-811 Positive Response Information System (PRIS) by AGLC’s contract locator, USIC, for their locate requests.

1. Staff requested, and was provided data by GA-811 which indicated that for the month of August, 2018, there were 63,920, 3N responses to PRIS; and that 59,398 of these responses (92.9%) were submitted by USIC. Staff determined that 15,019 of these responses were for AGLC locate requests. AGLC’s member codes represented 28 of the 88 member codes which were responded to by USIC during this time frame.
2. Staff also requested, and was provided data by GA-811 which indicated that for the month of December 2018, there were 52,688 3N responses to PRIS; and that 47,633 of these responses (90%) were submitted by USIC. Staff determined that 12,330 of these responses were for AGLC locate requests. AGLC’s member codes represented 29 of the 87 member codes which were responded to by USIC during this time frame.

#### STAFF’S CONCERN:

- 1) Staff is concerned that AGLC’s contract locator, USIC, is using the “3N – Unmarked – Late” PRIS response code to mask a critical staffing issue. Staff did not pursue this issue under this investigation, however, they have recommended to the Director that both the Pipeline Safety Office, and the GUFPA enforcement unit review this issue to determine if further enforcement action is warranted.
- 2) As demonstrated by the examples cited above, USIC is repeatedly failing to perform locates in the required time frame, as required by both AGLC’s procedures, and the state dig law; however, there is no indication that AGLC is aware of this issue, or, if they are aware that they have taken any action to address it.
- 3) During this investigation, Staff determined that the failure investigation performed by USIC, and which was used by AGLC for both their initial and 30-day report to the National Response Center, was fundamentally flawed. The USIC investigators claim that the excavator “was boring outside the scope of all locate requests called in for the area” has no basis in fact, and demonstrates a failure to properly investigate the damage which led to this explosion. Staff is concerned that the obvious failure to properly perform this investigation also calls into question any other investigations this individual has performed. Staff has no knowledge that the Commission, or the NRC have been provided with any updates concerning the apparent cause of the explosion, so they are also concerned that AGLC has taken no apparent action to address this issue.



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 Southern Company Gas / Atlanta Gas Light Company is subject to civil penalties under O.C.G.A. § 46-2-91 for violation of any Commission Order or Statute or Rule administered by the Commission. As provided by law, civil penalties can be assessed in the amount of \$15,000.00 for the first day of each violation and \$10,000.00 per violation/per day that each such violation continues.

Staff has reviewed the circumstances surrounding this incident and has recommended the following civil penalties:

ITEM	CODE	REF	Proposed Penalty
1(a)	§192.605(a) / §192.614(a)	Damage Prevention	\$ 15,000.00
1(b)	§192.605(a) / §192.615(a)	Emergency Procedures	\$ 15,000.00
2	§192.617	Failure Investigation	\$ 2,245,000.00
3	§199.105(c)(2)	Post accident testing (drug)	\$ 15,000.00
4	§199.225(a)(1)	Post accident testing (alcohol)	\$ 15,000.00
TOTAL PROPOSED CIVIL PENALTY			\$ 2,305,000.00

Please note that this recommended amount is less than the amount authorized by Georgia law.

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.

## **Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director**

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Commission Rules 515-9-3-.09 and .10 provide the options available to respond when an Enforcement Letter is issued by the Facilities Protection Unit Director/Pipeline Safety Director (Director) of the Georgia Public Service Commission ("Commission"). The following information provides natural gas operators with general information, the process for responding to said Enforcement Letters, and procedures for requesting a hearing.

For all written responses or any other official correspondence, the Operator shall file the response at the following address:

Mr. Reece McAlister, 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.

### **I. General Information Regarding Enforcement Actions, Enforcement Letters, and Notifications Issued by the Commission**

#### **A. Enforcement Actions:**

1. Notice of Probable Violation (NOPV)-The purpose of this enforcement action is to document and to provide notice concerning any probable violations of a rule or regulation. A NOPV may or may not contain a proposed civil penalty.
2. Notice of Amendment (NOA)-The purpose of this enforcement action is to document and to provide notice concerning a required plan amendment for an Operator.

Enforcement Actions require a written response from the Operator detailing how the issue will be addressed or corrected, and the proposed timeframe(s) for said corrections. See *Process for Responding to Enforcement Actions* below for additional details.

#### **B. Enforcement Letters:**

1. Warning Letter-The purpose of this letter is to document and to provide notice concerning any probable violations of a rule or regulation.
2. Letter of Concern- The purpose of this letter is to document concerns with an Operator's plans, programs, or facilities, which could result in a probable violation unless action is taken to address the issue.

Enforcement Letters require a written response within thirty (30) days acknowledging receipt of the letter(s). Enforcement Letters serve as notice to the Operator that if appropriate action is not taken to correct the probable violation(s), enforcement actions may be taken if a subsequent inspection reveals continuing or new violation(s). The Operator is not required to provide corrective action or file a written plan of action; however, it is in the best interest of the Operator to provide notice as to whether any corrective action will be taken. Failure to provide this information may result in formal interrogatories from the Director through data requests.

#### **C. Notifications:**

1. Observed Issue: The purpose of this notification is to inform the Operator of identified or observed conditions or operating practices that may or may not be in violation at the time. However, if the issue is not corrected, it may result in a future violation or an unsafe situation.

## **Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director**

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2. No Violation: The purpose of this notification is to inform the Operator that no violations were noted during the inspection. This notification will be sent to the Operator by electronic mail. Please note that it is the Operator's responsibility to ensure that the GPSC has the correct e-mail address for the required recipient of Commission correspondence.

Notifications require an electronic response to the Director @ [michellet@psc.state.ga.us](mailto:michellet@psc.state.ga.us) within five (5) days acknowledging receipt of the notification.

### **II. Process for Responding to Enforcement Actions**

Unless otherwise noted, the Operator has thirty (30) days from the date the Enforcement Action is received by the Operator filed to file a written response with the Executive Secretary or request an informal conference with the Director. Any Operator who chooses to request an informal conference shall request such a conference through either emailing or calling the Director at [michellet@psc.state.ga.us](mailto:michellet@psc.state.ga.us) / 404-463-2765.

#### **A. Notice of Probable Violation (NOPV)**

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOPV. The violation may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue. If you chose not to seek an informal conference, the following due process options are available:

1. The Operator may submit a written statement to the Director indicating that corrective measures have achieved compliance; or
2. The Operator may submit a written plan of action to the Director outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.

If the corrective measures that the Operator presents or proposes are acceptable to the Director, the violation may be cleared at this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the operator's facilities.

If the proposed solution as outlined is not satisfactory to the Director, the violation shall be referred to the Commission for formal resolution in either of the following manners:

1. The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
2. The Commission may issue a show cause order and/or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth by O.C.G.A. §46-2-91.

#### **B. Notice of Probable Violation with a Proposed Civil Penalty**

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOPV and proposed civil penalty. The violation and/or proposed civil penalty may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue. If you chose not to seek an informal conference, the following due process options are available:

1. If you are not contesting the violation alleged or the proposed civil penalty, submit a written response notifying the Director of your desire to settle this matter by paying the recommended proposed civil penalty. Upon such notification, you will be provided with a Consent Agreement that shall be fully executed by the Operator, and submitted along with a

## **Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director**

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certified check for the full amount of the recommended civil penalty and made payable to the Georgia Public Service Commission. You must ensure that the Operator's name and the applicable Docket No. and Inspection Report No. are included in the "memo" line of the certified check. The certified check shall be mailed to:

Ms. Michelle Thebert, Director  
Facilities Protection Unit  
Georgia Public Service Commission  
244 Washington Street  
Atlanta, Georgia 30334

2. If you are not contesting the violation alleged, but are contesting the proposed civil penalty, and wish to submit written explanations, information, or other materials you believe warrant mitigation of the civil penalty, you may submit such materials. The Director will review the materials and provide the operator with a draft Consent Agreement that will represent the Staff's initial settlement offer. You must either sign the draft Consent Agreement or submit a counter-offer back to the Staff within thirty (30) days. Please refer to Commission Rule 515-9-3-.011, for the factors that the Commission considers regarding the assessment of civil penalties.

If an agreement cannot be reached, the alleged violation and proposed civil penalty shall be referred to the Commission for formal resolution in either of the following manners:

1. The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
  2. The Commission may issue a show cause order and/or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth by O.C.G.A. §46-2-91.
3. If you are contesting both the alleged violation and the proposed civil penalty, you may request a hearing before the Commission. Please see *Procedures for Requesting a Hearing* below.

### **C. Notice of Amendment (NOA)**

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOA. If you chose not to seek an informal conference, the following due process options are available:

1. If you are not contesting the NOA, you must submit to the Director the measures taken or of your plan(s) to address the observed deficiencies identified in the NOA. If the corrective measures that you present, or propose, are acceptable to the Director, the violation may be cleared this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the operator's facilities;
2. If you are not contesting the NOA, but you wish to submit written explanations, information, or other materials believed to warrant modification of the NOA in whole or in part, or if you are seeking clarification of the terms of the NOA, you may submit such materials; or
3. If you wish to contest the NOA, you must submit written explanations, information, or other materials in answer to the allegations in the NOA stating your reasons for objecting to the NOA, in whole or in part. If the information provided is acceptable to the Director, the issue may be closed at this point. Such acceptance shall be verified by written

## **Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director**

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statement issued by the Director. If the information provided is not acceptable to the Director, then the Operator will be given the option of an Informal Conference with the Director or the case will be referred to the Commission for a formal resolution on the contested issue.

### **D. Continuing and/or Existing Violations**

Continuing and/or existing violations that were not cleared as a result of the current inspection must be addressed in the response letter. The Operator shall provide the current status, updates, expected completion dates, proposed modifications, etc., of the continuing and/or existing violations in each response letter, even if this information was provided in a previously filed response letter. Failure to provide this information may result in formal interrogatories from the Director through data requests. **Please Note:** Referencing a previously filed response letter does not meet the intent of this provision.

### **III. Procedures for Requesting a Hearing**

The Operator has the right to request a hearing 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. Your request must also indicate whether or not you will be represented by counsel at the hearing.

You are 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: )

Probable Violation Enforcement Report with )  
Proposed Civil Penalty, and Letter of Concern )  
Atlanta Gas Light Company )  
Inspection DL19-004 on January 1, 2019 )

DOCKET NO. 42166

CERTIFICATE OF SERVICE

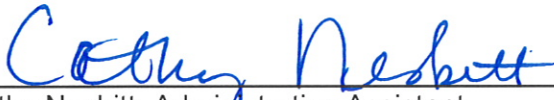
I hereby certify that the *Probable Violation Enforcement Report with Proposed Civil Penalty, and Letter of Concern, Atlanta Gas Light Company, Inspection DL19-004 on January 1, 2019* was filed with the Commission's Executive Secretary in the above-styled Docket, and a copy of same was served upon all parties and persons listed below via electronic mail as indicated by an asterisk. I further certify that the *Atlanta Gas Light Company* was served a hard copy of the above-stated document by U.S. Mail, certified/return receipt requested.

\*Reece McAlister, Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, GA 30334

\*Bryan Batson, President  
Atlanta Gas Light Company  
Operations & Engineering  
Ten Peachtree Place, NE, Suite 1000  
Loc. 1365  
Atlanta, GA 30309  
bbatson@aglresources.com

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

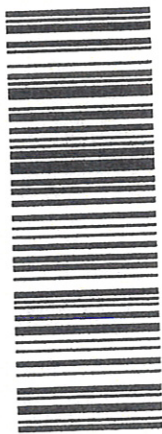
Respectfully Submitted this 29th day of March 2019:



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

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

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Sent to: Bryan Batson, President Atlanta Gas Light Company Operations & Engineering Ten Peachtree Place, NE, Suite 1000 Loc. 1365 Atlanta, GA 30309 DN42166-DL19-004		
PS Form 3811, February 2004		See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bryan Batson, President  
Atlanta Gas Light Company  
Operations & Engineering  
Ten Peachtree Place, NE, Suite 1000  
Loc. 1365  
Atlanta, GA 30309  
DN42166-DL19-004

2. Article Number  
(Transfer from service label)

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**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

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3. Service Type  
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 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes