

**California Underground Facilities Safe Excavation Board**

In the Matter of  
Phoenix Electric Company,  
Respondent

Case No. D222980003

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

On July 10, 2023, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. D222980003. On May 09, 2023, Board investigative staff issued a Notice of Probable Violation to Phoenix Electric Company (Respondent).

Board members Bianchini, Charland, Del Toro, Johns, Johnson, Muñoz, and Voss participated in the decision.

**FINDINGS**

Having considered the investigation report, the Board finds that a violation of Government Code (Gov. Code) section 4216.4, subdivision (c)(3) occurred.

**VIOLATION SUMMARY**

**Respondent failed to report damage to the regional notification center within 48 hours upon discovery of damage.**

The Dig Safe Act, Gov. Code section 4216.4, subdivision(c)(3) requires an excavator to notify the regional notification center within 48 hours of discovering or causing damage to a subsurface installation. Respondent failed to notify the regional one-call center within 48 hours of causing damage to a subsurface installation.

**JURISDICTION**

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the Contractors State License Board (CSLB). The CSLB may accept, amend, or reject this Board’s recommendation.

**SANCTIONS**

**The Board recommends that Respondent be ordered take the Board's education course.**

The following factors were considered relevant to this sanction determination:

- Respondent did not notify the regional notification center within 48 hours of discovering or causing damage to a subsurface installation.
- Respondent does not have a history of similar violations before the Board.

/s/ Amparo Muñoz  
Amparo Muñoz, Chair

Date: 08/04/2023