



Case No.: N2428370 Irvine Fence Inc.

To the California Underground Safety Board,

Thank you for the opportunity to provide a written response regarding the Notice of Probable Violation for the incident that occurred on October 2, 2024. Irvine Fence Inc. respectfully contests the proposed penalties and asks the Board to consider the following information, context, and mitigating factors.

1. The incident was unintentional, and we acted in good faith

The damage to the ½" plastic natural gas line was accidental and not the result of any willful or reckless behavior. As soon as the line was struck, I personally contacted SoCalGas to report the damage. Their technician arrived quickly, assessed the situation, and instructed us to evacuate the two affected homes, which we immediately did.

At the time of the incident, **no residents from either home were present**. Both homeowners had to return from their errands in order to assist with safety measures, including **opening windows, ventilating the homes, and ensuring all appliances were turned off**. We followed every instruction given by the SoCalGas technician to secure the area and protect the residents.

The SoCalGas technician also informed me that there was **no need to call 911**, as he was already on site, handling the repair, and had the situation under control. As a contractor, I relied on the guidance of the trained utility professional who was physically present and managing the emergency. At no point did we ignore safety; we followed the instructions given to us by the responding expert.

2. The gas line was unusually shallow

During the repair, I observed that the gas line was only **10–12 inches deep**, directly beneath the fence line. This is significantly shallower than typical installation depth standards for natural gas service lines. The shallow placement created a condition where normal fence post excavation could not reasonably avoid it. This was unexpected and contributed to the accidental strike.

3. Homeowners were instructed to call 811, and our contract requires it

Before the project began, I informed both homeowners that they needed to contact 811. Our contract clearly states that the homeowner is responsible for calling DigAlert. This is standard practice in our industry, and we relied on the homeowners' confirmation. Earlier

this year, I reached out to the homeowner, Jorge Parra, to verify whether he or his neighbor had any record of calling 811, but neither had documentation.

While we understand that the law ultimately places responsibility on the excavator, we want the Board to know that we did not ignore the requirement—we communicated it, documented it, and believed it had been handled.

4. We immediately paid SoCalGas for the repair

We cooperated fully with SoCalGas and paid the repair costs promptly. We did not dispute or delay payment. This demonstrates our willingness to take responsibility and resolve the matter quickly.

5. No injuries, no fire, and no property damage occurred

The situation was handled safely:

– Residents were evacuated – Gas was shut off – Repairs were completed – Appliances were checked – No one was harmed – No structures were damaged

We are grateful for this outcome and take safety extremely seriously.

6. We implemented new Standard Operating Procedures immediately after the incident

The day after the incident, we held an internal company-wide meeting involving our ground crew, sales team, and office staff to ensure everyone fully understood the seriousness of the event and the importance of following all safety protocols.

Since then, we have implemented **formal Standard Operating Procedures (SOPs)** to prevent this from ever happening again. These include:

A. Personal Utility Line Protection Agreement (New Requirement)

We created and now require customers to sign the **Irvine Fence Inc. Personal Utility Line Protection Agreement**, which includes:

1. **Protection Coverage** For a one-time nonrefundable fee of \$500, Irvine Fence Inc. agrees to cover the repair costs of any underground pipes or electrical lines **marked by the municipality or customer** that are accidentally damaged during installation.
2. **Exclusions** – Damage caused by intentional acts or negligence by the customer – Costs beyond the repairs themselves (lost wages, landscaping restoration, etc.)

3. **Customer Responsibilities** – Obtain all necessary permits – **Contact 811** to have public utilities marked – Provide Irvine Fence Inc. with a copy of the DigAlert ticket before work begins
4. **Repair Process** If accidental damage occurs to a **non-publicly marked** underground line, Irvine Fence Inc. will: – Immediately stop excavation – Cover repair costs up to **\$5,000**
5. **Customer Acknowledgment** – Most repairs exceed \$750 – Protection is optional – If declined, the customer assumes full financial responsibility for unmarked utility damage
6. **Governing Law & Severability** Standard California contract provisions apply.
7. **Important Notice** **The customer is still responsible for marking all underground lines before installation begins, with or without protection, by calling 811.**

This agreement is now **mandatory for all customers**, whether they accept or decline the protection.

B. Mandatory DigAlert verification

We now require:

– Written proof of the DigAlert ticket – Email confirmation from the homeowner – A copy of the ticket number issued by DigAlert

We **do not schedule any installation** until this documentation is received.

C. Internal communication and training

All estimators, project leads, and field crews have been retrained on:

– Excavation safety – DigAlert requirements – Emergency response procedures – Documentation and verification protocols

We have taken this matter extremely seriously and have implemented every measure possible to ensure this type of incident never occurs again.

7. This is the first incident in our company's history

Irvine Fence Inc. has been in business for years without any prior violations. We have thousands of satisfied customers, as reflected in our public reviews. We take pride in our work, our reputation, and our commitment to safety.

8. Financial hardship and impact on employees

Our company is small and operating in a highly competitive market with rising costs. Any significant penalties could severely impact our ability to stay in business and could jeopardize the jobs of our employees. We are doing everything we can to survive in difficult economic conditions.

We are not asking to avoid responsibility—we are asking for understanding and leniency so that this incident does not cause further harm to our workers and their families.

9. Willingness to complete the Board's education course

We are fully willing to complete the Underground Safety Board's education course and view it as an opportunity to strengthen our safety practices.

Request for Consideration

We respectfully ask the Board to consider:

– our good-faith actions – the misleading guidance from the SoCalGas technician – the unusually shallow gas line – our immediate reporting and cooperation – the fact that **no residents were home and both homeowners had to return to ventilate their homes and shut off appliances** – our clean history – our corrective measures and new SOPs – our financial hardship

We hope the Board will show leniency in determining penalties, as this incident was not intentional, and we have taken every step to prevent it from happening again.

Thank you for your time and consideration.

Sincerely,

Albert Rodriguez

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X Albert Rodriguez

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