

## Maryland Underground Facilities Damage Prevention Authority

### MINUTES OF MEETING OF AUTHORITY Wednesday, March 5, 2014

The meeting was called to order by Kevin Woolbright at 9:00 am in the Miss Utility One Call Center, 7223 Parkway Drive, Hanover, MD 21076. In attendance were Authority members Tom Hoff, Art Bell, Victoria Davila Steele, Tom Hastings, Bernard Cochran and Marcia Collins. Laura Olander and Jim Barron were also present. Authority members Tom Baldwin and Walter Gainer were absent. Bruce Bereano was also absent. Guests included Dora Parks from Miss Utility, Scott Brown with Washington Gas, Thurman Smith from Utiliquest, Matt Ruddo with OCC, and Ben Weaver with BW Excavating. Andre Bicho and Pete Zachmann with Antenna Star were also present to attend today's scheduled Hearing.

Kevin Woolbright opened the meeting and asked everyone to introduce themselves. There is a quorum.

The Minutes from February 5th were approved.

Report of Authority Treasurer. Financial handout. Anticipating more money from Subscribers and more legal bills.

Scheduled Hearings:

NPV #1089 - Washington Gas vs. Antenna Star. Chairman Woolbright invited Mr. Andre Bicho and Mr. Pete Zachmann to the table to begin Hearing. Chairman Woolbright explained to Mr. Bicho and Zachmann everything that was about to take place and they would be recorded.

Recording began and Hearing started at 9:20 am.

Andre Bicho introduced himself as the General Manager for Antenna Star in Maryland located at 385 Main Street in Laurel, Maryland. Pete Zachmann introduced himself and stated that he works in the local office at 385 Main Street in Laurel. Chairman Woolbright administered the oath to Andre Bicho and Pete Zachmann of Antenna Star as well as to Jim Barron and Scott Brown, attending on behalf of Washington Gas.

Jim Barron began with all the evidence. Plaintiff's Exhibit #1 was NPV #1089 filed online through the MUFDPDPA website. Plaintiff's Exhibit #2 is NPV #1089 with detailed research. Plaintiff's Exhibit #3 is a map of the location - 2947 Hewitt Avenue - where incident occurred. Plaintiff's Exhibit #4 shows the location of the damage on a map. Plaintiff's Exhibit #5 is the Damage Report showing that Daniel Piirez and Andre Bicho, who is in attendance, were those responsible for installing the satellite dish for Dish Network. Washington Gas stated that there was no locate request or clear evidence of underground facilities. Jim Barron went to the Miss Utility website and searched for tickets. Plaintiff Exhibit #6 is the resulting address search for Antenna Star. Plaintiff's Exhibits #7, 8, 9 & 10 are ticket searches done by Jim Barron. Mr. Zachman from Antenna Star interrupted and said they aren't disputing anything, and to save time they are willing to acknowledge this is a legitimate violation. Chairman Woolbright asked for clarification; is Antenna Star saying that the Authority doesn't need to go further in these Hearings? Jim Barron stopped presenting evidence (although there were 4 more pieces of

evidence entered - Exhibits 11, 12, 13 and 14 - all pictures of the site damage) and the floor was turned over to Mr. Bicho and Mr. Zachmann from Antenna Star. Mr. Bicho said an employee of Antenna Star made a mistake and they should have called Miss Utility and they are taking corrective actions. He asked for the fee to be waived or reduced and would like to set up training. Mr. Zachmann said often they don't know if they will be penetrating ground until they get to the site. Then they typically call Miss Utility and the person has to return to the site and install later. This employee involved didn't get approval before he did what he did. Training will be increased at Antenna Star and the employee has been reprimanded.

Authority member Art Bell said the Authority wants to make sure Antenna Star's employees are aware of the law and asked if they have any processes in place for all other employees. Mr. Zachmann from Antenna Star said he has gone through the training and transferred the knowledge to other employees. If the pole method is being done at a site, employees are supposed to call the office first. Antenna Star intends to formalize training even more. Art Bell asked if the training has been put in place since the damage and Mr. Zachmann said they all knew about what they were supposed to do, but they need to do additional training to reaffirm on occasion. Kevin Woolbright reiterated that Antenna Star has admitted complete fault in this NPV. If there are no other Board Member questions, the Authority still needs to hear from Washington Gas for the record. Mr. Zachmann then added that Dish Network often asks the customer to file a Miss Utility ticket so tickets from them could be either be called in by Dish Network or Antenna Star. Art Bell said it was made clear it is the excavators responsibility to call in the ticket. Period. Further, Art Bell said it doesn't matter if someone else called Miss Utility first - the excavator has to call also. Kevin Woolbright said the Authority will provide them with the guidelines so there would be no further confusion. Tom Hastings added that there has to be a ticket in the name of the excavator. Antenna Star was excused.

Scott Brown, Manager for Damage Prevention from Washington Gas was now called upon. Scott went over what happened and that a ticket was not called in. Washington Gas' concern was that no tickets were found when doing a ticket for Antenna Star. The proximity of the gas lines to where they dig and the fact that pipes have been nicked and gas leaks have happened because of this, he feels they need serious training to prevent potential serious issues. Mr. Brown was excused.

Antenna Star was invited back to the table in case they had anything more to add to what Scott Brown said. Kevin Woolbright let them know a decision will be made later. Antenna Star was adjourned. The time was 9:50 am.

Recording turned off.

Next, a discussion on fines for Antenna Star took place. No tickets are \$2,000 fines. Kevin Woolbright said to be consistent a no ticket is always \$2,000 so there is no reduction in fee. Kevin asked if everyone was in agreement. A motion for a \$2,000 fine and mandatory training for all personnel at Antenna Star was made. All in favor.

Appeals - Summary of Pinpoint/WSSC and Reliable was briefly discussed. Nothing new to report.

Post Hearing Updates:

Everything is listed on Agenda.

New NPV's:

NPV #1589 - no ticket and clear evidence letter to be sent.

NPV #1599 - no ticket - send letter for \$2,000 fine.

Still investigating NPV's #1199, 1216 and 1497. All pertinent information listed in Agenda.

New NPV's #1677, 1723 and 1724 will be ready for meeting in April.

Non-member updates - all in agenda. Jim also discussed Friendsville - law says they have to be a member.

All the counties are signing up. Baltimore County has not been responding. Jim is going to call Ed Adams.

Old business: fining matrix handout discussed. Jim Barron is going to create some scenarios adding different components that haven't come up yet.

Ethics Disclosures: All need to be sent in.

New business:

Revenue stream - create an exploratory committee with Marcia Collins, Tom Hoff, Bruce Bereano, Walt Gainer and Kevin Woolbright.

Town of Friendsville decision - needs to be thought about what to do about malls, colleges, hospitals, etc.

Scott Brown discussed marking sewers laterally. Authority's job is not to re-write law. Scott Brown said his company is thinking about introducing new legislation that everything has to be locatable.

Next Authority meeting is April 2. Five hearings are already scheduled.

Jim Barron brought up Steve Fisher with PHMSA who now works in California and is rewriting California statute. Jim will be meeting with him at CGA in a couple of weeks to further discuss. Also Ontario, Canada called Jim Barron and is interested in Maryland's mandatory membership issue.

There being no further discussion or business of the Authority, the meeting was adjourned at 11:30 am. Again, the next Authority meeting is scheduled for Wednesday, April 2, 2014.

