

Department of Public Service
Annual One-Call Notification System Report

Enforcement Activity for 2018

The following table shows the number of NYS Code Rule 753 (16 NYCRR Part 753) probable violations issued by Department of Public Service, Pipeline Safety Section (Staff) which occurred in the 2018 calendar year.

Violation	Citations Issued
Failure to Notify	263
Improper Notification	13
Failure to Renotify	9
Early Commencement of Excavation	12
Failure to Maintain Mark-Outs	8
Failure to Verify Location	19
Failure to Maintain Clearance	30
Inaccurate Mark-Out	60
Other	23
Total:	437

The following table provides a breakdown of violations resolved in 2018, including the amount collected, and the methods by which enforcement cases were resolved.

Resolution	Number of Cases	Amount Collected
Commission Orders	51	152,500
Referred to Attorney General	72	136,943
Uncontested Penalties	105	740,000
Consent Orders	132	176,100
Resolved Without Penalty ¹	74	-
Warning Letters	4	-
Totals	438	1,205,543

Some of the enforcement cases resolved in 2018 were based on violations issued in prior years. Likewise, some enforcement cases initiated in 2018 have not yet been resolved. Therefore, the two charts above are not based on synchronized sets of data. It's also worth noting that this data represents primarily only the Pipeline Safety Section's enforcement efforts and not that of other utility industry sectors.

Staff continued our program of working with the major natural gas local distribution companies (LDCs) whereby we initiate the enforcement process based on information they provide on

¹ This number includes enforcement actions dropped due to cause, the inability to properly serve the correct entity, or resolved through training alone.

damages caused by lack of a one-call notice. This accounts for the high percentage of violations having been issued for failure to notify, as indicated above.

We believe that this enforcement activity, in conjunction with the numerous other activities undertaken by the one-call systems and LDCs, continue to have a positive effect in reducing damages to underground natural gas facilities. Since 2003, Staff has been tracking a state-wide metric for damages per 1,000 one-call tickets of the LDCs under Public Service Commission jurisdiction. The results for the past 12 years are shown below:

<u>Year</u>	<u>Damages per 1,000 Tickets</u>
2007	3.78
2008	2.80
2009	2.46
2010	2.51
2011	2.38
2012	2.26
2013	2.15
2014	1.96
2015	2.18
2016	1.89
2017	1.60
2018	2.05

The chart below depicts enforcement actions taken by the NYS Public Service Commission since it took over enforcement of Protection of Underground Facilities law. The chart displays the number of violations occurring in a given year, the number of citations issued in a given year, the backlog of citations requiring review, as well as the trend line of damages to natural gas pipeline facilities per 1,000 notifications since 2003. The spike in 2007 was due to the initiation of voluntary reporting by LDCs of no-call damages to natural gas pipelines.

