



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INVESTIGATION REPORT**

DATE: September 01, 2022
CASE No.: C221950004

Violation:

Government Code § 4216.2(b) Excavating without first notifying the Regional One Call Center.

Executive Summary:

Angelica Delgado, a realtor, asked her brother, Miguel Delgado, to perform excavation by digging post holes to install a billboard to advertise her business. Miguel Delgado is not a licensed contractor and admitted that he used a shovel to excavate to install the billboard. Neither Angelica Delgado nor Miguel Delgado notified the Regional One Call Center before excavating. No damages or injuries occurred.

After Miguel Delgado installed the sign, Kinder Morgan Line Rider, George Harrison II, excavated at the base of the billboard with a hammer-type probe without first notifying the Regional One Call Center. Kinder Morgan's Liquids Operations & Maintenance Form, provided to staff by Kinder Morgan, states, "The Line Rider probed around the base of the billboard pipe closest to Line Section 50, and determining concrete was used to support the structure, and the depth of the excavation was approximately 18-inches." The sign was removed by Miguel Delgado after Kinder Morgan contacted Angelica Delgado.

Report Date:	Case Number:	Notification Date:
September 01, 2022	C221950004	July 14, 2022

Subjects of Investigation:

Angelica Delgado
Miguel Delgado
Kinder Morgan

Reporting Party Information:

Kinder Morgan
1140 Canal Boulevard
Richmond, California 94804

Prior Relevant Board Actions:

None

Date and Time of Incident:

Before, and on July 07, 2022

Location of the Incident:

Parcel number 048-017-036

Near railroad tracks on the northeast side of Highway 33, between Pomelo Avenue and Marshall Road in Patterson, California.

Ticket:

None for either excavation

Operator:

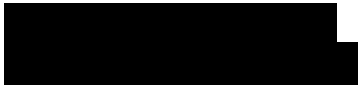
Kinder Morgan

1140 Canal Boulevard

Richmond, California 94804

Excavators:

Miguel Delgado



Kinder Morgan

1140 Canal Boulevard

Richmond, California 94804

Facility Type Damaged:

No damage

Complaint From Kinder Morgan

On July 14, 2022, the California Underground Safety Board received a complaint from Kinder Morgan. The complaint alleged that a realtor hired a contractor to install a billboard with galvanized pipes set in the ground, advertising her real estate business, within Kinder Morgan's easement near State Route 33 between Pomelo Avenue and Marshall Road, without contacting the Regional One Call Center.

On July 25, 2022, I (Daysi Alcantar) emailed Germain Suess, Member Services Specialist, USA North, Regional One Call Center, and asked him if he could help me locate a ticket. (Exh. 1.) By reply email, on July 25, 2022, Suess stated no record of a one-call ticket was found. (Exh. 2.)

Investigation by Kinder Morgan

On July 26, 2022, I emailed Brian Snead, Damage Prevention/Right of Way Specialist, Pacific Northern Region Bay Division, at Kinder Morgan, and requested Kinder Morgan's investigation report, photos, and other pertinent documents relating to the complaint. (Exh. 3.)

On July 27, 2022, Snead responded to my email sent on July 26, 2022, and provided a copy of a document titled Liquids Operations and Maintenance Form (O&M Form). (Exh. 4.) Kinder Morgan's O&M Form includes four photos taken by George Harris II, a Linder Rider, and stated that "After field marking the pipeline, the Line Rider was able to confirm one of the billboard pipes was within 34-inches of Line Section 50." (Exh. 4.)

Kinder Morgan's O&M Form includes a photograph that appears to show a measuring tape depicting distance, however, the measuring tape is not readable. On August 22, 2022, I emailed Snead requesting additional information about the incident and Kinder Morgan's investigation,

including a request for a clearer photo of the measurement. (Exh. 5.)

Regarding the photo, Snead stated that the photo in the O&M form (Exh. 4.) was “the only version Kinder Morgan has depicted the distance between Kinder Morgan pipeline markings and the closest signpost.” (Exh. 6.)

I also asked Snead who located the Kinder Morgan 12” high-pressure line and whether that person was a certified locator. (Exh. 5.) Snead replied, “The Line Rider George Harrison II, a 14-year employee of Kinder Morgan, did the locate,” and that “Kinder Morgan requires their personnel to be Operator Qualified (OQ) 104.22C01/104.22KT01 (locating) 104.23SC01/104.23KT01 (Temp. marking). CFR 195.501(a) (195.509(a) OQ/Training requirements.” (Exh. 6.) Per Snead, “The numbers above 104.22C01/104.22KT01 and 104.23SC01/104.23KT01 are Kinder Morgan’s internal OQ standards, that satisfy the Code of Federal Regulations which are the other numbers referenced above.” (Exh. 7.)

Location of the Sign



Photo 1 provided by Kinder Morgan as an attachment to the O&M Form.

The lot where the billboard was placed is not owned by Kinder Morgan, Angelica Delgado, or Miguel Delgado. Angelica Delgado stated that her husband’s family owns the lot where Miguel Delgado placed the billboard (Exh. 8.), and the lot does not have a street number or similar address. Kinder Morgan, in its complaint, indicated that the billboard was within the easement for Kinder Morgan’s pipeline. (Exh. 4.)

Excavation By Angelica Delgado and Miguel Delgado

On September 23, 2022, Chief Jason Corsey and I interviewed George Harrison, II, a line rider for Kinder Morgan. (Exh 13.) Harrison stated that he was riding his line the day of the incident when he saw something that looked abnormal and realized it was a sign. Harrison stated the sign was put up without calling a Regional Call Center to obtain an 811-dig ticket, and he proceeded to notify his supervisor (Brian Snead).

Harrison stated he called the number on the sign and spoke with a lady and asked if she had called the Regional One Call Center 811. Harrison stated that the lady told him she did not, and he

informed her she needed to take the sign down. Harrison stated that was the only interaction he had with Angelica Delgado.

On July 26, 2022, I, interviewed Angelica Delgado via phone. (Exh. 8.) She stated:

- Her husband's family owns the lot where she had the sign put up.
- She did not hire a contractor but instead asked her brother Miguel to help her and offered to pay him \$150. He was supposed to install a billboard which required digging to install two posts that hold the sign. The billboard displayed an advertisement for her business.
- Her brother Miguel used a hand shovel to dig the holes for the posts.
- About one week after Miguel installed the sign, she received a call from Kinder Morgan, who explained to her there was an easement on that property and explained the severity of what would have happened if they had dug deeper into the ground. Kinder Morgan asked her to remove the sign.
- She didn't know she had to notify the Regional One Call Center before having the work performed.

Although she stated that Miguel was to install two posts, the photo above appears to depict three posts.

On July 26, 2022, I received an email from Angelica Delgado admitting she did ask her brother to place the sign and paid him \$150. In that email, she acknowledged that she didn't know this was a problem. (Exh. 9.)

On the same day, July 26, 2022, Miguel Delgado called me, and I interviewed him in Spanish. My notes of the interview are attached to this report. (Exh. 10.)

Miguel Delgado stated:

- He excavated 1 to 2 feet deep to install a post and a sign for his sister Angelica Delgado.
- It was only two posts he used to install the sign.
- He dug the holes for the posts using a hand shovel.
- He stated he is not a licensed contractor.
- He installed the sign to help his sister Angelica.

Although he stated that he installed two posts, the photo above appears to depict three posts.

When I asked Miguel Delgado if he called the Regional One Call Center to obtain a ticket, he stated he didn't and didn't know he had to.

Excavation By Kinder Morgan

By email on August 25, 2022, I asked Snead how the line rider (George Harrison II) probed and determined cement was used to build the sign. (Exh. 5.) By response email, Snead stated, "Kinder Morgan uses a hammer-type probe also known as an Engineer tool by Mpack-o. Which was used to probe around the base of the signpost. (Photo 2). The tool has a 48-inch penetration depth, a ½" inch probe rod, and a rubber-coated handle." (Exh. 6.) The photo Snead attached to the email is included here:

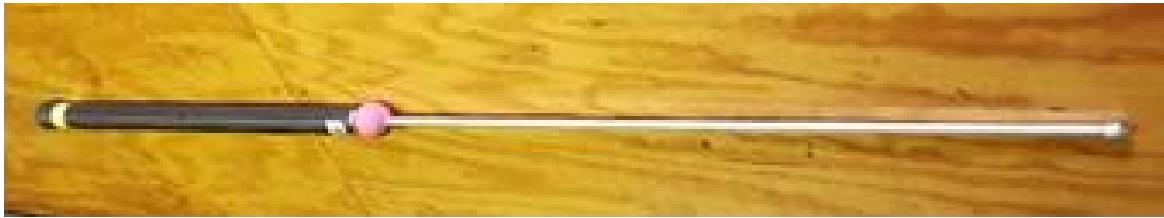


Photo 2 provided by Kinder Morgan

On September 01, 2022, I emailed Snead and asked him if the line rider had obtained a ticket from the Regional One-Call Center prior to probing. (Exh. 11.)

On September 07, 2022, Snead responded to my email of September 01, 2022, and stated that the line rider did not obtain a ticket prior to excavation. (Exh. 12.)

Findings

1. Angelica Delgado acknowledged that she paid her brother, Miguel Delgado, \$150 to install a billboard to advertise her real estate business. Angelica Delgado failed to notify the Regional One Call Center before excavating as required per Government Code § 4216.2(b).
2. Miguel Delgado admitted that in installing the sign, he excavated using a hand shovel.
3. Neither Angelica Delgado nor Miguel Delgado contacted the Regional One Call Center before Miguel Delgado performed the work.
4. Miguel Delgado does not have a contractor’s license.
5. The property where the billboard was installed is not owned by Angelica Delgado, Miguel Delgado, or Kinder Morgan.
6. Kinder Morgan line rider, George Harrison II failed to contact the Regional One Call using a probe to penetrate the ground at or near the base of the billboard.

Investigator Name	Supervisor Name
Daysi Alcantar	Brittney Branaman
Signature	Signature
<i>Daysi Alcantar</i>	<i>Brittney Branaman</i>

Witness List

Name: Brian Snead, Damage Prevention, Right of Way Specialist Pacific Northern Region Bay Division
Organization: Kinder Morgan
Address: 1140 Canal Boulevard, Richmond, California 94804
Knowledge of: Incident that occurred on 7/07/2022

Name: George Harrison, II, Line rider
Organization: Kinder Morgan
Address: 1140 Canal Boulevard, Richmond, California 94804
Knowledge of: Incident that occurred on 7/07/2022

Name: Angelica Delgado
Organization: Century 21 Realtor
Address: [REDACTED]
Knowledge of: Incident that occurred on 7/07/2022

Name: Miguel Delgado – Spanish speaker
Organization: None (Angelica Delgado’s Brother)
Address: [REDACTED]
Knowledge of: Incident that occurred on 7/07/2022

Exhibit List:

Exhibit No.	Description	Date Received	Received From
1	Investigator requested USA North 811 Ticket via email	Sent request 7/25/2022	
2	Ticket request Response	7/25/2022	USA North 811
3	Investigator sent Email to Brian Snead of Kinder Morgan	Sent request 7/26/2022	
4	Email response from Brian Snead	7/27/2022	Brian Snead
5	Follow-up email to Brian Snead	Sent request 8/22/22	
6	Email Response from Brian Snead	8/25/2022	Brian Snead
7	Email Response from Brian Snead	9/16/2022	Brian Snead
8	Interview with Angelica Delgado	Interviewed on 7/26/22	
9	Email from Angelica Delgado	7/26/2022	Angelica Delgado
10	Interview with Miguel Delgado	Interviewed on 7/26/2022	
11	Follow-up email with Brian Snead	Sent request 9/01/2022	
12	Response email from Brian Snead	9/07/2022	Brian Snead
13	Investigator Interview with George Harrison of Kinder Morgan	Interviewed on 9/23/2022	

Exhibit 1

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar,Daysi@EnergySafety)
To: [Germain Sues](#)
Subject: RE: Ticket Request
Date: Monday, July 25, 2022 9:02:00 AM
Attachments: [No ticket.PNG](#)
[image002.png](#)

Good morning Germain,

Can you please help me locate a possible ticket? Not sure if there was one obtained, but here's the info below.



Thank you,

Daysi Alcantar, Supervising Investigator
State of California
Office of Energy Infrastructure Safety
715 P. Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 336-1769
daysi.alcantar@energysafety.ca.gov
www.EnergySafety.ca.gov

Ticket Number	---
Notification Created	* 7/14/2022 8:07 PM
Notification type	* complaint
Notification Number	* C221950004
Address1	---
Expires	---
One Year	---
Location	---
Map URL	---
State	CA
City	---
Vacuum	---

County

 **Stanislaus**


Incident/Complaint Description	LOCAL REALTOR HAD A CONTRACTOR INSTALL A 12'X6' B...
Incident Date	* 7/7/2022 5:40 PM
Incident State	CA
Incident County	*  Stanislaus
Incident Place	Patterson
Incident St from Address	1
Incident St to Address	1
Incident Street	HWY 33
Incident Cross1	Pomelo Ave
Type of complaint	Excavating without 811 ticket

Exhibit 2

From: [Germain_Suess](#)
To: Alcantar_Daysi@EnergySafety
Subject: RE: Ticket Request
Date: Monday, July 25, 2022 11:40:43 AM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)
[image003.png](#)

Hello Daysi,

I also searched for a ticket in ticket search but was not able to find a ticket created in that date range. If the excavator was provided a ticket over the phone by calling 811, there would be a record of it – do you know if they claim that the ticket was created online or over the phone?

FYI – you can create a ticket in 2 ways online by visiting usnorth811.org. Either using **811 Express** or our **E-Ticket Program**. Both will give you a ticket number instantly and requires a valid email so that an email notification can be sent after the ticket is created. The links to those programs are found below on our website or excavators can type 811express.com into their browser for single address tickets.

I hope this helps! Otherwise, we can try searching for the phone records if the excavator made the ticket over the phone.

The image shows a screenshot of a website interface with a dark blue background and a pattern of small icons. It features three main columns, each with a circular icon at the top and a 'QUICK LINKS' section below. The columns are:

- DIYer:** Icon of a house. Text: "If you're a homeowner, DIYer, or weekend warrior, use the links below to ensure you stay safe during your next project!". Quick links: "Where Do I Begin?", "Get A Ticket", "Utility Marking Code", "FAQ".
- Contractor:** Icon of crossed tools. Text: "If you're a contractor or professional excavator, use the links below to ensure you and your crew stay safe on the jobsite!". Quick links: "Get A Ticket", "Law & Excavation Manual", "What is Electronic Positive Response", "FAQ".
- Utility Operator:** Icon of a utility worker. Text: "If you are a Utility Member of USA North 811, use the services below to update your member information, login to your WebTMS account, or submit an E-Ticket!". Quick links: "Become a Utility Member", "Utility Member Services", "What is Electronic Positive Response", "FAQ".

Exhibit 3

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar_Daysi@EnergySafety)
To: sneadb@kindermorgan.com
Subject: No ticket - Patterson - Stanislaus County
Date: Tuesday, July 26, 2022 9:23:00 AM
Attachments: [image001.png](#)

Good morning Brian,

I am contacting you regarding the incident in Patterson on 07/07/22, on HWY 33 in Patterson - Stanislaus County.

It looks like you (Kinder Morgan) conducted an internal investigation and would like to request a copy of the report, photos, and all associated documents.

Please email me or, if you need to speak with me, please feel free to call me.



Thank you,

Daysi Alcantar, Supervising Investigator
State of California
Office of Energy Infrastructure Safety
715 P. Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 336-1769
daysi.alcantar@energysafety.ca.gov
www.EnergySafety.ca.gov

Exhibit 4

From: [Snead, Brian](#)
To: [Alcantar, Daysi@EnergySafety](mailto:Alcantar_Daysi@EnergySafety)
Subject: RE: No ticket - Patterson - Stanislaus County
Date: Wednesday, July 27, 2022 3:05:39 PM
Attachments: [image002.jpg](#)
[image003.png](#)
[200-37 LS 50 PLMP 72.47 07-07-22.docx](#)
[Dig Safe Board Complaint No.C221950004 CRM0036466.msg](#)

Daysi,

Good afternoon Kinder Morgan is pleased to know that a representative from the Office of State Energy Safety is following up on the violation complaint submitted July 14, 2022 and will supply all information requested related to your investigation. Though as mentioned during our brief discussion yesterday, Kinder Morgan is a bit surprised to have been contacted because of an email (attached) received Monday July 25, 2022 indicating our complaint would not be investigated due to limited resources.

That being said, attached is the information Kinder Morgan gathered associated with the unauthorized excavation within our pipeline easement discovered Friday July 07, 2022 along State Hwy 33 in unincorporated/agricultural area of Patterson, CA. Kinder Morgan hopes the documentation provided is sufficient and you are able to use it to support your investigation.

Kinder Morgan would also like to provide you with an update not included in the original report. The realtor involved never revealed who conducted the work on their behalf and has since removed their sign from within Kinder Morgan's easement. The sign removal was confirmed by Kinder Morgan personnel when an unrelated site visit was conducted Friday July 15, 2022. The date of the sign removal is unknown because despite multiple conversations between Kinder Morgan representatives and the relator, Kinder Morgan was not consulted or present when the sign removal occurred as requested during multiple phone conversations during our internal investigation.

Thank you again for following up on Kinder Morgan's violation complaint and if anything else is needed please do not hesitate to contact me again.

Respectfully

Brian Snead

Damage Prevention/Right of Way Specialist PNR Bay Division
Cell 


sneadb@kindermorgan.com



LIQUIDS O&M FORM

No.: L_OM200-37
Title: Unauthorized Right-of-Way Encroachment Package
Created: 03-09-2022

1. GENERAL INFORMATION:

Date Incident Discovered:	07-07-22
Approximate Discovery Time:	09:45
Date work performed, if known:	07-05-22
How Discovered:	Patrolling
Incident Description:	The Concord based Line Rider discovered a new installed realtor sign installed 34 inches west of LS 50 while patrolling and the Line Rider was not aware of any active One Call (USA) tickets for the area.

2. KM PIPELINE INFORMATION:

Date of Previous Aerial Patrol:	07-06-22
Visible During Aerial Patrol (Y/N):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Line Section/Pipeline Name:	90-50-60 CC to FR
ROW Section:	50-36-01
Easement Type (Fee/Permit/Other)	<input type="checkbox"/> Fee <input type="checkbox"/> Permit <input checked="" type="checkbox"/> Other
If Other, explain:	Perpetual nonexclusive
High Consequence Area (Y/N):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Pipeline Depth(s):	5 foot – determined electronically
Station #:	2466+43 E.S.
PLMP#:	46.71 ES – 72.57 CS

3. PROPERTY OWNER INFORMATION:

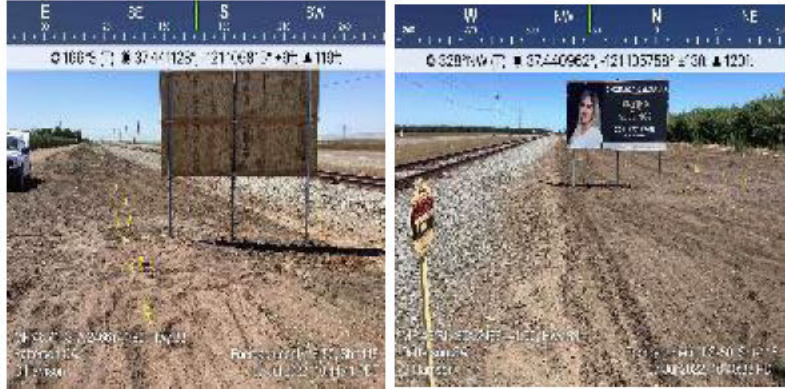




Property Owner:	SPT CO
Incident Street Address:	Northeast side of HWY 33/ RR tracks
County:	Stanislaus
City:	Patterson
State:	CA
Nearest Cross Road:	Between Pomelo Ave and Marshall Rd.
Latitude:	37.441050
Longitude:	-121.105810

4. CONTRACTOR INFORMATION:

Contractor/Utility:	Century 21 Real Estate
Contractor Owner/Manager:	Angelica Delgado (Agent)
Contractor Address:	11 Plaza Suite A – Patterson, CA 95363
Contractor Phone#:	209-277-6745 – 209-892-6111
One Call Ticket Number:	N/A
Equipment Involved:	Unknown

5. OTHER INCIDENT / INVESTIGATION INFORMATION:

Load Stress Calculation Required? (Y/N)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Load Stress Calculation (if applicable):	N/A
Did Encroachment Cross Line (Y/N):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IMPACT ID:	83451
State Reporting Required. (Y/N):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
State Reporting Documentation (if applicable):	<i>Attach file(s) here</i>
Photographs:	

	
<p>Findings:</p>	<p>Local realtor had a contractor install a 12'X6' billboard using plywood, 2X4's and 3- 1.1/2" galvanized pipes to advertise their services on UPRR property within KM's easement and was done without contacting the State One Call (USA North811) to have a One Call (USA) ticket issued for the work. After field marking the pipeline, the Line Rider was able to confirm one of the billboard pipes was within 34-inches of LS 50. After documenting the discovery, then notifying KM management the realtor was contacted to discuss the details associated with the billboard installation and the realtor is currently unwilling to provide any contractor details. The Line Rider probed around the base of the billboard pipe closest to LS 50 and determined concrete was used to support the structure and the depth of the excavation was approximately 18-inches.</p>
<p>Corrective Actions:</p>	<p>The sign was removed from KM's easement by the realtor.</p>
<p>L-O&M 200-32:</p>	<p> 200-32 Delgado 07-11-22.pdf</p>
<p>L-O&M 200-71:</p>	<p>Face to face did not occur</p>
<p>L-O&M 200-72/Aerial Patrol (if applicable):</p>	<p> ROW_George S. Harrison IL_07072022.i</p>
<p>L-O&M 200-02/200-04 (if applicable):</p>	<p>N/A</p>
<p>Dirt Report:</p>	<p> DIRT 17775.pdf</p>
<p>Warning Letter:</p>	<p> D Warning 07-11-22.pdf</p>
<p>Submitter Name:</p>	<p>Brian Snead – ROW Specialist</p>
<p>Approver Name:</p>	<p>Todd Wagner – Operations Manager</p>



LIQUIDS O&M FORM

No.: L_OM200-37
Title: Unauthorized Right-of-Way Encroachment
Package
Created: 03-09-2022

Exhibit 5

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar,Daysi@EnergySafety)
To: Shead, Brian
Subject: Century 21 Stanislaus Case
Date: Monday, August 22, 2022 11:00:00 AM
Attachments: [image001.png](#)

Good morning Brian,

Thank you for taking my call this morning. Per our conversation, below are a few additional questions that need to be clarified.

As always, thank you for your help.

1. Clearer photo of the measurement
2. How did the line rider probe and determined cement was used?
3. Who located and marked the line? Is he a certified locator? His name, who he works for, and length of employment. What tools did he use?
4. Who directed the Realtor to remove the sign?
5. Who probed, and what tools were used? His name, who he works for, and length of employment.
6. Is there an additional report of this incident submitted?



Thank you,



Daysi Alcantar, Supervising Investigator
State of California
Office of Energy Infrastructure Safety
715 P. Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 336-1769
daysi.alcantar@energysafety.ca.gov
www.EnergySafety.ca.gov

Exhibit 6

RE: Century 21 Stanislaus Case

 Snead, Brian <SneadB@kindermorgan.com>
To Alcantar, Daysi@EnergySafety

You forwarded this message on 9/1/2022 2:26 PM.

  Reply  Reply All  Forward 

Thu 8/25/2022 6:44 AM

Good morning Daysi,

My apologies for the delay, here are the answers to the additional questions:

1. Clearer photo of the measurement = **The previously provided photo is the only version Kinder Morgan has depicting the distance between Kinder Morgan pipeline markings and the closest sign post.**
2. How did the line rider probe and determined cement was used? = **Kinder Morgan uses a hammer type probe (photo attached), also known as an Engineer tool by Mpaact-o. Which was used to probe around the base of the sign post.**



48" Penetration Depth x 1/2" Probe Rod w/Rubber Coated Handle

3. Who located and marked the line? = **Kinder Morgan Line Rider**
 - a. Is he a certified locator? = **Kinder Morgan requires their personnel to be Operator Qualified (OQ) 104.22C01/104.22KT01(locating) 104.23SC01/104.23KT01 (Temp. marking) CFR 195.501(a) (195.509(a) OQ/Training requirements)**
 - b. His name = **George Harrison II**
 - c. who he works for = **is a full time Kinder Morgan employee**
 - d. length of employment = **14 years 4 months 11 days**
 - e. What tools did he use? = **Radio Detection RD8200 Cable and Pipe Locator**



4. Who directed the Realtor to remove the sign? = **The Line Rider who discovered the unauthorized excavation originally on the day the sign was discovered and Kinder Morgan ROW Specialist Brian Snead during a follow up conversation 07/11/22 09:39**
5. Who probed, = **The Line Rider who discovered the unauthorized excavation.**
 - a. what tools were used? = **Hammer probe (see type above)**
 - b. His name = **George Harrison II**
 - c. who he works for = **Fulltime Kinder Morgan employee**
 - d. length of employment = **14 years 4 months 11 days**
6. Is there an additional report of this incident submitted? **The previously supplied "Unauthorized Encroachment Package" contains all Kinder Morgan documentation.**

Thank you for all you.

Brian Snead

Exhibit 7

From: [Snead, Brian](#)
To: Alcantar, Daysi@EnergySafety
Subject: RE: Acronyms
Date: Friday, September 16, 2022 1:59:32 PM
Attachments: [image003.png](#)

Daysi

The acronyms are,

Liquid **O & M** Form – **Kinder Morgan operates Liquids and Gas pipelines which both have manuals for everything we do and I work for the Liquids side of the company. Both business units have their own manuals and on both sides O&M stands for Operations & Maintenance.**

LS 50 line = is short of Line Section and is associated with how we identify our pipelines.

What does this mean?

**Kinder Morgan requires their personnel to be Operator Qualified (OQ)
104.22C01/104.22KT01 (locating) 104.23SC01/104.23KT01 (Temp. marking). CFR
195.501(a) (195.509(a) OQ/Training requirements.**

Kinder Morgan is regulated by the federal government and The Code of Federal Regulations (CFR) sets the standards Kinder Morgan (actually all pipelines) has to meet in order to operate and maintain their pipelines.

As part of those regulations, Kinder Morgan employees involved in performing tasks associated with operating and maintaining the pipelines are required to be Operator Qualified (OQ) for those tasks deemed to fall under the CFR requirements.

The numbers above 104.22C01/104.22KT01 and 104.23SC01/104.23KT01 are Kinder Morgan's internal OQ standards, that satisfy the Code of Federal Regulations which are the other numbers referenced above.

I hope that my answers your questions, or your supervisors questions sufficiently.

Respectfully

Brian Snead

**Damage Prevention/Right of Way Specialist PNR Bay Division
Cell**

sneadb@kindermorgan.com



From: Alcantar, Daysi@EnergySafety <Daysi.Alcantar@energysafety.ca.gov>
Sent: Friday, September 16, 2022 12:51 PM
To: Snead, Brian <SneadB@kindermorgan.com>
Subject: Acronyms

[This email message was received from the Internet and came from outside of Kinder Morgan.]

WARNING: EXTERNAL EMAIL: PROCEED WITH CAUTION.

Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon Brian,

Can you please clarify a few acronyms?

Liquid O & M Form

LS 50 line

What does this mean?

Kinder Morgan requires their personnel to be Operator Qualified (OQ)
104.22C01/104.22KT01(locating) 104.23SC01/104.23KT01 (Temp. marking). CFR
195.501(a) (195.509(a) OQ/Training requirements.

Thank you,

Daysi Alcantar, Supervising Investigator
State of California
Office of Energy Infrastructure Safety
715 P. Street, 20th Floor
Sacramento, CA 95814



Mobile: (279) 336-1769
dysi.alcantar@energysafety.ca.gov
www.EnergySafety.ca.gov

Exhibit 8

REPORT DATE:

CASE NO:

DATE/TIME OF INTERVIEW: 07/26/22

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Angelica Delgado

NARRATIVE:

On 07/26/22, I, Daysi Alcantar (DA), called Angelica Delgado (AD) via phone and spoke with her in English and Spanish regarding the incident on 07/07/22. Angela indicated her husband's family owns the lot located at Hwy 33 and Locust Ave.; Access Point Name (APN) Parcel# 048017036); there is no numerical address; that's why she provided me with a parcel number.

I asked Delgado follow-up questions about the day of the incident

DA – Did you hire a licensed contractor to do the excavation work?

AD – No, I did not hire a licensed contractor, but I asked my brother Miguel Delgado to help me. My brother just came from Mexico, and I asked him to help me and I offered to pay him \$150 to perform the excavation.

DA – What was he supposed to install?

AD – I am a Century 21 Realtor, and I asked my brother to install a Century 21 billboard (sign), which consisted of digging to install two posts that hold the sign. I was advertising for myself as a realtor and not selling a property. I did not know the law and didn't think it would be an issue because the lot belonged to my husband's family.

DA – What tools did Miguel use to excavate?

AD – Miguel brought a hand shovel he used to dig with him. We both didn't know we had to call the Regional One Call Center before commencing excavation.

Delgado also stated that she received a call from Kinder Morgan, who explained to her there was an easement on that property and explained the severity of what would have happened if they had dug up more profound into the ground. Kinder Morgan asked her to remove the sign, which had been posted for approximately one week.

Angelica stated that her sister-in-law Brenda Araiza is the owner of the empty lot. Brenda's information is as follows, her phone number is (209) 648-5534, and her address is 574 Inaudi Dr, Patterson, CA.

Angelica's home address is

[REDACTED]. Delgado stated she would ask Miguel to call me since he has a Mexican area code phone number.

Exhibit 9

From: [Angelica Delgado](#)
To: [Alcantar, Daysi@EnergySafety](mailto:Alcantar,Daysi@EnergySafety)
Subject: Letter from Angelica Delgado
Date: Tuesday, July 26, 2022 10:25:45 AM

[You don't often get email from angelicadelgado3443@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Ms Daysi,

In the begging of the month of July I asked my brother Miguel Delgado to place a sign next to the highway 33 and I paid him \$150 for the work. Miguel doesn't have a contractors license. My husband's family owns the lot on Locust St, the lot next to 33 and thought I could do this without a problem.

Now I understand what I done and I hope you accept my sincere apology for missing and misunderstanding the guideline required for a job like this.

Sincerely,
Angelica Delgado

Sent from my iPhone

Exhibit 10

REPORT DATE:

CASE NO:

DATE/TIME OF INTERVIEW: 07/26/22

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Miguel Delgado

NARRATIVE:

On 07/26/22, Daysi Alcantar (DA) interviewed Miguel Delgado (MD) via phone in Spanish (because he doesn't speak English) regarding the incident that occurred on 07/07/22. The location of where the incident occurred is a lot on Hwy 33 and Locust Ave., which belongs to his sister's husband's family.

I asked Delgado background questions about the day of the incident.

DA – Approximately how long did you excavate?

MD – I excavated 1 to 2 Ft deep to install a post and a sign for his sister Angelica, a Century 21 Real Estate Agent. Delgado stated it was only two posts he installed and nothing else. Delgado stated it's his sister's husband's family property and didn't think it would be an issue as they own the land.

DA – What tool did you use to excavate?

MD – I excavated manually using a hand shovel

DA - Are you a licensed contractor?

MD – No, I am not a licensed contractor, which is not his regular job. I was helping out my sister Angelica.

DA- Did you know you had to call the Regional One Call Center before doing any excavation?

MD – I didn't know I had to call the Regional One Call Center or obtain permission. I don't think my sister knew either; she would have never asked him to do the work or put him in that situation.

Delgado stated he did it as a favor to his sister as he just came from Mexico. During the phone interview, I noticed he called me from a Mexican area code phone number + [REDACTED].

Exhibit 11

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar,Daysi@EnergySafety)
To: [Snead, Brian](mailto:Snead,Brian)
Subject: RE: Century 21 Stanislaus Case
Date: Thursday, September 1, 2022 2:23:00 PM

Good afternoon Brian,

I hope this email finds you well. Thank you for the answer to the additional questions.
I have one more question for you, Did the line ride obtain a one-call ticket prior to probing?



Thank you,

Daysi Alcantar, Supervising Investigator

State of California
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 336-1769
daysi.alcantar@energysafety.ca.gov

www.EnergySafety.ca.gov

Exhibit 12

From: [Snead, Brian](#)
To: [Alcantar, Daysi@EnergySafety](mailto:Alcantar_Daysi@EnergySafety)
Subject: RE: Century 21 Stanislaus Case
Date: Wednesday, September 7, 2022 11:29:30 AM
Attachments: [image002.jpg](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)

Daysi,

I appreciate you following up with a phone call and educating me on how the process now works. In response to your question regarding the KM Line Rider obtaining a One Call ticket for the probing around the base of the realtor sign, the answer would be “no”, he did not. In hind sight he probably should have as the activity can be interpreted as meeting the CGC definition for excavation.

Once again I appreciate all the effort you have put into this event and I will continue to provide all that I can in support of your efforts.

Respectfully

Brian Snead

**Damage Prevention/Right of Way Specialist PNR Bay Division
Cell**

sneadb@kindermorgan.com

thNK7XM1AF



[This email message was received from the Internet and came from outside of Kinder Morgan.]

WARNING: EXTERNAL EMAIL; PROCEED WITH CAUTION.

Do not respond, click on links or open attachments unless you recognize the sender or

Exhibit 13

REPORT DATE:

CASE NO:

DATE/TIME OF INTERVIEW: 09/23/22, 1:30pm

LOCATION OF INTERVIEW: Teams

NAME/ADDRESS OF INTERVIEWEE:

George Harrison, II Line rider at Kinder Rider

NARRATIVE:

Q: In your own words, please tell us what happened the day of the incident on 07/07/22 on HWY 33 in Patterson, CA.

We ride our line to see if there is something unnormal. I saw a sign that looked new to me, and I stopped. I called my supervisor, Brian Snead. The sign was put-up without calling an 811-dig ticket. Encroachment = an unfamiliar sign. Locate my pipeline. He will measure it after he locates it. It was daytime when he spotted the sign.

Q: Did you come across anyone on that day?

No, not on that day, but he called the number on the sign and spoke with a lady and asked her if she had called the 811, and she said she did not. I told her the sign should have never been put up.

Q: How did you know the sign was taken down?

I rode up the area and saw the sign was taken down.

Q: What is the process of probing?

I started probing the first day I saw the sign to see how in-depth and profound their line was, and at one point, he hit the cement. It's the same process whether they have a ticket or not.

Q: Did you call in for a ticket before probing?

No ticket was called in before probing; that is the normal process. I don't remember how deep it was. That is the normal process without calling or calling a ticket, either way.

Q: What was your interaction with Angelica Delgado, Realtor/Century 21?

Their only interaction was via phone the first time I saw the sign, and he proceeded to call her. Everything is done electronically via ETS (Electronic Test Station)

Also on Teams interview was Todd Wagner, Manager of Operations for the Pacific Northern Region Bay Division, but he muted himself and didn't say a word.