

California Underground Facilities Safe Excavation Board

In the Matter of
Action Power, Inc.,
Respondent

Case No. C241570001

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On July 14, 2025, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. C241570001. The Board issued a Notice of Probable Violation (NOPV) to Action Power, Inc. (Respondent) on May 21, 2025. Respondent submitted a written response to the Board for its consideration.

Board members Clausen, Johns, Johnson, Muñoz, and Simonian participated in the decision.

FINDINGS

Having considered the investigation report and Respondent's written response, the Board finds that violations of the Government (Gov.) Code sections 4216.2, subsection (b) and 4216.4, subsection (c)(1) occurred.

VIOLATION SUMMARY

Government Code § 4216.2(b): Failure to notify the regional notification center of intent to excavate prior to starting excavation. Gov. Code 4216.2, subsection (b) requires an excavator planning to conduct an excavation to notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation unless it is an emergency.

Gov. Code § 4216.4(c)(1): Failure to contact 911 emergency services after causing damage to a subsurface gas pipeline and the damage caused gas to be released. Gov. Code section 4216.4 subsection(c)(1) requires an excavator to immediately call 911 emergency services upon discovering or causing damage to a gas or hazardous liquid pipeline subsurface installation in which the damage results in the escape of any flammable, toxic, or corrosive gas or liquid.

JURISDICTION

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the CONTRACTORS STATE LICENSE BOARD which may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the CONTRACTORS STATE LICENSE BOARD order Respondent to take the Board's education course and pay a penalty of \$8,000.

The following factors were considered relevant to this sanction determination:

- Respondent's violations were serious.
- Respondent failed to notify 811 before excavating.
- Respondent damaged a subsurface 2-inch natural gas line which resulted in a gas escape.
- Respondent did not call 911 emergency services after damaging the pipeline.

/s/ William Johns
William Johns, Chair

Date: August 8, 2025