



May 29, 2026

Office of Energy Infrastructure Safety
Underground Safety Board
715 P Street, 15th Floor
Sacramento, CA 95814

Re: Response to Notice of Probable Violation
Case Number: N250141025
Sunshine Communications, Inc.

To Whom It May Concern:

Sunshine Communications, Inc. acknowledges receipt of the Notice of Probable Violation dated May 19, 2026, regarding the incident that occurred on January 13, 2025, at 653 Via La Cuesta, Chula Vista, California.

First and foremost, Sunshine Communications takes underground utility safety seriously and recognizes the importance of complying with California Government Code section 4216 et seq. We acknowledge that our crew damaged a ½-inch plastic natural gas service line while performing hand excavation activities associated with the repair of existing communications conduit infrastructure. We are thankful that no injuries occurred, there was no fire or explosion, no evacuation was required, and the situation was promptly addressed by emergency responders. Upon discovery of the damaged line and hearing the gas leak, our personnel immediately contacted 911 and cooperated fully with responding agencies.

This incident was isolated in nature and does not reflect Sunshine Communications' overall safety culture or long operational history. Sunshine Communications has been operating in California for approximately 26 years, and this is the company's first violation of this nature. The excavation activity involved hand digging with a shovel in close proximity to existing communications facilities, and the crew incorrectly assessed that additional underground utility conflicts were unlikely in that immediate area. While this judgment proved incorrect, there was no intent to disregard safety requirements or place the public at risk.

Since the incident, Sunshine Communications has taken corrective actions to prevent any similar occurrence in the future, including:

- Reinforcing mandatory 811 notification requirements for all excavation activity, regardless of the scope or perceived proximity to existing facilities.
- Reviewing excavation and exposure procedures with field leadership and technicians.
- Re-emphasizing safety accountability and escalation procedures for all field personnel.
- Implementing additional internal oversight regarding excavation-related decision making.

Additionally, the supervisory personnel involved in the field decision-making process at the time of the incident are no longer employed by the company.

Sunshine Communications respectfully requests that the Board consider the following mitigating factors when evaluating this matter:

- This is the company's first violation in approximately 26 years of operation.
- The excavation involved hand tools only.
- No injuries, fatalities, fire, or property damage beyond the affected utility facility occurred.
- Emergency services were immediately contacted.
- Sunshine Communications fully cooperated with the investigation.
- Corrective measures have already been implemented to prevent further incidents.

Sunshine Communications remains committed to safe excavation practices and full compliance with all applicable underground safety requirements. Thank you for your time and consideration.

Sincerely,



Brian Dagenais
Operations Manager
Sunshine Communications, Inc.
Email: Brian.Dagenais@Sunshinecom.com
Phone: 619-723-6778
Fax 619-498-1441

Please note Sunshine's updated administration office address.



RESPONSE TO A NOTICE OF PROBABLE VIOLATION

Case Number: N250141025

Name: Sunshine Communications, Inc.

The provisions of California Code of Regulations, Title 19, Division 4, Chapter 3, governs the Notice of Probable Violation (Notice) proceeding before the California Underground Safety Board (Board). Specifically, 19 CCR section 4252 provides your response options upon the receipt of a Notice.

Be advised that all material submitted by you in response to a Notice are subject to public disclosure.

Please select from one of the response options listed below. You have 30 business days to submit your written response to the Underground Safety Board. Failure to submit a written response will be considered by the Board as a "No Contest" response. Please attach this form with your selection to your response. If you choose "Contest in Writing" or "Contest in Writing and Request Informal Hearing," please also include your written explanation and documents that may be referenced in your written explanation or informal hearing. For all options, Board investigators may present the basis for your probable violation on the date of the public meeting as provided in your Notice, and the Board will review your case and vote to determine whether a probable violation exists and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the meeting.

Response Options

___ No Contest

You do not contest the violations or the penalty. If you choose to not contest the violations or the penalty, you will waive your right to request the Board to reconsider its decision or recommendation issued.

___ Contest in Writing

You wish to contest either the violation, the penalty, or both by providing the Board with written explanations and other records supporting the explanation. You will submit the written explanations and records, if any, with your written response within 30 business days of receiving this Notice. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to enforcement.dig@energysafety.ca.gov. You may request an extension to the page limit by submitting a request to the Board staff within 5 days of receiving this Notice. The Board staff will notify you of its determination with respect to the page

limit extension request within 10 days of you submitting the request. The Board will review and vote on your case on the date of the public meeting provided in the Notice.

Contest in Writing and Request Informal Hearing

You wish to contest either the violation, the penalty, or both with oral argument at an informal hearing during a public Board meeting. You will submit with your written response, written explanations, information, or other materials you wish to reference in your oral hearing. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to enforcement.dig@energysafety.ca.gov.

Your hearing would be during the public meeting noted in the Notice, on July 13, 2026, at 1:00 p.m., and the location of the meeting will be in Riverside, California.

Haagen-Smit Auditorium
California Air Resources Board Building
4001 Iowa Avenue
Riverside, California 92507

Please note that your oral hearing may not start exactly at the time provided as there may be multiple hearings during one Board meeting. You may request to reschedule your hearing no later than 15 business days from your hearing date. Your request to reschedule a hearing may be granted no more than once and only for good cause.

You may participate in person or through a virtual meeting platform. You will have 15 minutes to present your reasons for contesting the allegation or reasons that may support a modification or elimination of the penalty or corrective action. During your hearing, conducted pursuant to Section 4253 of Title 19 of the California Code of Regulations, board investigators may present the basis for your Notice of Probable Violation. You will be granted up to 15 minutes to respond to the Notice and up to 5 minutes to respond to any Board staff rebuttal. You may arrange, at your expense, for a stenographer or court reporter to transcribe the informal hearing. You must provide a copy of any transcription to the Board.

The Board will issue a decision at,

- The informal hearing;
- Thereafter within 45 business days of the informal hearing; or
- At a subsequent Board public meeting where a quorum of the Board is present.

The Board will adopt the issued written decision at the hearing or a subsequent public meeting. The Board's decision is effective upon the adoption of the written decision.

Reservation of Rights to Contest Violation with the Enforcement Agency

You contest the violation, the penalty, or both, but do not wish to present your comments to the Board. You request that the Board refer the case to the appropriate state or local agency that would conduct the enforcement of the probable violation pursuant to Government Code section 4216.6(c) (Enforcement Agency), and you will reserve the right to contest the violation, the penalty, or both before the Enforcement Agency. The Board will review and vote on your case to determine whether a probable violation exists and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the public meeting noted in your Notice. Should the Board determine a probable violation exists, the Board will refer your case to the Enforcement Agency.

Board Contact Information:

Please direct all formal correspondence, including your written response to the Notice, to the Board either via email at enforcement.dig@energysafety.ca.gov or via mail to the following address:

Office of Energy Infrastructure Safety
Underground Safety Board
715 P St., 15th Floor
Sacramento, CA 95814

Please provide your written response within 30 business days of receiving this Notice. If a response is provided via mail, the mailed response must be received by the Board within 30 business day.

Penalties

Any penalties, including corrective actions, are only proposals by Board staff, and do not require any current corrective action or payment at this time. Your Enforcement Agency will provide the final determination to and instructions for any penalty. Please do not include any proof of compliance with proposed corrective actions or payment of a proposed penalty with your written response.

ADA Compliance

The California Underground Safety Board complies with the Americans with Disabilities Act ("ADA") by ensuring that the facilities are accessible to persons with disabilities, and providing this Notice and information given to the members of the California Underground Safety Board in appropriate alternate formats when requested. If you need further assistance, including disability-related modifications or accommodations, you may contact the Underground Safety Board no later than seven (7) calendar days before a scheduled hearing at (916) 902-6000. California Relay Service is available by dialing 711.