

June 20, 2022

Office of Energy Infrastructure Safety
Underground Safety Board
715 P Street, 20th Floor
Sacramento, CA 95814

Sent via email to enforcement.dig@energysafety.ca.gov

CASE NO: 22LA01484
Regarding: Notice of Probable Violation
Location: Noble Creek Park, Beaumont, CA 92223

Dear Members of the California Underground Safety Board:

On behalf of the Southern California Edison Company (SCE), please accept this letter as acknowledgement of and response to the above-referenced May 6, 2022 Notice of Probable Violation (NPV). Pursuant to 19 CCR 4552(a)(2), SCE contests the NPV. SCE submits this letter and attachments as its written explanation that SCE has not violated California Government Code (CGC) Sections 4216.3(a)(1)(A) or 4216.3(c)(1)(A) as alleged in the NPV. Because SCE has not committed any violations, no penalty should be imposed.

The NPV states that on January 5, 2022, Merlin Johnson Construction was issued ticket B220050037-00B by DigAlert and SCE did not locate and mark the excavation area until January 11, 2022, after the legal excavation start date and time of January 10, 2022, in violation of CGC Section 4216.3 (a)(1)(A). Furthermore, the NPV alleges that SCE provided an incorrect electronic positive response on January 10, 2022, indicating that it had no subsurface installations in the area of excavation, in violation of (CGC) Section 4216.3 (c)(1)(A).

SCE responds as follows. SCE's locator (UtiliQuest) responded on January 7, 2022 noting the ticket requested a "meet and mark" on January 10, 2022.¹ SCE's locator returned on January 10, 2022 and began marking the job based on delineations. SCE's locator did not see the excavator on site on January 10, 2022.² Realizing the job needed more than a single worker to perform the locate and marking tasks, SCE's locator notified the excavator that additional locators would return on January 11, 2022.³ Also, on January 10, 2022, the excavator made a "no response" ticket through DigAlert. Because SCE's locator had already negotiated a marking schedule for January 11, 2022 with the excavator, the "no response" ticket was correctly closed with "no conflict" and the original January 5, 2022 ticket continued to be worked. On January 11, 2022, the requested locating work was completed, with a proper and timely

¹ See May 5, 2002 Investigation Report, Case No. 22LAO1484, Exhibit 2 at p. 1, Bates No. 0020 (requesting "meet and mark" on January 10, 2022) and p. 2, Bates No. 0021 (January 7, 2022 response from "UtiliQuest for SCE" noting a "negotiated marking schedule").

² See May 20, 2022 email from UtiliQuest to SCE.

³ See May 5, 2002 Investigation Report, Case No. 22LAO1484, Exhibit 2 at p. 4, Bates No. 0023 (January 10, 2022 response from UtiliQuest noting "scheduled meet with excavator at requested date and time").

electronic response submitted to the January 5, 2022 ticket.⁴ As the complaint was submitted by Merlin Johnson Construction on January 18, 2022, and SCE had already completed markings, the complaint did not apply to SCE.

For convenience, portions of the Investigation Report referenced above are attached to this letter as Attachment 1. The email from UtiliQuest is attached as Attachment 2.

For all the reasons stated above, SCE respectfully requests the Underground Safety Board find that SCE has not violated GCG Sections 4216.3(a)(1)(A) or 4216.3(c)(1)(A) and, as a result, that a penalty or corrective action not be imposed on SCE.

A handwritten signature in black ink, appearing to read 'M.A. Stark', with a long horizontal flourish extending to the right.

Sincerely,

Melvin A Stark
Principal Manager, T&D Compliance & Quality
1 Innovation Way
Pomona, CA 91768

⁴ See May 5, 2002 Investigation Report, Case No. 22LAO1484, Exhibit 2 at p. 4, Bates No. 0023 (January 10, 2022 response from UtiliQuest noting “clear – no conflict” and January 11, 2022 Response noting “locate area marked”).

Attachment 1

MBRCOD 00001A USAS 01/24/22 09:48:02 B220050037-00B NEW NORM POLY LREQ

Ticket: B220050037 Rev: 00B Created: 01/05/22 06:56 User: MERLIN Chan: WEB

Work Start: 01/07/22 17:01 Legal Start: 01/07/22 17:01 Expires: 02/02/22 23:59
Response required: Y Priority: 2

Excavator Information

Company: MERLIN JOHNSON CONSTRUCTION, INC.
Co Addr: P.O. BOX 777
City : MENTONE State: CA Zip: 92359
Created By: MERLIN JOHNSON Language: ENGLISH
Office Phone: 909-794-7702 SMS/Cell: 909-322-6061
Office Email: MJ.MJC@VERIZON.NET

Site Contact: MERLIN JOHNSON
Site Phone: 909-322-6061 Site SMS/Cell: 909-322-6061
Site Email: mj.mjc@verizon.net

Excavation Area

State: CA County: RIVERSIDE Place: BEAUMONT
Zip: 92223
Location: Address/Street: 650 OAK VALLEY PKWY
: X/ST1: ELM AVE
:
: *** MEET AND MARK***
: MEET AND MARK LOCATION: IN DRIVEWAY 300' NORTH OF OAK VALLEY PKWY.
: DATE: JANUARY 10, 2022.
: TIME: 0900
: WORK AREA IS VARIOUS LOCATIONS WITHIN NOBLE CREEK PARK

Delineated Method: WHITEPAINT

Work Type: WATER MAIN AND SERVICE INSTALLATION

Work For : BCPARKS DEPT.

Permit: NOT AVAILABLE Job/Work order: 2236W

1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 33.950798/-116.990010 33.950747/-116.985876
: 33.946643/-116.990062 33.946591/-116.985928

Excavator Provided:

Map link:

https://newtin.digalert.org/newtinweb/map_tkt.nap?TRG=786u3x0v0syvyq2-h

Members:

BCV01 BEAU01 MCISOCAL SCG1BT SCG29T SPRINT1 UCHTRW_S1
USCEDE USCETT84SE UTFTRCA01 YVC01

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Ticket Responses for: B220050037-00B

Member	Name	Rev	Responded	By	Response
BCV01	BEAUMONT-CHERRY VALLEY WATER DISTRICT	00B	01/07/22 05:01:06 PM	Late Notice	(999) Member did not respond by the required time
BEAU01	CITY OF BEAUMONT	00B	01/06/22 03:27:09 PM	ROBERT VESTAL	(010) LOCATE AREA MARKED
MCISOCAL	MCI (VERIZON BUSINESS)	00B	01/05/22 07:03:42 AM	FLPS	(001) CLEAR - NO CONFLICT
SCG1BT	SOCALGAS DISTRIBUTION BEAUMONT	00B	01/10/22 08:23:11 AM	PRSDG01 TEJENNIN	(001) CLEAR - NO CONFLICT

Member	Name	Rev	Responded	By	Response
SCG1BT	SOCALGAS DISTRIBUTION BEAUMONT	00B	01/07/22 05:01:06 PM	Late Notice	(999) Member did not respond by the required time
SCG29T	SOCALGAS TRANSMISSION BEAUMONT	00B	01/06/22 06:47:32 AM	PRSDG01 JSPEREZ1	(031) REQUIRES STAND BY AT TIME OF EXCAVATION - CONTACT FACILITY OWNER
SPRINT1	SPRINT	00B	01/07/22 05:01:06 PM	Late Notice	(999) Member did not respond by the required time
UCHTRW_S1	SPECTRUM - RIVERSIDE	00B	01/07/22 08:22:15 AM	UQ Responder	(050) NEGOTIATED MARKING SCHEDULE
USCEDE	UTILIQUEST FOR SCE DIST - DESERT REG	00B	01/07/22 08:22:15 AM	UQ Responder	(050) NEGOTIATED MARKING SCHEDULE
USCETT84SE	SCE TRANS TELECOM	00B	01/07/22 08:22:15 AM	UQ Responder	(050) NEGOTIATED MARKING SCHEDULE
UTFTRCA01	UTILIQUEST FOR FRONTIER	00B	01/07/22 08:22:19 AM	UQ Responder	(050) NEGOTIATED MARKING SCHEDULE
YVC01	YUCAIPA VALLEY WTR	00B	01/07/22 05:01:06 PM	Late Notice	(999) Member did not respond by the required time

Member	Name	Rev	Responded	By	Response	Comment
BCV01	BEAUMONT-CHERRY VALLEY WATER DISTRICT	01B	01/10/22 10:19:43 AM	bcvwd1	(001) CLEAR - NO CONFLICT	Clear - No conflict By bcvwd1 on 1/10/22, 10:19 AM
MCISOCAL	MCI (VERIZON BUSINESS)	01B	01/10/22 10:18:44 AM	FLPS	(001) CLEAR - NO CONFLICT	
SCG1BT	SOCALGAS DISTRIBUTION BEAUMONT	01B	01/10/22 10:26:19 AM	PRSDG01 TEJENNIN	(001) CLEAR - NO CONFLICT	
SCG29T	SOCALGAS TRANSMISSION BEAUMONT	01B	01/13/22 07:42:00 AM	PRSDG01 JSPEREZ1	(001) CLEAR - NO CONFLICT	
UCHTRW_S1	SPECTRUM - RIVERSIDE	01B	01/11/22 10:52:32 AM	UQ Responder	(001) CLEAR - NO CONFLICT	
UCHTRW_S1	SPECTRUM - RIVERSIDE	01B	01/10/22 03:51:36 PM	UQ Responder	(053) SCHEDULED MEET WITH EXCAVATOR AT REQUESTED DATE AND TIME	
UCHTRW_S1	SPECTRUM - RIVERSIDE	01B	01/10/22 11:42:42 AM	UQ Responder	(001) CLEAR - NO CONFLICT	
USCEDE	UTILIQUEST FOR SCE DIST - DESERT REG	01B	01/11/22 10:52:33 AM	UQ Responder	(010) LOCATE AREA MARKED	
USCEDE	UTILIQUEST FOR SCE DIST - DESERT REG	01B	01/10/22 03:51:37 PM	UQ Responder	(053) SCHEDULED MEET WITH EXCAVATOR AT REQUESTED DATE AND TIME	
USCEDE	UTILIQUEST FOR SCE DIST - DESERT REG	01B	01/10/22 11:42:42 AM	UQ Responder	(001) CLEAR - NO CONFLICT	
USCETT84SE	SCE TRANS TELECOM	01B	01/11/22 10:52:33 AM	UQ Responder	(010) LOCATE AREA MARKED	
USCETT84SE	SCE TRANS TELECOM	01B	01/10/22 03:51:37 PM	UQ Responder	(053) SCHEDULED MEET WITH EXCAVATOR AT REQUESTED DATE AND TIME	
USCETT84SE	SCE TRANS TELECOM	01B	01/10/22 11:42:42 AM	UQ Responder	(001) CLEAR - NO CONFLICT	
UTFTRCA01	UTILIQUEST FOR FRONTIER	01B	01/11/22 03:46:52 PM	UQ Responder	(014) PARTIALLY MARKED - MORE TIME IS NEEDED	
UTFTRCA01	UTILIQUEST FOR FRONTIER	01B	01/11/22 10:52:34 AM	UQ Responder	(010) LOCATE AREA MARKED	
UTFTRCA01	UTILIQUEST FOR FRONTIER	01B	01/10/22 03:51:42 PM	UQ Responder	(053) SCHEDULED MEET WITH EXCAVATOR AT REQUESTED DATE AND TIME	
UTFTRCA01	UTILIQUEST FOR FRONTIER	01B	01/10/22 11:42:46 AM	UQ Responder	(001) CLEAR - NO CONFLICT	

Attachment 2

From: Anton, Joseph <joseph.anton@utiliquest.com>
Sent: Friday, May 20, 2022 11:05 AM
To: Valerie McKay
Cc: Dorothy Bergman; Charland, Randy
Subject: (External):Re: (External):B220050037 - Timeline
Attachments: B220050037_no show.pdf; B220050037_original ticket.pdf

***** EXTERNAL EMAIL - Use caution when opening links or attachments *****

***** EXTERNAL EMAIL WITH ATTACHMENT - BE CAREFUL NOT TO OPEN IF THIS DOCUMENT IS NOT EXPECTED OR TRUSTED *****

Hi Valerie,

Here are the answers to your questions. I hope this helps clarify things for you.

1. **Why was SCE Dist Electric – Desert Reg marked clear – no conflict on 01/10 as shown below.**

Our tech first responded on 1/7, then upon opening the ticket saw the note requesting a "meet and mark" on 1/10. He left and returned on 1/10 for the "meet and mark" request. While on site he didn't see the excavator, but did see delineations so he began marking the job. The excavator never showed up. After marking for a while he realized the job was too big for him to mark alone. Then he called the excavator to let him know he needed to come back the next day with help to finish. Later while he was still on site, our tech noticed the excavator called in a "no show" ticket. This created a duplicate ticket in the tech's workload. He now had the original ticket, and the "no show" ticket. Since he already began marking the original ticket and also spoke with the excavator, he thought the "no show" didn't apply to him. Therefore, for administrative purposes he closed the duplicate "no show" ticket as "no conflict" and kept the original ticket which he had already started working on. This was done to remove the duplicate ticket from his work load and keep only the original ticket he was marking.

2. **Please provide proof of communication between Mr. Johnson and Utiliquest stating a field meet was scheduled on 01/10 vs 01/07 as legal start time.**

The ticket itself requested the meet on 1/10 See below:

Ticket: B220050037 Rev: 00B Created: 01/05/22 06:56 User: MERLIN Chan: WEB

*Work Start: 01/07/22 17:01 Legal Start: 01/07/22 17:01 Expires: 02/02/22 23:59
Response required: Y Priority: 2*

Excavator Information

Company: MERLIN JOHNSON CONSTRUCTION, INC.

Co Addr: P.O. BOX 777

City : MENTONE State: CA Zip: 92359

Created By: MERLIN JOHNSON Language: ENGLISH

Office Phone: 909-794-7702 SMS/Cell: 909-322-6061

Office Email: MJ.MJC@VERIZON.NET

Site Contact: MERLIN JOHNSON

Site Phone: 909-322-6061 Site SMS/Cell: 909-322-6061

Site Email: mj.mjc@verizon.net

Excavation Area

State: CA County: RIVERSIDE Place: BEAUMONT

Zip: 92223

Location: Address/Street: 650 OAK VALLEY PKWY

: X/ST1: ELM AVE

:

: *** MEET AND MARK***

: MEET AND MARK LOCATION: IN DRIVEWAY 300' NORTH OF OAK VALLEY PKWY.

: DATE: JANUARY 10, 2022.

: TIME: 0900

: WORK AREA IS VARIOUS LOCATIONS WITHIN NOBLE CREEK PARK

3. **Also provide all locating records pertaining to SCE Distribution for this ticket.**

See attached for the tickets with notes. There are also a couple hundred photos. Let me know if you need the photos as well. We can have our admin send them over. Given the size and volume of photos they will come in many multiple emails.

Thank you

Joe Anton

UtiliQuest / Locating Inc

Regional Manager, Claims & Compliance

joseph.anton@utiliquest.com

Cell: 858-230-9876

"An ounce of PREVENTION is worth a pound of cure." --Benjamin Franklin