

## Underground Damage Prevention Review Board Meeting

**Meeting Subject:** Underground Damage Prevention Review Board Meeting

**Meeting Date:** 1/19/2021 10:00 AM

**Location:** Microsoft Teams Meeting

### Participants

[Riley, Megan J](#) (Meeting Organizer)

[B.J. Lanier](#)

[Chris Russ](#)

[Gould, Rick](#)

[Greg Puckett](#)

[Jackson, Rufus](#)

[Jonathan Holt](#)

[Juliane L. Bradshaw - LEGAL](#)

[Lisa D. Smith-Perri](#)- lost for cases

[Louis Panzer](#)

[Tom West](#)

[William Wheeler](#)

[Bryce Mendenhall](#)

[Freddie@sandersutility.com](#)

[Martin, Tucker R](#)

[WCWC Customer Service](#)

[Ann Rushing](#)

[Hope Morgan](#)

Lindsey – SAM- Guest

Trevor Green- Guest

Mark Wood- dominion- Guest

Jim Collins- PNG- Guest

## Notes

### • Agenda

#### • Update on Budget

\$200,000	\$18,843	\$35,653	\$ 2,687	\$ 17,304	\$ 25,330	\$ 653	\$ 1,555	\$ 12,633	\$ 4,030	\$ 596	\$ 36,390	\$ 1,272	\$ 435
	\$54,496	\$ 57,183	\$ 74,487	\$ 99,817	\$ 100,470	\$ 102,025	\$ 114,658	\$ 118,688	\$ 119,284	\$ 155,674	\$ 156,946	\$ 157,381	

- Century link check has been sent need to check on status
- Charlotte- have we had communications
- Verizon
- Palmettonet
- Google
- Any payments not received we would add the remainders to that dollar amount so we would be collecting for both years.
  - Louis Panzer Motion that any 2020 outstanding balance be added to a 2021 billing
  - Rufus seconded

- Discussion?
  - Draft a letter to the recipient that they had not paid, and they are being billed for both years.
    - Information on the W2 and the contact.
  - When do we anticipate send take effect to send the letters- link to commerce and direct bill potential? Send by April
  - Send the breakdown to the team (from Louis) then we can vote on the breakdown and the letters.
    - Are we going to make a motion to a fixed amount or are we going to lower that because of the current funding and the expected expenses?
    - We may not have to bill for another \$200,000 we will go back to the original budget and what % we are spending going forward and are we going to set money aside based on need.
    - Thought this was approved in 2020.
    - What we submitted with the bill- Louis Panzer will provide a copy
    - There are some misc. fees that would be included. And a website and development of the creation. This is not built into the contract with Admin and may need
    - Louis, Lisa, and Megan are going to come back to the team with a breakdown of the costs needed so we can vote on what the flat rate of needed funds will change.
  - Any opposed? - Motion carries
- Attach all the financial documents to the final notes (images should be erased when the financials that are attached)

2000 Outstanding Billings as of 2021-01-14/2021						
Print Save to OneDrive Show email X						
NC UNDERGROUND DAMAGE PREVENTION REVIEW BOARD - 2020 UNPAID BILLINGS						
Member	Billing Amount of NC 811 Budget	Total Top 100	Total Top 50	Percentage of Top 50	Top 50 Billed	Comments
Centurylink	\$ 365,826	5542040	5193901	7.04%	\$14,087	
Charlotte	\$ 238,290	5542040	5193901	4.59%	\$9,176	
Verizon	\$ 95,035	5542040	5193901	1.83%	\$3,660	
Palmettonet	\$ 91,388	5542040	5193901	1.76%	\$3,519	
Google	\$ 74,085	5542040	5193901	1.43%	\$2,853	
Frontier	\$ 58,594	5542040	5193901	1.13%	\$2,256	
Energy United	\$ 45,372	5542040	5193901	0.87%	\$1,747	9/21 LSP issued 3rd duplicate invoice to G Puc
Suddenlink	\$ 34,537	5542040	5193901	0.66%	\$1,330	
Town of Cary	\$ 29,331	5542040	5193901	0.56%	\$1,129	
Union County	\$ 17,966	5542040	5193901	0.35%	\$692	
MI Connection Communication Services	\$ 15,867	5542040	5193901	0.31%	\$611	
Town of Apex	\$ 15,461	5542040	5193901	0.30%	\$595	
Zayo AGL	\$ 13,044	5542040	5193901	0.25%	\$502	
Sprint	\$ 12,001	5542040	5193901	0.23%	\$462	
					\$42,619	
Total Deposited thur 01/14/2021					\$157,381	
TOTAL 2020 BILLING					\$200,000	

## Income Statement

NC Underground Damage Prevention Review Board (UDPRB)

Period: January 1, 2020 - December 31, 2020

<b>Revenue</b>	
Collected Fees	\$ 156,946.00
Less: Refunds/Corrections	
<b>Net Fees Collected</b>	<b>\$ 156,946.00</b>
<b>Gross Profit (Loss)</b>	<b>\$ 156,946.00</b>
<b>Expenses</b>	
Advertising/Website Development	\$ -
Fee Write-Offs	\$ -
Banking Related Charges	\$ -
NC Commerce Fees	\$ 1142.16
NC Technology Fees	\$ 14.64
Legal Fees	\$ 18159.20
Legal Expenses	\$ -
Office Supplies	\$ -
Postage	\$ -
Director Reimbursement	\$ -
Administrative Contract	\$ -
Miscellaneous	\$ -
<b>Total Expenses</b>	<b>\$ 19,316.00</b>
<b>Net Operating Income</b>	<b>\$ 101,703.69</b>

- Update on Admin Contract
  - Admin Service contract.
    - This has been determined and everything is in place we are waiting on documentation
    - We do not have the contract to sign- Julianne is working on this
    - Goal would be to have the admin in place via the next meeting in April
    - They will handle the admin functions.
  - Put out a press release with the transition and where the complaints will go.
    - Put this on whole until we have the admin finalized.
- Board permission and term limits
  - Staggered appointment- term limits for the chair, vice chair and financial advisor-
  - Want to make sure that we understand the limits.
    - Set for 2 years and then review- these are looked at annually-
    - For the treasurer- how are we going to transition into the new admin- admin would send once a month and approving invoices.
    - Get with each member who is serving and get their opinion on what is valid for that term limit and write up roles and responsibilities then provide back to the board for approval
- Review of Teams site and how to use the Case Management site
- Case Review 277-284

Lisa left for Cases- not sure when Lisa returned. She was available at the end of the meeting

#### Case Review 277-284

##### Case 277

- Recusals- Megan, Rufus
- Violation-
  - Motion- Louis Panzer - 87-121a1 with a recommendation with Pipes plus training for James Collins with Piedmont Natural Gas
  - Second- Rick
- Discussion- original documentation provided the incorrect information- this has been provided- letter received recognized the at fault of the locator.
  - Do we want to have a penalty? This was taken care of internally in the company. In the past we have always had a penalty. We must assign training to an individual. Who submitted the letter from PNG? Can we assign the training to the person who submitted the letter?
- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for James Collins with Piedmont Natural Gas

##### Case 278

- Recusals- Megan
- Violation-
  - Motion- Louis Panzer - 87-121a1 with a recommendation with Pipes plus training combined with case 277 for James Collins with Piedmont Natural Gas
  - Second- Tom
- Discussion- October 22 on the response to case 277 and 278. this was only a request for an extension- there is a letter from Nov 11th- there is a letter in the drop box, and it is not on the case site.
  - KEC which was a subcontractor for Hyper networks and KEC didn't have their own ticket. Should we be penalizing both companies?
  - There is not a complaint against KEC in this case
- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training combined with case 277 for James Collins with Piedmont Natural Gas

##### Case 279

- Recusals-
- Violation-
  - Motion- Louis Panzer - 87-122a with a recommendation with Pipes plus training for Justin Taylor the owner of Taylor Enterprises
  - Second- Whit
- Discussion- lots of information provided. There was no ticket found until after the incident. Person who made the complaint called in because of repetitive cuts and tickets were generated after the fact.

- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for Justin Taylor the owner of Taylor Enterprises

#### Case 280

- Recusals-
- Violation-
  - Motion- Louis Panzer - 87-122a with a recommendation with Pipes plus training for Scott Seaman with Baker Residential
  - Second- Rufus
- Discussion- didn't find a ticket- both companies in this and the next are filed as separate complaints. Can we find two individuals at fault. Unusual that we would find a complaint for two companies. The law says that the company and the sub are both responsible for filing so both companies can be held responsible.
- If Baker didn't do the work are, they responsible if ticket is not called. It would not be unusual for Baker to make the call.
- We remove ourselves in contracting
- Liability should be on the general- call in the ticket on the general
- In case you have multiple people working in small areas. The company doing the digging should call in the ticket.
- The general contractor would be responsible
- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for Scott Seaman with Baker Residential

#### Case 281

- Recusals-
- Violation-
  - Motion- Rick- Insufficient Evidence
  - Second- Louis
- Discussion- there is not a person named in the complaint
- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for

#### Case 282

- Recusals-
- Violation-
  - Motion- Louis Panzer - Violation 87-122c4 with a recommendation with Pipes plus training for RG Communications- withdrawn
  - Re Motion - Louis Panzer Insufficient Evidence- withdrawn
  - Motion- Louis Panzer - 87-122c4 with a recommendation with Pipes plus training for Billy Colbert RG Communications-
  - Second- Tom
- Discussion- started the work before the 3 full working days. Work started on the 15th they did not wait the 3 full working days.
- In the past we said we would look at the secretary of state and see who could get a person
- There is a penalty and we would use the name on the ticket

- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for Billy Colbert RG Communications

#### Chris Russ Left

##### Case 283

- Recusals-
- Violation-
  - Motion- Louis Panzer - Violation 87-122c2 with a recommendation with Pipes plus training for Dusty Steelman and a 1000\$ fine
  - Second- Greg Puckett
- Discussion- rational for the fine and I tied to the risk and the severity. They did not hit the line, but they did not follow through with communication and did not follow the timeline. Discussed the requirement to have someone on site and the positive response showed it was high risk. Therefore, there would be, and allocation based on Gravity and Circumstance.
- Fine Allocation
  - History- \$0
  - Gravity- \$500
  - Circumstance- \$500
  - Culpability- \$0
  - Other- \$0
- Any opposed: no
  - Motion Carries
- Penalty- Pipes plus training for Dusty Steelman and a 1000\$ fine

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##### Case 284

- Recusals-
- Violation-
  - Motion- Louis Panzer - Violation 87- 122c9a1 for Danilo Tosso and Leopoldo Arins with AG Speed
  - Second- Tucker
  - Any opposed: no
    - Motion Carries
  - Motion - Penalty a recommendation with Pipes plus training a 2000\$ fine for Danilo Tosso and Leopoldo Arins with AG Speed
    - Amend from 2500 to 2000 because there is no history of damages for these individuals or company
  - Second- Tom
- Discussion- did no soft digs and did not validate the location of the gas line. Gravity is 500 because of the potential risk of gas leak, Circumstances is 500 because there were not soft digs to validate the location of the pipe. Culpability-500 people name were directly responsible for the safety measures of locating pipes. Other- 500 The Gas Migration is potentially up to 4 blocks which would be a risk to the Public, environment and assets.
- Fine Allocation
  - History- \$0

- Gravity- \$500
  - Circumstance- \$500
  - Culpability- \$500
  - Other- \$500
- Any Opposed? None
  - Motion Carries
- Penalty- Pipes plus training for Pipes plus training a 2000\$ fine for Danilo Tosso and Leopoldo Arins with AG Speed

Jim Collins with PNG- responses for 277 and 278- employee was terminated so who do we need to direct the training to. For future responses who is the person.

Rick- if there is not a name it is difficult. Today we could pick it out of the ticket but in the past, we did not have the ability to look up a name in that case. We have issued some penalties blind not knowing who would need the training. We have been advocating for a list of who we would like to be the POC responsible. In the Letter provided if a name would have been provided it could have been used

No call damages are the typical 29% of damages were no call. Consider mandatory penalties or fines. Proposed utility operator would have to submit that the damage was a no call. The first violation would be training, 2<sup>nd</sup> would be \$1000, 3<sup>rd</sup> would be \$2500, 4<sup>th</sup> + would be \$5000. Funding from penalties would be used for education of the 811 requirements.

Louis Panzer as the exec director- we cannot use the funding for education of the 811 use. This all goes into the general fund and can not be used by the board.

We understand there is a no ticket and those are tracked in the cases and letters are sent as a response. The companies can submit and would need to be provided to the board. Tiering of the fines, we do not have a practice that deals with that fine. We would have to put a process in place and be accepted by the board. All fines are based off the 5 factors. It would be difficult for automatically tiered.

Rick- if the excavation results in a damage normally comes to the board but it does not have to be so. You can submit if there is no damage per the rules. There is an issue of risk vs reward.

Megan- the way we must issue fines. We must receive a name to issue the fine to. When we have ruled it goes to the commission. They are using a list of companies that they are sending the fines to but if they are not in the

Freddie- automating is a little controversial. You can have multiple tickets in the same area and the wrong person may get fined if there is not a hearing. We want to make sure that the correct person is fined.

Jim Collins- first time listening to the board and it was helpful to hear what the board does and the process that is followed.

Adjourned.