



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board
2251 Harvard Street
SACRAMENTO, CA 95815
(916) 568-3800
<https://digsafe.fire.ca.gov/>



July 8, 2020

NOTICE OF PROBABLE VIOLATION

AT&T California
1414 Blue Ridge Trail
Waunakee, WI 53597

Agent for Service of Process:
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Case No.: 20SA1021

Address/Location of Violation(s): [REDACTED] San Jose, California

Date/Time of Violation(s): March 17, 2020 at approximately 0715 hours

Dear: Sir or Madam,

The Board has concluded its investigation of an incident on the above date, time and location and has determined that AT&T violated Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code as follows:

The Board has determined that AT&T violated California Government Code 4216.3. (a) (1) (A)- Unless the excavator and operator mutually agree to a later start date and time, or otherwise agree to the sequence and timeframe in which the operator will locate and field mark, an operator shall do one of the following before the legal excavation start date and time:

- (i) Locate and field mark within the area delineated for excavation and, where multiple subsurface installations of the same type are known to exist together, mark the number of subsurface installations.
- (ii) To the extent and degree of accuracy that the information is available, provide information to an excavator where the operator's active or inactive subsurface installations are located.
- (iii) Advise the excavator it operates no subsurface installations in the area delineated for excavation.

On March 17, 2020, MGE Underground was directional boring to install an electrical conduit when they exposed an AT&T communications utility line. MGE called in a locate request and had a start date of March 13, 2020. According to MGE employee statements and the USA North Ticket Inquiry database, AT&T had not responded to the locate request at the time of the exposure. A UtiliQuest employee explained at the time of the initial request UtiliQuest was lacking the manpower to meet all locate request. In order to respond to the locate request, UtiliQuest needed permission from AT&T to use a code that indicated extraordinary circumstances existed. AT&T did not communicate with UtiliQuest concerning the response. UtiliQuest employee stated UtiliQuest would have responded with an XJ response to the initial locate request but had not received permission from AT&T to do so.

A Corrective Action of mandatory completion of the Dig Safe Board's education course is being imposed. Please see <https://digsafe.fire.ca.gov/education-course/> for more information.

The proposed sanction reflects the nature and gravity of the violation and takes into consideration the Respondent's history of prior offenses, cooperation with the investigation and demonstration of his/her intent to comply with Gov't Code §4216 et seq. in the future.

This matter will be referred to California Public Utility Commission with a recommended penalty of mandatory completion of the Dig Safe Boards education course.

You may contest this notice by responding to this notice promptly. Please see attached instructions on completing and submitting your response for options available to you. Your response to this notice must be received by the California Underground Facilities Safe Excavation Board no later than August 19, 2020.

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations
Dig Safe Board
916-926-1660

Proposed hearing date: Hearing Date: September 14, 2020