

From: [Jessee, Michael](#)
To: [Underground Safety Enforcement](#)
Subject: Case # 22LA01484 - Frontier Communications Notice of Probable Violation
Date: Tuesday, June 14, 2022 1:52:21 PM
Attachments: [NOPV Signed Frontier Communications 22LA01484.pdf](#)

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To members of the Board:

Thank you for the opportunity to respond to the Notice of Probable Violation dated May 6. In that Notice, the Board investigator is recommending “a financial penalty, the amount to be determined by the Board,” at the Board’s next public meeting on July 11, 2022. Frontier apologizes for the series of events which result in the incomplete of facilities, but respectfully requests that the Board does not issue a financial penalty or, alternatively, issue a penalty not to exceed \$1,000.

The Notice explains, “the proposed sanction is merited, as Frontier did not respond to the excavator until after the excavator made a ‘no response’ notification to the one-call center, provided an incorrect electronic positive response, and failed to cooperate with the investigation.” Among other things, the Notice states that Frontier “provided an incorrect electronic positive response notification on January 10, 2022, indicating that it did not have subsurface installations in the excavation area, though it would respond the next day that the area was partially marked.”

Frontier has discussed this matter with its contractor, Utiliquest, who explained its technician did, in fact, respond to the January 10 “meet and mark request” but that no representative from Merlin Johnson appeared for the meet. The technician began marking the delineated area, but soon realized the job was too big to mark alone. The technician then called the excavator to let him know he had started but needed to come back. While still on site, the technician received a “no show” ticket, which created a duplicate ticket in the technician’s workload, i.e., he had the original ticket as well as the “no show” ticket. Since the technician already began marking the original ticket and also spoke with the excavator, he thought the “no show” ticket didn't apply to him. Therefore, for administrative purposes, he closed the duplicate “no show” ticket as “no conflict.”

Regarding Frontier’s failure to cooperate with the investigation by not responding to Board’s letter dated February 10, Frontier rarely receives such letters—in fact, we are not aware of receiving such a letter in years—and it “fell between the cracks.” Frontier realizes this is not acceptable, and has instituted a practice where any such notice, when received by Frontier, is to be routed to a specific person with responsibility to respond timely.

Again, Frontier apologizes for its actions (and inactions) in this matter.

Sincerely,

Mike Jessee
Director, Operations
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