

# Maryland Underground Facilities Damage Prevention Authority

## AUTHORITY MEETING Minutes Wednesday, March 2, 2016

Agenda Items 1, 2, 3 & 4

### **Call to Order, Attendance Roll Call & Welcome**

The meeting was called to order by Authority Chairman, Tom Hastings at 9:00 a.m. in the Miss Utility One Call Center, Conference Room, 7223 Parkway Drive, Hanover, MD 21076.

The Chairman welcomed all present and made a few introductory remarks. Guests Included: Dora Parks, Miss Utility; Don Jones, Washington Gas; Kevin Woolbright, WSSC; Bruce Evans and Spencer Nichols, Washington Gas; Juan Vogel, Utilquest; Mark Hamrick, Verizon; Kevin Birrell, LCS Site Services; Brian Simmons, OCC, Inc.

James J. DiPietro the new Board member representing the Maryland Association of Counties and Charles B. McCadden with BGE who is representing the one of the utility owners were introduced by Chairman Hastings and asked to sit with the Board.

A roll call of the Board of Directors was conducted by the Board Secretary Veronica Davila-Steele. A quorum was present for the session. In attendance were Authority members: Charlie McCadden, Jim DiPietro, George Taylor, Matt Ruddo, Veronica Davila-Steele, Tom Hastings, Vince Healy, Jeff Garner, Art Bell. Susan Stroud and Jim Barron were also present.

Agenda Item 5: (Handout)

### **Approval of Minutes:**

A motion was made to accept the February 3, 2016 minutes of the open meeting and seconded. The minutes were approved by acclamation and be posted on the Authority website.

Agenda Item 6: (Handout)

### **Authority Financial Report:**

The Executive Director provided financial statements as of February 29, 2016. He reported that the Operating Account has a balance of \$119,605.36 and the Education and Outreach Account has a balance of \$23,257.86. The Executive Director also noted that legal fees for the Authority to-date are \$102,396.68. A motion to accept the financial report was made, seconded and approved by acclamation.

Agenda Item 7:

### **Appeals:**

- Reliable Contracting – NPV# 283 – Oral arguments were heard in front of the Maryland Court of Appeals on January 8, 2016. It could take up to 6 months to a year to receive the decision of the court.

- Pinpoint/WSSC – NPV#'s 1216,1834,1841,1853 – The Anne Arundel County Circuit Court rescheduled oral arguments for April 11, 2016, which is Performa. The attorneys for Pinpoint and The Authority will file a joint stay request as the ruling from the Court of Appeals on the Reliable case is still pending.

Agenda Item 8:

**Scheduled Hearing:**

- NPV# 3793 – Washington Gas v. LCS Site Services, Inc. – The Chairman asked the Recording Secretary to take a roll-call attendance prior to the hearing. There were eight (9) authority members present. Mr. Birrell was present for LCS Site Services and representing Washington Gas was Don Jones. The recorder was turned on at 9:24 a.m. and the Chairman swore in Mr. Birrell, Mr. Jones and the Executive Director Jim Barron. The alleged violation was to §12-124(a) – Notice to One-Call System – 1<sup>st</sup> Offense and §12-127 (e) – Clear Evidence. The Executive Director entered the Authority's evidence Exhibit #'s 1 through 18 into the record and distributed evidence packets to the Authority Board as well as Mr. Jones and Mr. Birrell. Mr. Barron stated that he did find a ticket for LCS, but it dated one business day after the incident occurred. Exhibit # 's 15 & 18 clearly show a gas meter in the vicinity of the excavation. Mr. Birrell admitted that they hit the ¾ inch gas line and damaged it. He went on to say that the foreman saw marks in the street, but did not know about the "stub-out". He asked that the Authority consider reducing his fine. Mr. Ruddo asked if LCS had had any training, Mr. Birrell stated yes, but only in Virginia where they do a majority of their work. Mr. Jones stated that Washington Gas recognizes LCS to be a good company and that they have a record of calling in tickets and have only had 1 damage in the past three years. The hearing was closed by the Chairman at 9:48 a.m. and the recorder was turned off.

Agenda Item 9:

**Requests for Hearings on April 6 2016:**

None at this time. The Executive Director stated that he would prefer to wait until May to schedule hearings so that he could get caught up on the research and investigation of 32 new NPVs.

Agenda Item 10:

**Post Hearing Updates:**

Please refer to the March 2, 2016 agenda for the disposition of the post hearing NPV's.

Agenda Item 11:

**Accepted Recommendation and Waived Hearing:**

Please refer to the March 2, 2106 agenda for this information.

Agenda Item12:

**Post Review/Pre Hearing Updates**

Please refer to the March 2, 2016 agenda for these updates.

Agenda Item 13: (Handout)

**Incomplete Reviews**

Please refer to the March 2, 2016 handout for these updates.

Agenda Item 14: (Handout)

**Inactive Collections**

Please refer to the March 2, 2016 handout for these updates.

**Active Collections**

Please refer to the March 2, 2016 agenda for these updates.

Agenda Item 15:

**NPV's for Authority Review:**

**Note:** All reviews will be conducted in closed Executive Session

<b>NPV#</b>	<b>Case</b>
NPV# 4345	Washington Gas v SC Excavating, In. §12-125(a) (b) Repeat Notifications §12-127 (c) Duties of Excavator §12-127 (e)Clear Evidence
NPV# 4346	Washington Gas v Ardent Company, LLC §12-127 (c) (2) No test pit §12-127 (c) (3) Mech. Equip. w/in 18" of facility §12-127 (e)Clear Evidence
NPV# 4406	Washington Gas v Basement Masters §12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense §12-127 (e)Clear Evidence
NPV# 4415	Washington Gas v Alfredo Construction, Inc. §12-124(a) Notice to One-Call System – 1 <sup>st</sup> offense §12-127 (e)Clear Evidence

Agenda Item 16:

**New NPV's for Research and Review (31 reviews):** (Handout)

Please refer to the March 2, 2016 handout for a listing of the new NPV's

Agenda Item 17:

**Old Business**

- Fining Matrix –  
The subcommittee has met once and plans to meet again on March 4, 2016.
- Revised NPV/ Web Application Form –  
The subcommittee has met and will meet again on March 4, 2016.
- Revenue Stream –  
Bothe the Senate Bill and House Bill have had hearings and have been voted out of their respective Committees. The Senate version of the revenue bill has crossed over to the House.

Agenda Item 18:

**New Business**

- The Board was given copies of the new Authority contact list for review. There were a few minor changes.

Agenda Item 19:

**Next Meeting Date:**

- April 6, 2016

Agenda Item 20:

**Adjournment and Move to Executive Session**

- The Chairman called for a motion to adjourn the meeting at 10:30 AM. The motion was approved by acclamation. A second vote was taken and recorded for the Board to go into Executive Session for Judicial review. I

Respectfully submitted by:  
Susan A. M. Stroud  
Recording Secretary