



**OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND SAFETY BOARD**

715 P Street, 20th Floor | Sacramento, CA 95814
916.902.6000 | www.energysafety.ca.gov

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September 1, 2022

NOTICE OF PROBABLE VIOLATION

Sprint Communications Company
6200 Sprint Parkway
Overland Park, KS 66251

Case No.: 22LA01484

Address/Location of Violation(s): Noble Creek Park, Beaumont, CA

Date/Time of Violation(s): January 10, 2022

Dear Sprint Communications Company:

You are receiving this Notice of Probable Violation (Notice) as a result of an investigation conducted pursuant to Government Code sections 4216 *et seq.* The California Underground Safety Board (Board) investigators have concluded an investigation of an incident on January 10 - 27, 2022, at Noble Creek Park, Beaumont, CA and found the following violation of section 4216.3(c)(1)(A) of the Government Code:

4216.3(c)(1)(A) On and after January 1, 2021, every operator shall supply an electronic positive response through the regional notification center before the legal excavation start date and time.

Sprint Communications Company did not supply an electronic positive response for ticket B220050037-00B, in violation of Government Code section 4216.3 (c)(1)(A). (Evid. 2.)

Hearing

During the Board's public meeting on November 8, 2022, at 1:00 p.m., the Board will determine whether the violation occurred and whether the penalty proposed in this Notice is appropriate. During the hearing, the Board may decide to impose a different penalty. You may contest at the violation, the proposed penalty noted in this Notice, and any new or adjusted penalty the Board may decide to impose during the meeting on November 8, 2022. Details of the Board's virtual meeting may be accessed here: [Underground Safety Board Business Meeting | Office of Energy Infrastructure Safety \(ca.gov\)](https://www.energysafety.ca.gov/underground-safety-board-business-meeting)

Proposed Penalty

The penalty recommended in this Notice, including any corrective actions, are only proposals by Board investigators and do not require any corrective action or payment at this time. The Board will provide the final determination to and instructions for any penalty after the above-referenced public meeting.

Pursuant to Government Code section 4216.6, violation of Government Code section 4216 *et seq.* by an operator or excavator may be subject to a maximum penalty of \$10,000 for negligent violation, or \$50,000 for knowing and willful violation. Knowing and willful violations of Article 2 that results in damage to a gas or hazardous liquid pipeline subsurface installation and that results in the escape of any flammable, toxic, or corrosive gas or liquid may be subject to a maximum penalty of \$100,000.

The Board investigators are recommending the following corrective action and penalty:

Mandatory completion of the Underground Safety Board's education course. Please see <https://dig.fire.ca.gov/education-course/> for more information.

The proposed penalty reflects that Sprint is eligible for corrective action in lieu of a financial penalty, as Sprint cooperated with the investigation, the violation did not result in substantial injury or environment or property damage, and Sprint does not have a history of violation as identified in Board actions.

Response to this Notice

Enclosed as part of this Notice is a document titled *RESPONSE TO A NOTICE OF PROBABLE VIOLATION*. Please carefully review this document and note the response options. All material you submit in response to this enforcement action are subject to public disclosure.

You have 30 business days from September 1, 2022 to submit your written response to the Board. Your response to this notice must be received by the Board no later than October 14, 2022.

If you do not respond within before October 14, 2022, you will waive your right to contest the Board's final determination regarding the violation and the penalty to be imposed.

Sincerely,

/s/ Jason Corsey

Jason Corsey
Chief of Investigations

Proposed hearing date: November 8, 2022