

Maryland Underground Facilities Damage Prevention Authority

MINUTES OF MEETING OF AUTHORITY
Wednesday, May 7, 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 Kevin Woolbright, Tom Hoff, Tom Hastings, Art Bell, Walter Gainer, Bernard Cochran, and Marcia Collins. Laura Olander, Jim Barron and Bruce Bereano were also present. Authority members Tom Baldwin and Veronica Davilla Steele were absent. Guests included Scott Brown with Washington Gas, Thurman Smith with Utiliquest, Matt Ruddo with OCC, Mark Hamrick with Verizon, Dora Parks with Miss Utility and Deena Joyce with WSSC.

There is a quorum. All guests introduced themselves.

The Minutes from April 2 were approved.

Report of Authority Treasurer. Financials were handed out and Jim Barron gave an overview. Motion to approve. All in favor. There will be money spent out of the education fund to purchase DVD's in Spanish. MGH is preparing them.

No hearings are scheduled today. Kevin asked about future NPV's, one of which requires an interpreter and has been moved to June. There are two NPV's requiring an interpreter. The Authority is not required to supply an interpreter but if not, it could be interpreted incorrectly. Should have a neutral person. Discussion ensued regarding not using interpreters. Bruce Bereano said the Authority is setting a precedent by providing one since the law doesn't require and it's not the Authority's obligation. Further, Bruce pointed out that in criminal situations in court, the person needing the interpreter has to pay for them.

Appeals were discussed next. Jim Barron discussed Pinpoint. - The next hearing is June 9th at 9 am in Circuit Court. Jim and Kevin Woolbright will attend. Reliable's hearing was also attended by Jim and Kevin. Should get a decision soon. Pinpoint is now going after the quorum issue, not the constitutionality of the Authority.

Post Hearing Updates:

NPV #285 - Washington Gas vs. Village Concrete - Decision letter went out on April 14th and they intend to pay the fine. The debate on training is whether or not their whole company needs to be trained and, if so, they need to come to Virginia. They said they wont come to Maryland on a Saturday so they will only send the 2 people who do the digging for the company. Questions remain who all needs trained. Tom Hoff thinks all staff should be trained because everyone in the business at any level should understand the law. This needs to be better outlined for clarification in future letters that go out. Jim Barron will add language into the decision letters that is more specific regarding training. Marcia Collins suggested also adding in the letter a recommended minimum.

NPV #675 - Washington Gas vs. First Class Plumbing - First Class Plumbing received training from Washington Gas and will bring key people in again in June.

NPV #1089 - Washington Gas vs. Antenna Star - Antenna Star has not paid their fine yet but have scheduled training. Tom Hoff said the fine needs to be paid prior to training.

NPV #1198 - Washington Gas vs. Center Line Utilities - Center Line Utilities paid a reduced fine but did not show for training. They also have not rescheduled. Jim Barron will increase their fine if they don't come in for training.

Post Review/Pre Hearing Updates:

NPV #579 - BGE vs. Dish Network - Dish Network paid their fine and are scheduled for training.

NPV #1005 - Washington Gas vs. R&D Construction - R&D Construction wouldn't accept certified letter sent to them so Jim Barron went to their facility and delivered letter on their doorstep. Another certified letter was sent to his fathers home on April 28th. Will wait to see if he gets back to Authority.

NPV #1196 - Washington Gas vs. Maryland Jockey Club - Maryland Jockey Club paid their fine, and attended training.

NPV #1318 - Washington Gas vs. D&F Construction - D&F Construction received certified letter. Still waiting to hear from them.

NPV #1320 - Washington Gas vs. Matrix Service - Matrix accepted the recommendation Authority made and paid their fine. Will attend training in June.

NPV's #1322 & 1323 - Washington Gas vs. M&M Sediment Control - There has been no response yet, however, they did receive certified mail. Jim will pursue.

NPV #1446 - Washington Gas vs. Colley Enterprises - certified letters went out. Waiting for response

NPV #1449 - Washington Gas vs. David Home Improvements - Need an interpreter. Hearing is set for June 4th.

NPV #1483 - Washington Gas vs. Royale Construction - Waiting for a response.

NPV #1497 - Sherron Thompson vs. SD Homes LLC - Have not heard back from the subcontractor, Keybridge Construction Group.

NPV #1589 - Washington Gas vs. Riggs Distler - Riggs Distler has not responded and a second letter went out.

NPV #1599 - Verizon vs. A.C. Crane & Sign Service - Haven't heard back.

NPV #1677 - Washington Gas vs. Mark Posten Excavating - Have not heard back.

NPV's for review by the Authority:

NPV #1216 - Complete Sitework vs. WSSC/Pinpoint UG - 3400 Dill Drive ticket called in - WSSC/Pinpoint responded on the same day ticket called in. Re-mark request called in. Only

one facility was marked at that point. Dora discussed discrepancy codes. Re-mark tickets will take comments. Discrepancy tickets can't take comments, but indicate there are questions. Additional comment ability is being looked into. Three logged updated tickets and communication with the discrepancy. Third ticket, the status is marked. Tom Hoff said don't get hung up on the polygon meaning anything. The first question is, did the facility owner get contacted and the answer is yes because WSSC got the ticket so this makes the polygon irrelevant. Tom said this is clear - to locate within the guard shack area and in this case 1/10 of a mile west. It's that simple. There was no damage. The complaint is they were marked late; 28 business days after call was made. Tom Hoff and Tom Hastings say this is a clear ticket. Appears there is a violation of the marking standard according to Jim Barron. Recommendation by Authority: Motion was made to issue a \$2,000 fine and training. Voted. All agreed.

NPV #1723 is really NPV #1724 - No locate request - C&M Contracting - silt fence on Dominion's right of way because C&M moved it. This is a no ticket. They guy admitted to this. This is a \$2,000 fine and since this is the 2nd time they did this and have taken training, a motion for \$4,000 fine plus additional training was made. Voted. All in favor.

NPV #1724 - Dominion Transmission vs. Beuchert Excavating - No locate request. They admitted this. In response letter to Beuchert reference a correction with the dates that were wrong in initial letter. Motion for \$2,000 fine and training. Voted. All in favor.

NPV #1765 - SMECO vs. Decisive Communications - Emergency tickets filed at 19 different locations. SMECO says this is abuse of the emergency ticket system but nobody can prove if these are real emergencies or not. They are saying Comcast makes them file emergency tickets. Decisive Communications is willing to come in and discuss each one with the Authority but won't give information otherwise. Tom Hoff suggested Jim Barron call one of the places and see if this is just new service or truly an emergency. Recommendation made to send a letter saying the Authority cannot prove there's a problem but need more information.

NPV #1799 - Verizon vs. Cossentino Contracting Company, Inc. - Notice to one call system; notification of damage to facility and abuse of emergency ticket. Jim Barron researched and there was no ticket. However, there was an emergency ticket called in after there was a problem. There are pictures of pretty extensive damage. \$2,000 for a no ticket, \$2,000 for notification of damage to facility and \$2,000 for abuse of emergency ticket. Fine will be cut with training. Motion made for \$4,000 plus mandatory training (reduce the 2nd and 3rd offense in half). All in favor.

NPV #1832 - Humphrey & Sons vs. WSSC/Pinpoint - Did not mark facility. Jim Barron doesn't see a violation of the statute in this case. Motion to dismiss. Closed - no violation.

NPV #1834 - Humphrey & Sons vs. WSSC/Pinpoint - Violation is failure to locate an existing facility. Motion made for \$2,000 fine and training. Tom Hoff abstained from voting. Motion approved.

NPV #1838 - Michelle Money vs. Verizon - No locate request. Motion to dismiss. All approved.

NPV #1841 - Facility owner did not mark their facility. Ticket called in. Marked clear no conflict. Wrong code was entered in and then another ticket placed with a clear no conflict when facilities are there. Kevin recommends speaking to them and seeing if there is additional proof of a violation. Motion made to get additional information. All approved.

NPV #1853 - Facility owner did not mark their facility per the statute; he had a clear no conflict to do water and sewer installation on March 31 then filed a discrepancy. Then a new ticket was called in. Motion made for \$2,000 fine and training. Tom Hoff abstained from voting. All other members approved.

NPV #1864 - No locate request. No ticket. Motion made for \$2,000 fine and training. All in favor.

NPV #1869 - BGE asked to have the NPV withdrawn. Motion was made. All in favor.

NOV #1199 is still being investigated.

New NPV's Jim is researching was very briefly discussed.

Non-Member Updates:

Antietam Cable is up and running.

Norfolk and Southern. They want to come before the Authority and explain things. All disagreed with this.

MML and Municipalities - still working on getting everyone signed up or exempt if they don't have any underground facilities.

Fining Matrix - still working on it along with the revenue stream.

Motion was made with reinstating a filing fee of \$200 on June 1 for NPV's. All agreed.

Website - new pictures needed for website: Tom Hastings and Marcia Collins.

Next meeting date is on Wednesday, June 4th. (Tom Hoff will not be here.)

Motion made to change the October 2014 meeting to October 8th. All in favor.

There being no further discussion or business of the Authority, the meeting was adjourned at 12:45 pm.