

**California Underground Facilities Safe Excavation Board**

In the Matter of  
Charter Communications,  
Respondent

Case No. 22LA01484

**DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)**

On July 11, 2022, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the "Board") considered Case # 22LA01484. Charter Communications ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent did not respond to the Notice of Probable Violation.

Board members Bianchini, Del Toro, Johns, Munoz, and Voss participated in the decision. Board members Charland and Johnson recused themselves and did not participate in the decision.

**FINDINGS**

Having considered the investigation report, the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code<sup>1</sup> (the "Dig Safe" law) section 4216.3(a)(1)(A) occurred.

The Board finds that an order directing Respondent to take the Board's education course is an appropriate sanction.

**VIOLATION SUMMARY**

**Respondent failed to timely respond to a locate-and-mark request.**

Respondent failed to provide a required operator response before the legal excavation start date and time pursuant to section 4216.3(a)(1)(A).

**JURISDICTION**

**The Board is the appropriate enforcement authority.**

Section 4216.6(e) authorizes the Board to enforce provisions of the Dig Safe law on persons such as Respondent that are not under the jurisdiction of other enforcement agencies as listed in subdivisions (c) or (d) of section 4216.6.

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<sup>1</sup> All further statutory references are to the Government Code unless otherwise indicated.

**SANCTIONS**

**Respondent is ordered to take the Board's education course.**

Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. The following factors were considered relevant to this sanction determination:

- Respondent did not respond to the excavator until after the excavator made a "no response" notification to the one-call center.
- The violation did not result in substantial injury or environment or property damage.
- Respondent does not have a history of similar violations before the Board.

/s/ Marjorie Del Toro  
Marjorie Del Toro, Chair

Date: August 8, 2022