

California Underground Facilities Safe Excavation Board

In the Matter of
Los Angeles Department of Water and
Power,
Respondent

Case No. C223470004

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On January 08, 2024, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. C223470004. Board investigative staff issued six separate Notices of Probable Violation (NOPVs) to Los Angeles Department of Water and Power, member code LAP03, (Respondent), each dated November 09, 2023, and each alleging a violation of Government Code (Gov. Code) section 4216.3, subsection (c)(1)(A). Respondent did not submit a response to any of the NOPVs. This decision, No. 2024_01_C223470004-0254, is for ticket No. A223320254.

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

FINDINGS

Having considered the investigation report, the Board finds that a violation of Gov. Code section 4216.3, subsection (c)(1)(A) occurred.

VIOLATION SUMMARY

Respondent failed to provide an electronic positive response.

Government Code section 4216.3, subsection (c)(1)(A) requires operators to provide an electronic positive response (EPR) through the regional notification center before the legal excavation start date and time. Respondent did not send an EPR through the regional notification center before the legal start date and time.

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 Los Angeles Board of Water and Power Commissioners which may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the LOS ANGELES BOARD OF WATER AND POWER COMMISSIONERS order Respondent to take the Board's education course.

The following factors were considered relevant to this sanction determination:

- Respondent did not send an electronic positive response before the legal start date and time.

/s/ Amparo Muñoz
Amparo Muñoz, Chair

Date: 01/29/2024