



NCUDPRB MINUTES OF MEETING

NCUDPRB Board Meeting

Tuesday, January 18, 2022 – 10:00am

Location – Virtual via Microsoft Teams

Board Members Present Via Teams: Megan Riley (Chair), Lisa D. Smith Perri (Treasurer), BJ Lanier, Chris Russ, Fred Young, Greg Puckett, Jonathan Holt, Tony Konsul, Whit Wheeler, Larry Sanders, Ann Rushing, Amy Barron, Keith Holden.

Others Present Via Teams: Juliane Bradshaw (legal), Cyndi Sosa (board administrator)

Guests Present Via Phone: Mark Worth & Trevor Green (Dominion Energy), Louis Panzer (NC811)

Quorum Present? ☒ YES ☐ NO

Meeting called to order by Chair at 10:02am

Chair took roll call and asked if there were any guests on the call, guests noted.

Introduction of new board members. We now have a Representative from Telecommunications Industries, a Representative from Notifications Center and a Representative from Society of Surveyors.

August 2021 Board Meeting Minutes Approved? ☒ YES ☐ NO

Motion by Megan to approve 8/31/2021 meeting minutes

- Motion seconded Greg
- Opposed – None

Motion Carries

October 2021 Board Meeting Minutes Approved? ☒ YES ☐ NO

Motion by Megan to approve 10/19/2021 meeting minutes

- Motion seconded Lisa
- Opposed – None

Motion Carries

November 2021 Board Meeting Minutes Approved? ☒ YES ☐ NO

Motion by Megan to approve 11/16/2021 meeting minutes

- Motion seconded Chris
- Opposed – None

Motion Carries

December 2021 Board Meeting Minutes Approved? ☒ YES ☐ NO

Motion by Megan to approve 12/2/2021 meeting minutes

- Motion seconded Ann
- Opposed – None

Motion Carries



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FINANCE-

Finance Report – Board Treasurer

- Financial reports reviewed by Board Treasurer
- Aging report as of 1/14/2021 reviewed by Treasurer
- Treasurer reviewed the top 50 for 2022, most are the same as those in the past
- Chair recommends handing the 2020 outstanding balances over to DOJ Collections to send a letter in an attempt to collect payment. If we don't go the collection route, what would be the incentive for larger agencies to pay in the future if we don't?

Motion by Megan to send companies with 2020 outstanding balances to DOJ collections

- Motion seconded Jonathan

Discussion- Will there be a fee that we need to budget for that will be assessed by DOJ collections?

Legal Counsel said no, no fee through the State collections. Board feels all open invoices should be sent to collections at this point for both 2020 and 2021. Law allows DOJ collections to collect late payment fee in addition to outstanding balance.

Motion amended by Megan to send companies with 2020 & 2021 outstanding balances to DOJ collections

- Motion seconded Freddie

Discussion – none

Opposed – none

Motion carries

Discussion

Are we continuing to bill the top 50 or should we lower to 30 ? NC811 has 700 members so the Top 50 are the ones taking on the bulk of that. Board agrees to keep consistency in billing top 50 for now.

Motion by Megan to bill \$70,000 to the Top 50 for 2022 for the Board Assessment fees

- Motion seconded Jonathan

Discussion – Are we comfortable with the \$70,000 based on our current financials. Treasurer feels \$70,000 is good with the cushion we have. Treasurer would like to see the amount relatively the same each year so Companies can budget.

Opposed – None

Motion Carries

Board positions opened for appointment by the board

Vice Chair

Motion by Megan for Jonathan Holt to become Vice Chair

- Motion seconded by Larry

Discussion – Jonathan will shadow Chair for remainder of 2022 and will be recommended for appointment as Board Chair effective 1/1/2023. Jonathan accepts Vice Chair position.

Opposed – None

Motion carries



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Communication Chair

Motion by Megan for both Ann Rushing and Amy Barron to become Communication Chair Team

- Motion seconded by Jonathan

Discussion – None

Opposed – None

Motion carries

Treasurer

Motion by Megan for Lisa Smith-Perri to remain Financial Chair/Treasurer for another 2 years.

- Motion seconded by Ann

Discussion – Current Treasurer will be serving a 2nd Term beginning 2023. Treasurer is happy to remain Treasurer for another two years, if there is no other interest.

Opposed – None

Motion carries

11:30am – 12:00pm – Break for lunch. (Chair added 10 additional minutes to break)

12:10pm – Chair took roll call and noted guests on call

NOTE - BJ Lanier dropped, not present for case reviews)

Case #289

Board Administrator provided history. File first reviewed in July 2021. Alleged violator sent in additional information for consideration just after the 30-day window. Legal recommended board to review the file again with new information submitted. Case reviewed by board in October 2021 with motion to send the information received from the alleged violator to the complainant with request to review and respond within 30-days if the new information presented changes their initial report submitted, then review case again. Board asked Board Administrator to remind them of initial violation and penalty recommended for this case. Board Administrator provided the below information.

July Board Meeting – Case # 289 had a motion carry for violation of 87-122(c)(9)(b) and 87-122(c)(9)a(1) with \$1500 fine, without pipes plus. Fine allocation was gravity, culpability and other.

Case # 289 - January 18, 2022

Recusals – none

Violation –

Motion by Chris Russ to keep original decision by the board of a violation of 87-122(c)(9)(b) and 87-122(c)(9)a(1) with a \$1,500 fine for gravity-\$500, culpability-\$500 and other-\$500.

- Motion seconded Megan

Discussion- Complainant did not respond to new information presented. Board reviewed the new information provided by Mighty Services. Location on encroachment application does not match address on ticket. Ticket shows PSNG gas lines were marked. New information does not change anything with original violations found or penalty decision for this case.

Opposed – None

Motion Carries



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Case #290

Board Administrator provided history. File first reviewed in July 2021. Alleged violator called asking about process for a hearing as they do not believe they violated the law. Legal had conversations with alleged violator and asked them to submit information defending their position of no violation. Legal recommended board to review file again with new information submitted. Case reviewed by board in October 2021 with motion for Legal to type up notes of her conversations with alleged violator and send the conversation notes along with information received from the alleged violator to the complainant with request to review and respond within 30-days if the new information presented changes their initial report submitted, then review case again. Board asked Board Administrator to remind them of initial violation and penalty recommended for this case. Board Administrator provided the below information.

July Board Meeting – Case # 290 had a motion carry for violation of 87-122(a) with a penalty of pipes plus training for Martin May and a \$1,000 fine. Fine allocation was risk & circumstance.

Case # 290 - January 18, 2022

Recusals, Megan, Chris

Violation-

Motion by Ann to move forward with original violation of 87-122(a) with pipes plus training for Martin May and a \$1,000 fine for gravity-\$500 and circumstance-\$500.

- Motion seconded Freddie

Discussion- No reply to original notice of violation received. Alleged violator says tickets were called in for other locations along same road 12/28/20, 12/31/20 and 1/13/21. Ticket was not updated by day 12 as required by law. Ticket was called in only after damage occurred. Gas pipeline markers were visible, alleged violator knew there were gas lines in the area which supports a gravity and circumstance fine.

- Opposed – none

Motion carries

Board Open Discussion

New board members asked for a description/meaning of what is considered Gravity, Culpability, Circumstance and History when reviewing case files. Board Chair gave below description and asked for confirmation from seasoned board members, they agreed.

Gravity- How severe was the violation and what could it have been?

Culpability – Should they have known better? Are they a homeowner that might not know the law or a large corporation that is aware of the law and knows better?

Circumstance – Types of scenarios: What could have happened based on the scenario?

History- The period in which we are pulling history on previous violations.

Action item for Megan and Cyndi to put definitions next to Gravity, History, Culpability and Circumstances before next board meeting to assist with case reviews.



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Case # 404

Recusals –

Violation –

Motion by Greg for a violation of 87-122(a) with PIPES Plus training for Christian Romero and a \$500 fine for Gravity

- Motion seconded Jonathan

Discussion- Circumstance would apply due to costs involved for emergency response and gas company for damage in addition to putting people's lives at danger. He should have checked for a locate ticket. The law states person responsible for the excavation or demolition shall provide notice to the notification center of his/her intent to excavate or demolish. Culpability applies as well because he admitted gas line were there and were not marked.

Motion revised by Greg to violation of 87-122(a) with PIPES plus training for Christian Romero and a \$1,500 fine for Circumstance-\$500, Gravity-\$500 and Culpability-\$500.

- Motion seconded Jonathan

Discussion- none

Opposed- none

Motion Carries

Case # 405

Recusals –

Violation –

Motion by Ann to close case due to insufficient evidence

- Motion seconded Greg

Discussion- Report claims failure to provide notice of excavation to notification center however there is no evidence to support Massengill Design violated the law and caused the damage.

Opposed – None

Motion Carries

Case # 406

Recusals –

Violation –

Motion by Jonathan for violation of 87-122(a)

- Motion seconded Tony

Discussion- No ticket on file with notification center. Alleged violator claims their subcontractor accidentally hit a gas line with a stake for the concrete driveway. By law, contractors are responsible for their subcontractors. Can we recommend contractor to provide excavators name & company within 30 days from date of letter for PIPES Plus training penalty, or a \$500 fine will be recommended for Sanchez Brothers Masonry?

Motion by Freddie for Sanchez Brothers Masonry to provide excavator name & company within 30 days from date of letter for penalty of PIPES Plus training for circumstance or \$500 fine for gravity will be recommended for Sanchez Brothers Masonry.

- Motion seconded Jonathan

Discussion – none

Opposed – none

Motion Carries



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Case # 408

Recusals –

Violation –

Motion by Ann for violation of 87-122(a) with penalty of PIPES plus training for James West for circumstance and a \$500 fine for culpability

- Motion seconded Chris

Discussion- Agreed that culpability is good reasoning for monetary fine. The contractor should have known better.

Opposed – none

Motion Carries

Case # 409

Recusals –

Violation –

Motion by Megan for ticket information to be added to this case and then Board review file again

- Motion seconded Freddie

Discussion- Alleged violator admitted ticket had expired. Board feels they could use some training. Based on their positive response they have a remark of critical facility, so they know the gas line was there. They updated the ticket but did not wait. This goes back to best practices. Alleged violator states they had previous locates for the same location that had expired. Can we pull the old locate tickets # C211600300 & C211600310 for the board to review at next board meeting?

Opposed – none

Motion Carries

Case # 412

Recusals – Chris Russ

Violation –

Motion by Ann for a violation of 87-121(b)1

- Motion seconded Jonathan

Discussion- Based 87-121(b)1 no response within 3 working days and they requested 3hr with no knowledge of response. AT&T does have history based on spreadsheet of history pulled. Circumstance as well because 3hr ticket was not responded to.

Opposed – none

Motion Carries

Penalty –

Motion by Freddie for a penalty of a \$500 fine for circumstance and history

- Motion seconded Megan

Discussion – none

Opposed – none

Motion Carries



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Case # 413

Recusals –

Violation –

Motion by Ann for a violation of 87-122(c)9(a) with a recommend penalty of PIPES Plus Training for Jerry Brown.

- Motion seconded Megan

Discussion- Excavator used mechanized equipment within the tolerance zone. No history, good candidate for the PIPES Plus training.

Opposed – none

Motion Carries

Case # 414

Recusals – Megan, Chris

Violation –

Motion by Jonathan for violation of 87-121(b)1 with a penalty of a \$500 fine for history

- Motion seconded Ann

Discussion – Response from Duke reviewed and taken into consideration but there is history for the same violation within the time period reviewed

Opposed – none

Motion Carries

Case # 415

Recusals – Jonathan, Chris

Violation –

Motion by Ann for a recommendation of insufficient evidence

- Motion seconded Larry

Discussion- Do we agree with the contractor being named the alleged violator when the report was initially against Spectrum. Yes, in this case it is fine, but we don't have evidence to show that the alleged violator was the one who nicked the underground electrical feed.

Opposed – None

Motion Carries

Case # 416

Recusals – Greg

Violation –

Motion by Ann for a violation of 87-122(C)9) with a penalty of PIPES Plus Training for Jeremy Reason and a \$500 fine for circumstance and gravity

- Motion seconded Chris

Discussion- Failure to hand dig in tolerance zone

Opposed – none

Motion Carries



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Case # 417

Recusals –

Violation –

Motion by Greg for a violation of 87-122(a) with a penalty of PIPES Plus training for Scott Griffin and a \$500 fine for Gravity & Other

- Motion seconded Larry

Discussion- No valid locate and no response from the excavator to notice of alleged violation. Why were they on the side of the road digging without a locate? No locate tickets but in the photos, there are yellow marks on the road. Marks could have been from the gas company that showed up to assess the damage. Gravity for work performed without a locate and causing damage which could have been worse and Other for no response to our initial letter of alleged violation, which could lead to repeat offences.

Opposed – none

Motion Carries

Case # 418

Recusals – Megan, Chris

Violation –

Motion by Jonathan for insufficient evidence

- Motion seconded Freddie

Discussion- The report is not clear as to who the violator is.

Opposed – none

Motion Carries

Case # 419

Recusals –

Violation –

Motion by Ann for violation of 87-122(C)(9)a1 with a recommend penalty of PIPES plus training for Michael Tucker and a \$1,500 fine for gravity-\$500, circumstance-\$500 and culpability-\$500.

- Motion seconded Freddie

Discussion- \$500 for gravity, circumstance \$500 and \$500 for culpability. Blind boring near gas line, failure to spot 8" main gas line.

Opposed – none

Motion Carries

Case # 420

Recusals –

Violation –

Motion by Jonathan for violation of 87-122a

- Motion seconded Megan

Discussion – none

Opposed – none

Motion Carries



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Penalty –

Motion by Megan for penalty of PIPES Plus Training for William Ralph Foushee and a \$500 fine for gravity and culpability

- Motion seconded Greg

Discussion – none

Opposed – none

Motion Carries

This completes the case reviews for this quarter.

Final comments from the board –

Thank you to those who looked at the cases ahead of time.

Comments from the public –

Trevor Green (Dominion Energy) thank the entire board. The method the board came up with to review the files and issue penalties seems fair. Very pleased with all the results and the cases heard today.

Louis Panzer (NC811) it was great to listen from the sidelines. Everyone did a great job and thanks for all the hard work everyone did to get the review process where it is.

Next Board Meeting is April 19, 2022, 10:00am-3:00pm

- **In-person option is for Board Members Only through 2022.**
- **Virtual attendance will remain an option through 2022.**

Meeting Adjourned – 3:02pm