

California Underground Facilities Safe Excavation Board

In the Matter of
Comcast of Northern California,
Respondent

Case No. 21SA01472

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 # 21SA01472. Comcast of Northern California ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent answered the Notice of Probable Violation with a plea of "no contest."

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 and Respondent's plea of "no contest," the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code¹ (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.

An operator's obligation to locate and field mark subsurface installations arises when the operator receives a locate-and-mark request from a call center. Respondent failed to provide a required operator response before the legal excavation start date and time pursuant to section 4216.3(a)(1)(A).

¹ All further statutory references are to the Government Code unless otherwise indicated.

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.

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 the sanction determination:

- The violation did not result in death or substantial injury or environment or property damage.
- Respondent does not have a history of violations before the Board.

/s/ Marjorie Del Toro
Marjorie Del Toro, Chair

Date: August 8, 2022