



**CALIFORNIA UNDERGROUND SAFETY BOARD INVESTIGATION
DIVISION
INVESTIGATION REPORT**

DATE: September 25, 2023

CASE No.: D223430002

Violations:

Comcast – Northern California (member code COMNCA)

Government Code § 4216.3(a)(1)(A): Failure to locate and field mark subsurface installations.

Government Code § 4216.3(b): Failure to remark subsurface installations prior to the legal excavation start date and time.

Cal. Code Regs., title 19, § 4151(c): Refusal to cooperate with the investigation.

AT&T (member code PACBEL)

Government Code § 4216.3(b): Failure to remark subsurface installations prior to the legal excavation start date and time.

Cal. Code Regs., title 19, § 4151(c): Refusal to cooperate with the investigation.

City and County of San Francisco Water Department (member code CTYSF2)

Government Code § 4216.3(c)(1)(A): Failure to provide electronic positive response.

City and County of San Francisco Department of Technology (member code SFOTEC)

Government Code § 4216.3(c)(1)(A): Failure to provide electronic positive response.

San Francisco Municipal Transportation Agency Muni Overhead Lines Department (member code MUNUTL)

Government Code § 4216.3(c)(1)(A): Failure to provide electronic positive response to ticket number X225902277-00X on September 20, 2022.

Government Code § 4216.3(c)(1)(A): Failure to provide electronic positive response to ticket number X225902277-06X on December 15, 2022.

Executive Summary:

This report documents findings arising from work related to installation of a water main under Diamond Street in San Francisco. The work area was approximately 640 feet long and extended between the intersections of Diamond Street with 29th Street (to the north) and Diamond Heights Boulevard (to the south.)

All information indicates that the excavator, M Squared Construction, delineated the work area and contacted USA North before beginning work. After USA North created M Squared's

initial ticket, Comcast and AT&T received locate requests from USA North and field marked the area.

M Squared renewed the ticket three times, and while the third renewal ticket was valid, M Squared damaged an unmarked Comcast line while trenching in Diamond Street.

Comcast retained a contractor to investigate the cause of the incident and provided the report of that investigation to the Board. Comcast concluded that UtiliQuest (acting for Comcast) should have field marked the location of the line and caused the damage by not marking the line.

Several months after providing that report to the Board, Comcast changed its position and gave the Board a second report of a second investigation into the incident. UtiliQuest performed that second investigation and wrote the second report for Comcast. That report concluded that M Squared damaged the line while digging outside of the delineated work area.

Comcast never acknowledged the change or explained why it adopted a report that asserted factual claims which contradicted its initial findings.

After Comcast repaired the damaged line, M Squared requested new field marks through USA North. In responding to the locate requests at that time, both Comcast and AT&T refused to field mark based on claims that the manner of delineation was incorrect.

After receiving those refusals, M Squared notified USA North, which created a ticket in response to the notification.

During this investigation, both Comcast and AT&T refused to provide information to the investigator and refused to make witnesses available to be interviewed by the investigator.

Further, regarding the ticket that USA North created to document the refusals to field mark, Comcast represented to the Board that the ticket was created because of a problem with USA North's Pelican software, not because of Comcast's refusal to field mark.

Electronic Positive Responses

Three City and County of San Francisco departments were operators on tickets and did not provide electronic positive responses.

Reporting Party Information:

M Squared Construction
1278 20th Avenue
San Francisco, California 94122

Date and Time of Incident:

December 9, 2022, at approximately 10:00 a.m.

Location of the Incident:

1990 Diamond Street San Francisco, California 94131

Excavator:

M Squared Construction
1278 20th Avenue
San Francisco, California 94122

Facility Type Damaged:

Two telecommunications cables in a two-inch plastic conduit

Notification of Incident

On December 9, 2022, at 10:23 a.m., the Underground Safety Board received notification of a damage incident reported by M Squared Construction. (Exh. 1.)

The case was assigned to Investigator Jeff McClenahan (Investigator).

Project Background

The violations documented in this report arise from work that M Squared Construction performed to install a water main for the City and County of San Francisco. The work area was approximately 640 feet long, extending along Diamond Street between the intersections of Diamond Street with 29th Street and with Diamond Heights Boulevard.

Mike McCarthy, of M Squared Construction, described the work area and delineations as follows: “The plans for this watermain install project ... are schematic, meaning the alignment show on the plans is undetermined and is to be determined onsite based on existing utility conditions. For this case, we have chosen to delineate the edges of our proposed work area, which covers the half of the intersection that the main could possibly go.” (Exh. 13.)

M Squared Contacted USA North and Renewed the Ticket Three Times

M Squared first contacted the regional notification center about the work on September 16, 2022. The regional notification center created a ticket numbered X225902277-00X, (Exh. 2), which M Squared renewed three times:

October 12	(Exh. 3)
November 7	(Exh. 4)
December 2	(Exh. 5)

Delineation of the Work Area

The first ticket (no. X225902277-00X, created on Sept. 16, 2022) (Exh. 2), and each renewal of that ticket (Exhs. 3, 4, 5), described the work area as follows:

Excavation Area
State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Photo 1: Excerpt by the investigator of the description of the excavation area location provided by Mike McCarthy on New Ticket X225902277-00X. (Exh. 2.)

The ticket indicates that the delineation method was “white paint.” (Exh. 2.) As noted above Mike McCarthy of M Squared explained to UtiliQuest that M Squared had delineated the edges of the proposed work area. (Exh. 13.) Those statements are consistent with the statement that McCarthy made to the investigator during an interview. (Exh. 14.) Further, in an email to the investigator, McCarthy stated that “There were marks all the way from Beacon St to Diamond Heights Blvd, and yes the other utilities (PG&E Gas and Electric and SF Water Department I can remember specifically) marked the entire ticket, as delineated, to Diamond Heights Blvd.” (Exh. 15.)

Although M Squared did not document all the delineation marks with photographs, M Squared provided five photographs of delineation marks which it took in June of 2023. 32 – 36. (Exh. 24.) June of 2023 was when Comcast gave its investigation report to the Board which asserted that, “Excavator failed to delineate the area where the damage occurred.” (Exh. 22.)

Additionally, AT&T provided photographs taken in December of 2022 that depicted delineation marks associated with ticket no. 2022121600401 (requesting remarks). (Exh. 16.)

Overhead Views of the Work Area

The following three overhead views depict the work area. The first photograph was created by USA North as part of ticket number 2022121600401-000. (Exh. 11.) The second image was taken from Google Maps by the investigator. (Exh. 9.) The third image was created by UtiliQuest to indicate the work area and the location of AT&T subsurface installations. (Exhs. 18, 23.) UtiliQuest field marked the area for both Comcast and AT&T. (Exhs. 7, 8.)



Photo 1: Overhead view of the work area, area created by USA North 811 as part of ticket number 2022121600401-000 created on December 16, 2023. (Exh. 11.)

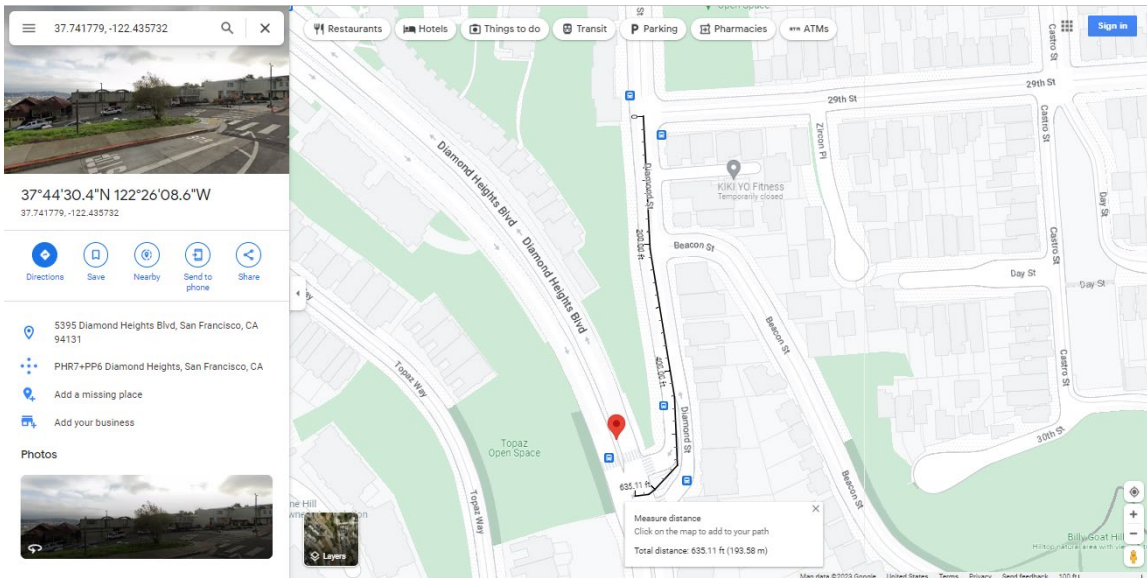


Photo 2: Google Maps search by the investigator of the coordinates 37.741779, -122.435732 included in New Ticket X225902277-00X "Excavator Provided Polygon" section. The investigator placed an approximately 640-foot measure from the 29th Street and Diamond Street intersection to the Diamond Heights Boulevard intersection using Google Maps. (Exh. 9.)

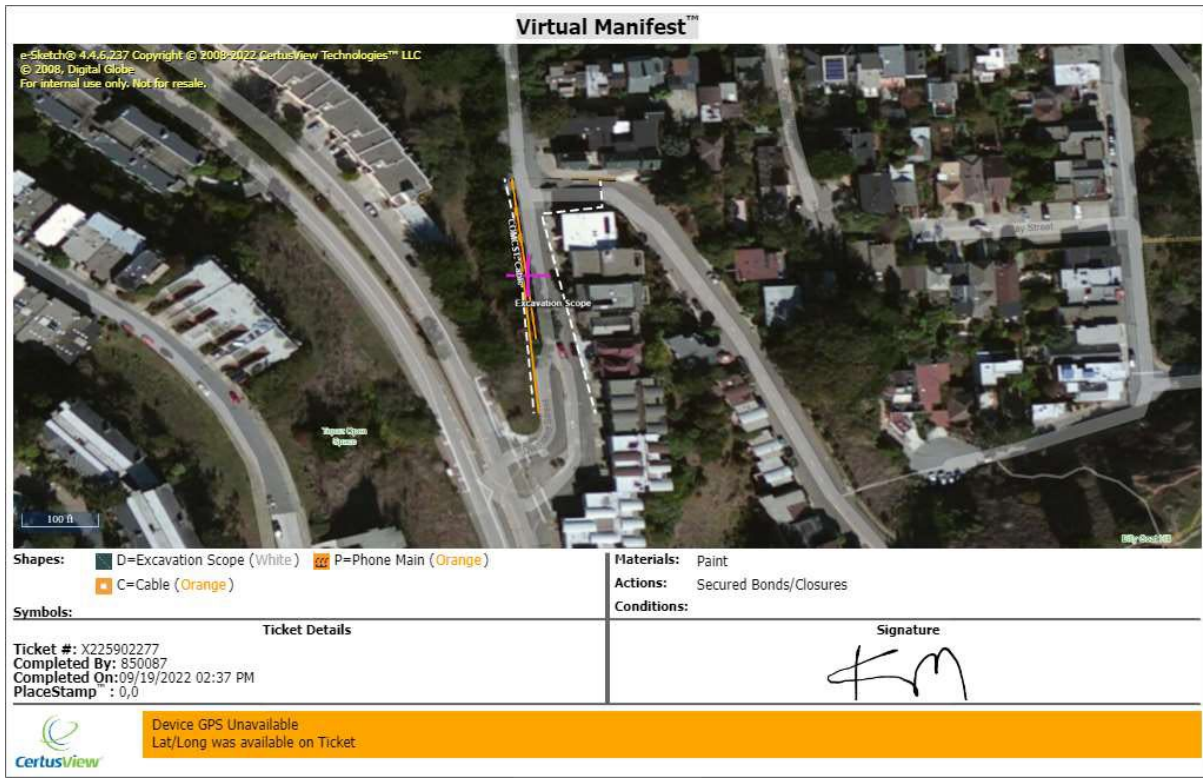


Photo 3: Overhead view of the work area created by UtiliQuest and titled “Virtual Manifest. AT&T provided this document to the investigator. (Exhs. 18, 23.)

Both Comcast and AT&T Contracted with UtiliQuest to Field Mark the Work Area in Response to the Tickets Created for M Squared

UtiliQuest Confirmed That It Acted for Comcast

Comcast contracted with UtiliQuest to fulfill its responsibilities to respond to the locate requests relating to M Squared’s work. In a March 28, 2023, email to UtiliQuest, the investigator asked UtiliQuest to confirm that it was acting as Comcast’s contractor: “I understand that UtiliQuest is contracted with Comcast to fulfill Comcast’s responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.” (Exh. 7.)

UtiliQuest’s Joseph Anton confirmed that UtiliQuest was acting for Comcast and refused to provide any information to the investigator:

All documentation pertaining to your request can be obtained through Comcast directly. ...Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T. Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee

interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic. (Exh. 7.)

UtiliQuest Confirmed That It Acted for AT&T

AT&T contracted with UtiliQuest to fulfill its responsibilities to respond to the locate requests relating to M Squared's work. In a March 28, 2023, email to UtiliQuest, the investigator asked UtiliQuest to confirm that it was acting as AT&T's contractor: I understand that UtiliQuest is contracted with AT&T to fulfill AT&T's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately." (Exh. 8.)

UtiliQuest's Joseph Anton confirmed that UtiliQuest was acting for AT&T and refused to provide any information to the investigator:

All documentation pertaining to your request can be obtained through AT&T directly. ...Utiliquest is a separate entity working under contract. Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic. (Exh. 8.)

Comcast Responded to the First Ticket by Field Marking the Work Area

In responding to M Squared's first contact with USA North in September of 2022, Comcast applied field marks without objecting to the delineation. The ticket USA North created at that time indicated that the legal start date and time was September 20, 2022, and Comcast, as member code "COMNCA," was listed as an operator on the ticket (Exh. 2.) Utiliquest performed the field mark work on behalf of Comcast on September 19, 2022. (Exhs 21, 22.) Comcast submitted the electronic positive response "010" and "Locate area marked" on September 19, 2022. (Exh. 21.¹)

While Digging a Trench, M Squared Damaged an Unmarked Comcast Line

At approximately 10 a.m. on December 9, 2022, while the third ticket renewal was valid, (Exh. 5), M Squared damaged an unmarked telecommunications conduit and lines while digging a trench in Diamond Street near the intersection with Diamond Heights Boulevard.

¹ Exhibit 21 is list of the operator electronic positive responses made to ticket number X225902277-00X and subsequent revisions to that ticket. Germain Suess, of USA North, provided Exhibit 21 to the investigator on January 24, 2023 by email. USA North provided the document in Excel format. It has been converted to a *.pdf format as an exhibit to this report. (Exh. 52.)

After damaging the line, M Squared, contacted the regional notification center, which created ticket number X225902277-04W. (Exh. 6.) That ticket did not require a response from operators and stated “**DAMAGE** A DAMAGED LINE FROM OTHER, TELEPHOEN, STREET LIGHTS, TRAFFIC LIGHTS, ELECTRIC, CABLE TV, FIBER-CUSTOMER HAS DAMAGED AN UN-MAKRED UTILITY LINE PER MIKE MCCARTHY—12/09/2022 10:13:22am”. (Exh. 6.)

All information available indicates that the location of the line was not field marked before M Squared damaged it. The M Squared incident report indicates the line was not marked (Exh. 19) and Comcast conceded that it did not mark the damaged line in its PRG report (discussed below), which concluded that M Squared delineated the work area and that Utiliquist (acting for Comcast) should have, but did not, mark the line. (Exh. 17.)

Further, M Squared provided the following photos taken on December 9, indicating that, at 10:23 a.m., the conduit was not field marked at the place it was damaged. Further, at 3:04 p.m., after Comcast repaired the line, Comcast had marked the line.



Photo 4: Scene of the excavation equipment and damage with cable protruding from the trench. Photo and timestamp of 10:23 a.m. by M Squared Construction. Black square added by investigator to redact M Squared Construction employee. (Exh. 20, pg. 24.)



Photo 5: Trench with damaged cable protruding from trench looking west toward Diamond Heights Boulevard. Photo and timestamp of 10:23 a.m. provided by M Squared Construction. (Exh. 20, pg. 25.)



Photo 6: Filled trench with patched asphalt looking west toward Diamond Heights Boulevard showing an orange marking that afternoon. Photo and timestamp of 3:04 pm by M Squared Construction. (Exh. 20, pg. 1.)

Comcast Has Given Different, Conflicting Assertions About Its Reasons for Not Marking the Damaged Line

Comcast has made conflicting assertions about the reason it did not mark the line that M Squared damaged.

Comcast first conceded that the damage happened because Comcast, acting through its contractor UtiliQuest, should have marked the line's location but did not. Comcast made that statement through its contractor, Project Resources Group (PRG), on February 2, 2023, in response to the investigator's question regarding field marks and a damage report. Specifically, PRG's Jordan Stockholm sent the investigator an email directed to Comcast's Carlos Cabrera, in which Stockholm stated, "I found a damage claim for this location and date. Utiliquest was found to be at fault due to not having marked the cable for the contractor's USA ticket." (Exh. 42.) Comcast also provided PRG's report regarding the damage (discussed below) to the investigator. (Exh. 17.)

However, four months later, in June, Comcast changed its claim by providing a report, prepared by UtiliQuest, which stated that M Squared damaged the line by digging outside of the work area. (Exh. 23.) Comcast never acknowledged or explained the reason why it adopted the conflicting positions.

Comcast's PRG Report

The first report was prepared by the Project Resources Group (PRG) to investigate the incident and provided PRG's report to the Board's investigator. (Exh. 17 "Damage Investigation Findings"; Exh 42.) The report indicates that PRG visited the site on December 9, 2022, and reviewed the September 20 ticket created in response to the notification from M Squared to the call center. (Exh. 17.) The graphic below is from the report and appears to depict the southernmost part of the work area:



Photograph 7: Image from the PRG investigation report showing the damaged facility location. (Exh. 17.)

The PRG report concludes that M Squared was “working within the scope and timeframe of the ticket, and it was shown as being valid.” (Exh. 17.) Further, the report states:

Utiliquest is charged with ensuring that Comcast utilities are properly located and marked within the scope of the locate ticket and it has been found that this was not done. Therefore, it has been determined that Utiliquest is liable for the damage and subsequent repair of the facility.... Without sufficient marking of the Comcast utilities in the referenced area, M Squared Construction Inc. would not be aware of the cable and should not be held accountable for its damage. (Exh. 17.)

The report also states, in the “Root Cause” section, “[f]acility marking or location not sufficient or accurate.” (Exh. 17.)

Comcast’s UtiliQuest Report

In June, approximately four months after producing the PRG report, Comcast changed its claim and provided the investigator with a second report regarding the cause of the damage. (Exh. 22.) That report was prepared by Comcast contractor Utiliquest and concluded that the damaged line was not field marked because M Squared trenched outside of the work area. Specifically, the report states:

- Comcast facilities ... were marked in the area of the excavator’s delineations for the area described in USA ticket X22590227 prior to the legal start date of the ticket.

- Excavator dug and damaged Comcast facility approximately 300' way from the closest Premark and cable facility locate mark.
- Excavator failed to delineate the area where the damage occurred. (Exh. 23.)

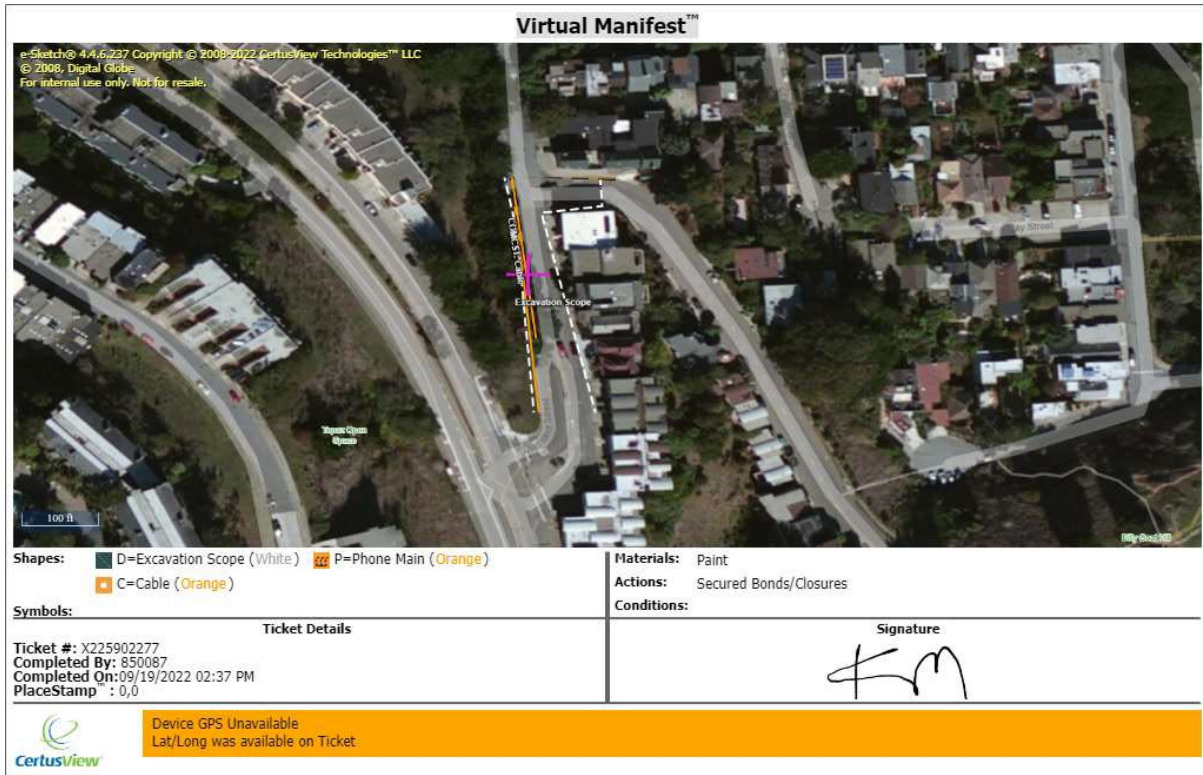
As evidence of these conclusions, UtiliQuest included the following image and text in the report. The document states that the damage occurred “about 300 ft” away from the southernmost delineation mark. The delineation mark depicted in the image is at the intersection of Diamond Street and Beacon Street and appears to include an arrow pointing toward Diamond Street.



Photograph 8. Image from the UtiliQuest investigation report depicting the work area and location of the damaged line. (Exh. 22.)

Although the delineation mark depicted in the photo appears to point toward southbound Diamond Street, the report does not discuss what UtiliQuest understood the arrow to mean.

Further, as part of its work for AT&T on this same ticket, UtiliQuest created an overhead view of the work area entitled “Virtual Manifest” which is marked with white, orange, and purple marks. (Exhs. 18, 23.) The orange lines on the image appear intended to correspond with the locations of telecommunications lines in the work area. (Exh. 15.) The white text “Excavation Scope” and white dashed lines appear to correspond with the work area described and marked in the overhead views of the work area included above in this report.



Photograph 9. “Virtual Manifest” (Exhs. 18, 23.)

AT&T made those photographs, and the “Virtual Manifest”, available to the investigator (Exh. 23) and stated that UtiliQuest created the “Virtual Manifest”. (Exh. 23.) UtiliQuest’s investigation report did not address the fact UtiliQuest created the “Virtual Manifest” and that it indicates that UtiliQuest knew that the work area extended south on Diamond Street. Further, the report did not state the reason why, after the damage, UtiliQuest’s assertion about the boundaries of the work area changed.

Although the “Virtual Manifest” indicates that Comcast, through UtiliQuest, knew where the work area was, neither Comcast nor UtiliQuest ever acknowledged the existence of this document or of a similar document depicting the locations of Comcast’s lines in the work area. Because Comcast and UtiliQuest have refused to provide documents to the investigator and refused to allow the investigator to interview any employees, the investigator could not obtain any additional facts about this document.

Comcast Never Explained It’s Reason for Changing Positions

Comcast did not explain why it changed its position about the cause of the damage to its line. Nor did Comcast ever acknowledge the change. Comcast produced conflicting reports and created factual issues that the investigator needed to investigate in order to fully inform the Board. However, because Comcast refused to comply with most requests for information and knowingly provided demonstrably incorrect information to the investigator (discussed below), the investigator could not obtain the information within Comcast’s possession or control.

M Squared Requested Remarks of the Site After Comcast Repaired Its Line

On December 13, four days after M Squared damaged the line, M Squared contacted USA North and requested that operators mark the site again. USA North created ticket number X225902277-06X, which required a response and included this comment from Mike McCarthy of M Squared:

****AMENDMENT**** INCIDENT NUMBER: D223430002 PER MIKE MCCARTHY--12/09/2022 10:22:02AM ****REQUEST RE-MARKS**** FROM COMNCA, CTYSF2, CTYSF4, MUNUTL, PACBEL, PGESFO, SFOTEC--WORK CONTINUING RE MARKS NEEDED FOR THE EAST SIDE OF THE DIAMOND ST AND DIAMOND HEIGHTS BLVD INTERSECTION. PER MIKE MCCARTHY--12/13/2022 12:42:16 PM (Exh. 4.)

In the comments section of Remark Ticket X225902277-06X, Mike McCarthy of M Squared Construction stated that excavation was continuing on the east side of Diamond Street and Diamond Heights Boulevard intersection. (Exh. 4.) During an interview with the investigator, McCarthy stated that M Squared had re-delineated the excavation area by painting over the prior delineation marks. (Exh. 14.)

Failures to Provide Electronic Positive Responses

Government Code section 4216.3(c)(1)(A) provides that “every operator shall supply an electronic positive response through the regional notification center before the legal excavation start date and time.”

Three Operators Did Not Provide Electronic Positive Responses to the First Ticket

Ticket number X225902277-00X required operators to respond before 5:00 p.m. on September 20, 2022, which was the legal excavation start date and time. (Exh. 2.) Three operators did not provide an electronic positive response before that time:

- City and County of San Francisco Department of Technology (member code SFOTEC);
- City of San Francisco Water, Power, Sewer (member code CTYSF2);
- San Francisco Municipal Transportation Agency, Muni Overhead Lines Department (member code MUNUTL). (Exh. 21.)

For each of these operators, the EPR information provided by USA North was “999 Late notice.” (Exh. 21.)

Two Operators Did Not Provide Electronic Positive Responses to the Remark Ticket

Ticket number X225902277-06X required operators to respond before 5:00 p.m. on December 15, which was the legal excavation start date and time. (Exh. 4.) Two operators did not provide an electronic positive response before that time:

- City of San Francisco Department of Technology (member code SFOTEC);
- Muni Overhead Lines Department (MUNUTL). (Exh. 21.)

For each of these members, the EPR information provided by USA North was "(999) Utility has not provided 811 center with information to be displayed." (Exh. 21.)

Communication with the City and County of San Francisco

On August 9, 2023, the investigator emailed the USA North 811 contacts for the City and County of San Francisco Water regarding the late of electronic response to New Ticket X225902277-00X.

On September 1, 2023, Bill Teahan from the County of San Francisco Water Department responded to see if the question had been answered. On September 5, 2023, the investigator informed Teahan that it had not, and Teahan did not respond. (Exh. 26.)

On August 9, 2023, the investigator emailed the Municipal Transportation Agency Overhead Lines Department regarding the lack of electronic response to New Ticket X225902277-00X. On September 11, 2023, the investigator emailed the department again and did not receive a response. (Exh. 27.)

On August 9, 2023, the investigator emailed the USA North 811 contacts for City and County of San Francisco Department of Technology. On September 12, 2023, Brian Roberts, Policy Analyst responded and explained that the City and County of San Francisco Department of Technology was still gaining resources and learning the electronic positive response system at the time of the Late Notice Code 999. (Exh. 28.)

Comcast and AT&T Refused to Remark the Work Area

Government Code section 4216.3(b) requires an operator to remark a facility when requested by the excavator within two working days, not including the date of the request.

Both Comcast and AT&T refused to field mark the work area after receiving the locate requests associated with ticket number X225902277-06X. On December 15, the legal excavation start date indicated on the ticket (Exh. 10), Comcast and AT&T both responded with EPR code "023" and the statement, "Delineated area does not match location request - resend ticket requested." (Exh. 21.) Comcast's response was entered at 3:55 p.m. and AT&T's response was entered at 3:56 p.m. (Exh. 21.)

M Squared Discussed the Refusals to Mark with UtiliQuest

At 3:50 p.m. on December 15, approximately five minutes before UtiliQuest communicated the refusals of Comcast and AT&T to mark via electronic positive response, Carmen Espinoza of Utiliquest informed Mike McCarthy of M Squared that Comcast and AT&T refused to field mark:

On ticket number (X225902277) the delineations on site do not match the delineations needed to meet the requirements f35 (sic) or the work type of Boring, Trenching or other Continuous Excavations. When excavating in a continuous path, a centerline is needed to follow California excavation guidelines.

We are closing this ticket with incorrect delineations. This ticket is un-marked and

should not be excavated until the marks are complete on site. To get complete utility marks on site please re-submit this ticket to 811 when the proper bore path delineations are corrected on site. (Exh. 13.)

That email did not explain the refusal in light of the fact that, in September, both Comcast and AT&T marked the same work area and provided the September 19 electronic positive responses "010" and "Locate area marked." (Exh. 21.) Nor did the email address the conclusion in Comcast's PRG report that the area was delineated and that Utiliquest, acting for Comcast, had improperly failed to mark the line that was damaged. (Exh. 17.)

The same day, December 15, Mike McCarthy of M Squared responded to Espinoza of Utiliquest stating:

The plans for this watermain install project, however, are schematic, meaning the alignment show on the plans is undetermined and is to be determined onsite based on existing utility conditions. For this case, we have chosen to delineate the edges of our proposed work area, which covers the half of the intersection that the main could possibly go.

If you would like I can spray a few potential trench lines across the intersection, but I fail to see why it matters as the entire delineated area will need to be marked in order for us to determine where our alignment can fall. (Exh. 13.)

After this exchange of communications, both Comcast and AT&T confirmed their refusals to field mark the work areas in their respective electronic positive responses. (Exh. 21.)

M Squared Notified USA North of the Refusals by Comcast and AT&T

The following day, December 16, M Squared contacted USA North, which created ticket number 2022121600401-000. That ticket included this comment from M Squared: "This is a no response notice on a re-mark request for a previous ticket (X225902277). AT&T and Comcast have failed to mark their utilities." (Exh. 11.) That ticket did not require operators to respond. (Exh. 11.)

Scope of Investigation as to AT&T

The scope of this investigation regarding AT&T related to AT&T's refusal to re-mark the work area. AT&T stated its position in a July 3, 2023, email, from employee Paul Bagneschi: "A request to re-mark the facilities was submitted. When our contractor, Utiliquest, went out to mark AT&T's facilities, there was no trench path marked for the continuous excavation being performed by the developer's excavator. AT&T's contractor, Utiliquest, was waiting for the trench path to be marked with a white centerline so that it could properly mark AT&T's facilities." (Exh. 23.)

Bagneschi also confirmed that AT&T marked the same work area in September. Bagneschi did not explain why AT&T changed its position in December, stating only: "AT&T did mark its facilities for the initial request." (Exh. 23.)

A complete investigation of AT&T's December 15 refusal to re-mark the work area required

the investigator to obtain information regarding the following points:

- The basis for AT&T's claim that if an excavator plans to dig a trench, the excavator cannot delineate the outer boundaries of the work area. (Exh. 23.)
- The reason why AT&T initially field marked the work area but later refused to re-mark the same area.

The investigator's attempts to obtain information regarding these issues from AT&T and from UtiliQuest are discussed in the following section.

The Board's Attempts to Obtain Information From AT&T

The Board is authorized to investigate violations of the dig-safe laws by Government Code sections 4216.12 and 4216.19. The Board's investigators also act pursuant to regulations, in Title 19 of the California Code of Regulations, which authorize Board investigators to obtain information from witnesses (section 4150(c)), which require operators to provide access to records, (section 4151(b)), and which prohibit operators from obstructing investigations. (Section 4151(c).)

Request for Information (Directed to UtiliQuest)

On January 3, 2023, to begin finding necessary information, the investigator sent a data request to UtiliQuest, which was acting for both AT&T and Comcast. That request directed AT&T, acting through UtiliQuest, to produce, "a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277." (Exh. 30.)

UtiliQuest did not respond to this request for information.

Next Information Request (Directed to UtiliQuest)

On January 19, the investigator again attempted to obtain information from UtiliQuest by sending an investigation request to the attention of UtiliQuest employees Hugh Savage and Jeff Clark. (Exh. 31.)

That same day, January 19, UtiliQuest's Joseph Anton refused to provide any information to the investigator, stating: "I received the attached request for documentation regarding the above referenced ticket. Utilquest is restricted from giving proprietary documents to third parties. I have to refer you to the utility company directly." (Exh. 32.)

In claiming that the documents were "proprietary," Anton established that the documents existed.

Anton did not respond to the request to conduct interviews.

The investigator contacted Anton on January 23, again requesting to interview UtiliQuest staff involved in the locate-and-mark work: "I understand your position regarding proprietary documents, and I had also initially asked after an interview with technician or

technicians involved in this case; would I be able to interview any locate technicians involved in this incident?” (Exh. 32.)

UtiliQuest did not respond to that request.

Next Information Request (Directed to UtiliQuest)

On March 28, 2023, the investigator sent another information request to UtiliQuest, to the attention of Joseph Anton. That information request:

- Directed UtiliQuest to state the basis for the claim that “UtiliQuest is restricted” from providing information and state the basis for that refusal on behalf of AT&T.
- Stated that the investigator would be interviewing “the person who performed the locate and mark work on December 15 and December 19,” and directed UtiliQuest to identify that person.
- Stated that the investigator would be interviewing “the person who decided that AT&T did not need to provide field marks on December 15, 2022.” (Exh. 33.)

UtiliQuest refused to state the basis for the refusal to provide information and refused to make employees available for an interview. UtiliQuest justified its refusals by referring to a discussion between a member of the Underground Safety Board and former supervisor of the investigations team Jason Corsey:

All documentation pertaining to your request can be obtained through AT&T directly. This should not be considered a refusal by AT&T, as Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T.

Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic. (Exh. 8.)

Energy Safety’s Attempt to Obtain Information from AT&T

Because of these refusals to provide the information and to make employees available for interviews, on May 31, 2023, Energy Safety counsel Jeff Brooks sent an email to AT&T employees Donna Franks and Lawayne Scott. That email stated:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest’s Joseph Anton declining, on behalf of AT&T, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and

2022121600401. This office considers AT&T's decision to impede this investigation to be unacceptable.

I write to provide AT&T with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as AT&T's refusal to cooperate with the investigation. (Exh. 34.)

Franks responded by email on June 1, stating, in part: "I have forwarded this email to the Area Manager for AT&T/Distribution. Kevin Cavenaile, kc2951@att.com," and "AT&T/T has no facilities in this address or in this vicinity." (Exh. 34.) That response did not provide any of the information requested by the investigator and appears to conflict with three facts:

- (1) AT&T responded to the September 19 locate request with an EPR stating that "locate area marked". (Exh. 21.)
- (2) AT&T employee Paul Bagneschi's July 3 statement "AT&T did mark its facilities for the initial request." (Exh. 23.)
- (3) The "Virtual Manifest" image appears to indicate the boundaries of the work area and the location of AT&T subsurface installations within the work area. (Exhs. 18, 23.)

Kevin Cavenaile also responded by email on June 1, stating:

Please direct any inquiries into ATT/D(AT&T Distribution member codes PACBELL, /ATT/D South,) to me. I have folks on my team that are very versed in this process and would be best to handle responding to Notices of Investigation. Please give me a call if you have any questions. Thanks and take care. (Exh. 34.)

Although Cavenaile's response agreed to receive inquiries, it did not provide any of the information requested by the investigator.

Attempt to Schedule Interviews

On June 16, 2023, the investigator notified Kevin Cavenaile and Wayne Scott that AT&T needed to make the following persons available for the investigator to interview:

- The locator or locators that conducted locate and mark activities and that provided electronic positive responses for AT&T for Tickets X225902277 and 2022121600401 in December 2022.
- The locator or locators for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.

- The person who determined AT&T did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines."
- The locator who conducted initial locate and mark activities for AT&T on September 19, 2022. (Exh. 36.)

On June 16, Scott responded to the investigator, stating:

I will look at the two locate tickets that you are referencing to seek out the Locate Technician(s) that were dispatched and worked the tickets.

You will receive my reply by the end of business day on MONDAY, JUNE 19th 2023 with the UTILIQUEST employee(s) that will joining the Teams Meeting call. (Exh. 36.)

On June 19 and June 21, Scott notified UtiliQuest employee William Stewart that the investigator would be conducting the interviews. (Exh. 37.)

However, AT&T never made any person available for an interview. That refusal prevented the investigator from obtaining information regarding the subjects listed above.

AT&T Knowingly Made the Incorrect Claim that UtiliQuest Had Been Providing Information to the Investigator

On July 3, 2023, AT&T employee Paul Bagneschi made this statement to the investigator: "Our contractor, Utiliquest, has been responding to your requests for information." (Exh. 23.) That statement was incorrect at the time Bagneschi made it and it remains true as of the day this report was completed. UtiliQuest has not provided any information responsive to an information request made as part of this investigation.

AT&T Produced Photographs Six Months After the Investigator's First Request

On July 3, six months after the investigator's first (January 3) request for documents and information (Exh. 30), Paul Bagneschi of AT&T offered to provide photographs to the investigator: "If you need photos of the marks, please let me know and I will provide them." (Exh. 23.)

On July 5, Bagneschi made the photographs available to the investigator and stated that the photographs were taken by the UtiliQuest locator. (Exhs. 23, 39.)

AT&T Obstructed the Board's Investigation by Refusing to Provide Information

The Board's investigators are authorized to interview witnesses and obtain statements (Cal. Code Regs., tit. 19, § 4150(c)), inspect and examine records. (Cal. Code Regs., tit. 19, § 4151(a).) AT&T is required to, upon "an investigator's request, excavators and operators shall provide access to sites and facilities, and any records." (Cal. Code Regs., tit. 19, § 4151(b).) Further, any "operator who obstructs an investigation by taking actions that were known or reasonably should have been known to prevent, hinder, or impede an

investigation is subject to sanctions under the Act and this division.” (Cal. Code Regs., tit. 19, § 4151(c).)

As documented above, AT&T refused to provide the information and interviews requested by the investigator on January 3, 2023, (Exh. 30), January 19, (Exhs. 31, 32), March 28, (Exhs. 33, 8), and May 31. (Exhs. 34.) Further, AT&T refused the request for interviews on June 16. (Exh. 36, 37.)

The only information AT&T provided to the Board were the photographs which AT&T made available to the investigator on July 5, 2023. (Exhs. 23, 39.)

Scope of the Investigation Regarding Comcast

The scope of this investigation included both the December 9, 2022, damage to Comcast’s line and the December 15, 2022, refusals of both Comcast and AT&T to mark the work area.

A complete investigation of the December 9 damage required the investigator to obtain information regarding the following points:

- The reason why Comcast did not field mark the damaged line and whether Comcast marked the entire work area.
 - To obtain all the information related to this point, the investigator needed to:
 - Interview the individuals who responded to the locate request and who marked the site.
 - Information indicating whether the damaged line had been marked.
 - Obtain all the photographs taken of the site.
 - Obtain all records, including photographs of Comcast’s field marks.
 - Obtain all the documents, including damage and repair reports, created by both Comcast and UtiliQuest regarding the damaged line.
- If, as Comcast later claimed, M Squared dug outside of the work area when it damaged the line.
- The reason why Comcast applied field marks in September rather than refusing to mark (as it did in December.)
- Information related to Comcast’s repair of the damaged line.
- The reason why Comcast gave the investigator the PRG report, then changed its position in providing the UtiliQuest report.
 - The reason why Comcast changed its position regarding whether it marked the entire work area.
 - The reason why Comcast never acknowledged that its positions conflicted.
 - The reason two reports which reached different conclusions.
- Whether UtiliQuest created a “Virtual Manifest” image and diagram that establishes that Comcast knew where the work area was and where the damaged line was.
- Whether UtiliQuest acted to serve its own financial self-interest when it concluded that M Squared damaged the line outside of the delineated work area.
 - Whether Comcast claimed that UtiliQuest was liable for the cost of repairing the damaged line and whether UtiliQuest disputed that claim.

- Whether Comcast acted to support a claim that M Squared was liable for the cost of repairing the damaged line.

A complete investigation of Comcast's December 15 refusal to re-mark the work area required the investigator to obtain information regarding the following points:

- The basis for Comcast's claim that if an excavator plans to dig a trench, the excavator cannot delineate the outer boundaries of the work area. (Exh. 13)
- Whether UtiliQuest claimed that Comcast had the right to refuse to re-mark the work area to support UtiliQuest's position in a dispute with Comcast regarding liability for the cost of repairing the damaged line.
- The reason why Comcast, acting through UtiliQuest, told the investigator that the "no response" ticket was created because of a USA North software problem rather than because of Comcast's refusal to re-mark the work area.

The investigator's attempts to obtain this information from Comcast and from UtiliQuest are discussed next.

The Investigator's Efforts to Obtain Information from Comcast

The Board is authorized to investigate violations of the dig-safe laws by Government Code sections 4216.12 and 4216.19. The Board's investigators also act pursuant to regulations, in Title 19 of the California Code of Regulations, which authorize Board investigators to obtain information from witnesses (section 4150(c)), which require operators to provide access to records, (section 4151(b)), and which prohibit operators from obstructing investigations. (Section 4151(c).)

Request for Information (Directed to UtiliQuest)

To begin finding the needed information, on January 3, 2023, the investigator sent a data request to UtiliQuest, which was acting for both Comcast and AT&T. That request directed Comcast, acting through UtiliQuest, to produce, "a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277." (Exh. 40.)

UtiliQuest did not respond to this request for information.

Information Request (Directed to Comcast)

On January 10, 2023, the investigator attempted to obtain information direction from Comcast by sending an information request to Steve Belluzzi. The request stated:

This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the telecommunications damage incident on 12/9/2022 around 1931 Diamond St San Francisco CA. The incident is associated with one-call ticket number: X225902277. (Exh. 41.)

The investigator's transmittal email to Belluzzi stated the following:

Will you please provide any records you have associated with this incident and see our standard information request attached, and will you provide contact information for a technician or someone familiar with this incident who can speak to what responsibilities UtiliQuest or Comcast had in marking this ticket?

Specifically, photos from the excavator show the damaged facility was not marked on 12/9. EPR codes show this ticket as marked a few months prior however, so if you have records to show the mark faded that could potentially explain the damage. (Exh. 42.)

Comcast did not respond to this request.

Next Information Request (Directed to UtiliQuest)

On January 19, the investigator again attempted to obtain information from UtiliQuest by again sending an investigation request directed to the attention of UtiliQuest employees Hugh Savage and Jeff Clark. (Exh. 43.)

That same day, January 19, UtiliQuest's Joseph Anton refused to provide any information to the investigator, stating: "I received the attached request for documentation regarding the above referenced ticket. Utilquest is restricted from giving proprietary documents to third parties. I have to refer you to the utility company directly." (Exh. 44.)

Anton's claim that documents were "proprietary" established that the documents did exist.

Further, Anton's response did not respond to the request to conduct interviews. The investigator contacted Anton on January 23, again requesting to interview UtiliQuest staff involved in the locate-and-mark work: "I understand your position regarding proprietary documents, and I had also initially asked after an interview with technician or technicians involved in this case; would I be able to interview any locate technicians involved in this incident?" (Exh. 44.)

Neither Anton nor any other UtiliQuest employee responded to that request.

Next Information Request (Directed to Comcast)

Because of the refusals of both Comcast and UtiliQuest to provide information, on January 26, the investigator sent another information request to Comcast's Belluzzi. That request specified the same documents as the first request and stated that it was being sent due to the "lack of response to information letter of January 10, 2023." (Exh. 45.) The request specified a response deadline of February 10, 2023. (Exh. 45.)

That same day Belluzzi acknowledged the request in an email to the investigator and asked Carlos Cabrera (of Comcast) to assist the investigator. (Exh. 42.)

On January 27, 2022, Cabrera sent the investigator photographs "of the damage and repair to our facilities." (Exh. 42; the photographs are attached as Exh. 20.) Although the

information request specified more than photographs (“all records including video, ... interviews, documents, and any reports of any kind concerning the telecommunications damage incident,” (Exh. 45), Cabrera did not produce any, and did not refer to any other, documents. (Exh. 42.) Instead, his email identified three Comcast employees “for any further questions.” (Exh. 42.)

Because Cabrera’s January 27 response was incomplete, on February 1, the investigator emailed Carbrera and the three employees Cabrera had stated could be responsive to “any further questions.” (Exh. 42.) In that email, the investigator stated the following and requested a telephone discussion:

In trying to figure out the contributing factors on this damage:

- Do you have any records of the markings you can provide throughout this ticket?
- Do you have any records to show the facility was marked at the start of the ticket?
- Are you able to provide a damage report with respect to this incident?

Is there a good time for you to discuss by phone? Please let me know along with your contact info. (Exh. 42.)

At 6 p.m. that same day Cabrera informed the investigator that Cabrera did not have records regarding Comcast’s field marks: “I don’t have any records of the mark and locate for this site.” Further, Cabrera’s email asked “Jordan and Construction Team” “Are you able to provide any of the information requested below?” (Exh. 42.)

In stating that he personally did not have records, Cabrera did not address the investigator’s request, which was for Comcast’s records. Although the investigator’s question used the term “you,” as the context makes clear, the investigator was not asking only for records in Cabrera’s possession.

Also on February 1, one of the recipients of the emails discussed immediately above, Jordon Stockholm, of Comcast contractor the Project Resources Group, sent this statement to Cabrera and to the investigator: “I found a damage claim for this location and date. UtiliQuest was found to be at fault due to not having marked the cable for the contractor's USA ticket.” (Exh. 42.)

Because Comcast did not provide the report when it made the statement, the investigator requested the report, which Comcast provided on February 2. (Exh. 42.)

UtiliQuest Refused to Provide Any Information

Because UtiliQuest refused to provide information specified in the requests for information (Exh. 44), the investigator again contacted UtiliQuest on March 28. (Exhs. 7, 47.)

In that email, the investigator confirmed that UtiliQuest was acting as Comcast’s contractor with regard to the tickets involved in the incident that is the subject of this investigation: “I understand that UtiliQuest is contracted with Comcast to fulfill Comcast’s responsibility

concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.” (Exh. 7.)

UtiliQuest’s Joseph Anton confirmed that UtiliQuest was acting for Comcast and refused to provide any other information: “All documentation pertaining to your request can be obtained through Comcast directly. ... as Utiliquest is a separate entity working under contract.” (Exh. 7.)

In Anton’s email, UtiliQuest justified its refusal to provide information by referring to a discussion between a member of the Underground Safety Board and former supervisor of the investigations team Jason Corsey:

All documentation pertaining to your request can be obtained through Comcast directly. This should not be considered a refusal by Comcast, as Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T.

Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic. (Exh. 7.)

Energy Safety’s Attempt to Obtain Information from Comcast

Because of these refusals to provide the information and to make employees available for interviews, on May 31, 2023, Energy Safety counsel Jeff Brooks sent an email to Comcast employee Steven Belluzzi. That email stated:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest’s Joseph Anton declining, on behalf of Comcast, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and 2022121600401. This office considers Comcast’s decision to impede this investigation to be unacceptable.

I write to provide Comcast with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as Comcast’s refusal to cooperate with the investigation. (Exh. 46.)

Belluzzi responded to that email on June 1, stating that Comcast and UtiliQuest would cooperate with the investigation:

I’m pulling in Utiliquest and my engineering team to get the requested information.

Also I will level set with Utiliquest on expectations as these request are received. (Exh. 46.)

The following day, June 2, Belluzzi told the investigator that Comcast, through UtiliQuest, would provide the information the investigator was seeking:

I just got off a call with Utiliquest and they assured me they would have the info ready today. I will forward once I receive.

This delay is unacceptable. I escalated to their VP and he also joined the call with full commitment to fix their gap and start tracking these request with urgency moving forward. (Exh. 46.)

On June 4, Belluzzi sent a copy of the report prepared by UtiliQuest to the investigator. That report attributed fault for the damage to M Squared. (Exh. 48.)

Beluzzi did not explain why Comcast was, at that time, producing a second report on the cause of the damage which conflicted with the conclusion stated in Comcast's first report. Further, although Beluzzi stated that Comcast would cooperate fully, the email did not address the investigator's outstanding requests for damage reports, interview, photographs, and other documents.

On June 8, Belluzzi emailed the investigator again assuring cooperation from Comcast and Utiliquest: "Moving forward. Utiliquest understand the urgency and accuracy expectations as the request come in. Expect to see improvement moving forward." (Exh. 49.)

Four days later, on June 12, because Comcast had not yet produced any additional information, the investigator emailed Belluzzi to again request the needed information. In that email, the investigator stated:

...here is what I'm missing:

- From my March 28, 2023 email request (a copy of that email is attached titled "Re: Underground Safety Board: Information Request 035 Follow-Up):
 - The name and contact information of the locator for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
 - The name and contact information for the person who determined Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." This is in reference to an email from Carmen Espinoza of UtiliQuest to Mike McCarthy of M Squared Construction on this ticket. A copy of that email is attached here titled "RE_X225902277."

- From the June 3, 2023 email from Shant Simonian that you forwarded (A copy of that email is attached titled “[External] Underground Safety Board Investigation D22630004”):
 - Says that UtiliQuest will provide a response regarding ticket 2022121600401 and that “there was an issue with the new pelican crossover.” (Exh. 49.)

The need to inquire into the statement about “the new pelican crossover” arose from the following explanation by UtiliQuest’s Shant Simonian regarding Comcast’s decision not to field mark after the December 9 damage occurred and M Squared asked for field marks:

Also the other ticket number that they were asking about was after the damage and seems like there was an issue with the new pelican crossover, we are researching it and will draft a response early next week for that. (Exh. 49.)

Because that explanation contradicted the reason Comcast had earlier stated as the justification for its refusal to field mark, the investigator needed to explore the contradiction.

Comcast Knowingly Provided Incorrect Information to the Board

On June 14, Belluzzi again attributed Comcast’s refusal to respond to USA North’s Pelican software: “Attached is Utiliquest follow up upon their investigation on the Pelican issue.” (Exh. 50.)

That “follow up” was a June 13 email from UtiliQuest’s Joseph Anton to Belluzzi. Anton’s email stated UtiliQuest’s purpose in sending the email: “Hopefully this clarifies the issue with the Pelican ticket management system, and the response for ticket 2022121600401.” (Exh. 49.)

Although Comcast’s justification for refusing to mark was its claim that the delineation method was incorrect, Comcast provided Anton’s different explanation to the Board:

On Dec 16 2022 USA North made their conversion to the Pelican system, and the old tickets were no longer compatible with Pelican. As a result, every excavator with open excavation tickets needed to re-enter their tickets into Pelican with a new number. This is where ticket 2022121600401 came from. (Emphasis added.) (Exh. 49.)

This statement, that the Pelican system required excavators to re-enter tickets, conflicts with other information which indicates that the ticket (no. 2022121600401; Exh. 11) was created because of Comcast’s (and AT&T’s) refusal to re-mark the work area. M Squared’s statement on the ticket says “This is a no response notice on a re-mark request for a previous ticket (X225902277). ATT and Comcast have failed to mark their utilities.” (Exh. 11.) That failure to mark was confirmed by Comcast’s refusal given as an electronic positive

response to the locate request: “Delineated area does not match location request – resent ticket requested”. (Exh. 21.)

Anton’s email also made this statement:

When USA North opened ticket 2022121600401 they did so with the “response required” field entered as “false”. That entry means no response is required which then triggers an automatic screening of the ticket by our system. Every utility company uses this process of automatically screening no response required tickets because those are for ongoing tickets where no remarks are needed. In this case it was an error by USA North labeling it that way because the new system was still trying to get on line correctly. (Exh. 49.)

This statement misleads because it discusses the December 16 “no response” ticket (Exh. 11) as if that had been the ticket that triggered Comcast’s obligation to field mark the site. As UtiliQuest and Comcast were aware, Comcast was required to field mark because of the locate request generated by the December 15 ticket requesting remarks. (Exh. 10.) The December 16 ticket was created to document Comcast’s refusal to re-mark.

Anton’s email also made this statement:

The result was that Utiliquest screened the ticket as “no marks required”, then an EPR was sent to the excavator to notify them of the same. Utiliquest identified USA north’s error early on, then created a work around for its auto screen process regarding these “no response required” tickets. This work around is still currently in place as USA North has yet to completely correct their problem. (Exh. 49.)

This statement misleads for the same reasons that the above-discussed statements mislead. All information available indicates that the ticket was created because Comcast, acting through its contractor UtiliQuest, refused to field mark the work area.

Comcast Refused to Make Witnesses Available for Interviews

Further, Belluzzi refused to make available for interviews the UtiliQuest personnel involved in the decision not to field mark the line that was damaged. Belluzzi based that refusal, in part, on purported privacy rights and USA North’s Pelican software:

Attached is Utiliquest follow up upon their investigation on the Pelican issue.

Regarding the request in providing names of the locators. Utiliquest does not provide employee info. How do you want to proceed? What if I asked for their tech number? Something that doesn’t cross privacy information. (Exh. 50.)

The investigator responded to this refusal directly by telling Belluzzi that the investigator needed to interview certain person and by scheduling a time for the interviews:

I created a meeting for Tuesday June 27 from 10am to noon via Microsoft Teams with the invite information below and would like to speak to the following people:

The locator or locators for the September 19, December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.

The person who determined Comcast did not need to provide field marks on December 15, 2022.

I've added the locator for September 19 to this list to learn more about the initial delineation and photos you provided recently.

I'm not certain how many people I'm requesting to meet here, so if we need more time then we can set an additional meeting. (Exh. 50.)

The investigator also asked for clarification about the privacy right Belluzzi had asserted: "I'd like to know what you mean about employee information, if there is any further context you can provide on that. In the interview I will ask after names, titles, responsibilities, etc., for these tickets." (Exh. 50.)

Consistent with the position it took from the beginning, Comcast refused to proceed with the interviews. UtiliQuest's Joseph Anton responded to the investigator on Belluzzi's behalf:

Utiliquest declines to participate in a phone interview at this time. As previously communicated, Utiliquest doesn't allow its employees to discuss any business practices with third parties. As an alternative you can submit to me in writing any specific questions you have, and I'll escalate them for answering. (Exh. 50.)

Anton's offer to "escalate" written questions "for answering" was not an acceptable solution because it denied the investigator the opportunity to obtain information directly from the sources with personal knowledge. Instead, Anton was, at best, offering to provide answers which unknown persons at Comcast and Utiliquest prepared. That would have prevented the investigator from exploring the basis for facts asserted and the reliability of any statements made.

Comcast Obstructed the Board's Investigation by Refusing to Provide Information

As documented in this report, Comcast refused to provide the information and interviews requested by the investigator on these dates:

January 3, 2023 (Exh. 40)

January 10 (Exh. 41)

January 19 (Exhs. 43, 44)

January 26 (Exh. 45)

March 28 (Exhs. 7, 47)
May 31 (Exh. 46)
June 12 (Exh. 49)
June 14, 21 (Exh. 50)

Although Comcast stated agreement to comply with information requests, Comcast did not allow any interviews or provide documents requested by the investigator except for the report by PRG (Exh. 17) and the report by UtiliQuest. (Exh. 22.)

Further, Comcast knowingly provided misleading information (which originated with UtiliQuest) to the Board's investigator. (Exhs. 49, 50.)

Findings:

1. M Squared contacted USA North before digging.
2. M Squared delineated the work area.
3. Comcast and AT&T field marked the work area.
4. M Squared renewed the ticket three times, including on December 2, 2022.
5. On December 9, 2022, before the December 2 renewed ticket expired, M Squared damaged a Comcast line while digging a trench. Comcast had not field marked the location of the line before it was damaged.
6. Comcast initially accepted responsibility for failing to field mark the damaged line. However, four months later, Comcast claimed that M Squared caused the damage by digging outside of the work area. Comcast never acknowledged changing positions or explained the change.
7. On December 13, M Squared contacted USA North and requested new marks in the work area.
8. AT&T refused to field mark the work area after receiving the locate request associated with ticket number X225902277-06X (in which M Squared requested re-marks.) Before providing an electronic positive response, AT&T's contractor, UtiliQuest, informed M Squared that "We are closing this ticket with incorrect delineations," and "please re-submit this ticket to 811 when the proper bore path delineations are corrected on site."
9. After sending that email, and after receiving M Squared's response, AT&T responded to the locate request with the electronic response code "023" and stated "Delineated area does not match location request - resend ticket requested."
10. Comcast also refused to field mark the work area after receiving the locate request

associated with ticket number X225902277-06X (in which M Squared requested remarks.) Before providing an electronic positive response, Comcast’s contractor, UtiliQuest, informed M Squared that “We are closing this ticket with incorrect delineations,” and “please re-submit this ticket to 811 when the proper bore path delineations are corrected on site.”

11. After sending that email and receiving M Squared’s response, Comcast responded to the ticket with the electronic response code “023” and stated “Delineated area does not match location request - resend ticket requested.”
12. On July 5, 2023, AT&T provided photographs to the Board’s investigator. AT&T refused to provide any other information requested by the Board’s investigator.
13. Comcast provided two conflicting reports regarding the reason that the line was damaged, then refused to provide any other information to the Board’s investigator.
14. Comcast knowingly provided incorrect information to the Board regarding the reason that USA North created the ticket which documented M Squared’s notification that Comcast and AT&T had refused to field mark.
15. City and County of San Francisco Department of Technology (USA North 811 Member Code SFOTEC) did not provide an electronic positive response to New Ticket X225902277-00X or to Remark Ticket X225902277-06X.
16. City and County of San Francisco Water Department (USA North 811 Member Code CTYSF2) did not provide an electronic positive response to New Ticket X225902277-00X.
17. San Francisco Municipal Transportation Agency Muni Overhead Lines Department (USA North 811 Member Code MUNUTL) did not provide an electronic positive response to New Ticket X225902277-00X or to Remark Ticket X225902277-06X.

Investigator Name	Supervisor Name
Jeff McClenahan	Anona Bonner
Signature	Signature
Jeff McClenahan	Anona Bonner

Exhibit List

Exhibit Number	Description	Date	Received From
1	Information Notification Report D223430002	12/9/2022	M Squared
2	Ticket X225902277-00X	Received: 12/15/2022	USA North 811 Newtin Search
3	Ticket X225902277-01X	Received: 12/15/2023	USA North 811 Ticket Search by Investigator
4	Ticket X225902277-02X	Received: 12/15/2023	USA North 811 Ticket Search by Investigator
5	Ticket X225902277-03X	Received: 12/15/2023	USA North 811 Ticket Search by Investigator
6	Damage Ticket X225902277-04W	Received: 12/15/2022	USA North 811 Ticket Search by Investigator
7	AT&T and UtiliQuest response to March 28 email	Received: 4/11/2023	Joseph Anton
8	Comcast and UtiliQuest response to March 28, 2023, email	Received: 4/11/2023	Joseph Anton
9	Screenshot of Google Maps Search of Excavator Polygon with Distance Measurement	Received: 2/16/2023	Investigator
10	Ticket X225902266-06X (requesting remarks)	Received: 12/15/2022	USA North 811 Ticket Search by Investigator
11	Ticket 2022121600401-000	Received: 1/26/2023	Mike McCarthy
12	<i>Reserved</i>		

13	Emails between Mike McCarthy and Carmen Espinoza	Received: 12/19/2022	Mike McCarthy
14	Summary of interview with Mike McCarthy of M Squared Construction	Phoned: 12/19/2022	Mike McCarthy
15	Emails between Mike McCarthy and Jeff McClenahan	Received: July 11, 2023	Mike McCarthy
16	Photographs	Received: July 5, 2023	Paul Bagneschi
17	PRG Damage Investigation Findings	Received: 2/2/2023	Jordan Stockholm
18	“Virtual Manifest”	Received: 7/5/2023	Paul Bagneschi
19	M Squared Construction Incident Investigation Report	Received: 12/19/2022	Mike McCarthy
20	Photographs from M Squared Construction	Received: 12/19/2022	Mike McCarthy
21	Electronic Positive Responses for the ticket series beginning with number X225902277-00X	Received: 1/24/2023	Germain Suess, Underground Service Alert
22	UtiliQuest Report “Underground Safety Board Investigation Case D22630004” and transmittal email	Received: June 3, 2023	Shant Simonian
23	Emails between Paul Bagneschi and Jeff McClenahan providing access to photographs (including the photos at Exh. 16, 18.)	Received: July 5, 2023	Paul Bagneschi
24	Photos from M Squared	Received: 7/11/2023	Mike McCarthy
25	<i>Reserved</i>		
26	Emails between Bill Tehan, John Femenia, and Jeff McClenahan regarding the operator City and County of San Francisco Water	Received: 9/05/2023	Bill Tehan

	Department (member code CTYSF2)		
27	Emails from Jeff McClenahan to John Orkes regarding the operator SFMTA Overhead Lines Department (member code MUNUTL)	Sent: 9/09/2023	Investigator
28	Emails between Brian Roberts and Jeff McClenahan regarding operator City and County of San Francisco Department of Technology (member code SFOTEC)	Received: 9/12/2023	Brian Roberts
29	<i>Reserved</i>		
30	Information Request 035	Requested: 1/3/2023	Investigator
31	2nd Notice Information Request 035	Requested: 1/19/2023	Investigator
32	Emails between Joseph Anton of UtiliQuest and Jeff McClenahan	Received: 1/23/2023	Joseph Anton
33	Information Request to AT&T and UtiliQuest	Sent: 3/28/2023	Investigator
34	Emails between Lawayne Scott, Donna Franks, and Kevin Cavenaile of AT&T, and Jeff Brooks and Jeff McClenahan	Received: 6/01/2023	Kevin Cavenaile
35	<i>Reserved</i>		
36	Emails between Lawayne Scott and Kevin Cavenaile, of AT&T, and Jeff McClenahan	Received: 6/16/2023	Lawayne Scott
37	Emails between Lawayne Scott and UtiliQuest	Received: 6/21/2023	Lawayne Scott
38	<i>Reserved</i>		

39	Photograph provided by AT&T	Received: 7/05/2023	Paul Bagneschi
40	Information Request to UtiliQuest	Sent: 1/03/2023	Investigator
41	Information Request to Comcast	Sent: 1/10/2023	Investigator
42	Emails between Jordan Stockholm, of PRG Consulting, and Jeff McClenahan	Received: 2/02/2023	Jordon Stockholm
43	Information Request to UtiliQuest	Sent: 1/19/2023	Investigator
44	Emails between Joseph Anton, of UtiliQuest, and Jeff McClenahan	Received: 1/19/2023	Joseph Anton
45	Information Request to Comcast	Sent: 1/26/2023	Investigator
46	Emails between Steven Belluzzi, of Comcast, and Jeff Brooks, and Jeff McClenahan	Received: 6/02/2023	Steven Belluzzi
47	Information Request to UtiliQuest	Sent: 3/28/2023	Investigator
48	Emails between Steven Belluzzi, of Comcast, and Jeff Brooks, and Jeff McClenahan	Sent: 6/04/2023	Investigator
49	Emails between Joseph Anton and Shant Simonian, of UtiliQuest, and Steven Belluzzi	Received: 6/13/2023	Steven Belluzzi
50	Emails between Joseph Anton, of UtiliQuest, and Jeff McClenahan	Received: 6/21/2023	Joseph Anton
51	M Squared Construction CSLB License	10/12/2023	Investigator Search of CSLB License Search
52	Email from Germain Suess (Underground Service Alert) transmitting electronic positive responses	Received: 1/24/2023	Germain Suess, Underground Service Alert

Exhibit 1

Notification Information Report

Information for Notification Number:- D223430002

Date Logged to CRM:- 12/9/2022 10:23 AM

Complaint/Incident Information	
Incident/Complaint Description	
Incident Date	12/9/2022 10:00 AM
Incident State	CA
Incident County	San Francisco
Incident Place	SAN FRANCISCO
Incident St from Address	1931
Incident St to Address	1931
Incident Street	DIAMOND ST
Incident Cross1	DIAMOND HIGHTS BLVD
Incident Location	FRONT OF PROPERTY AT THE STREET
Type of Complaint	
Other Complaint Detail	
Notification Number	D223430002
Notification Created	12/9/2022 10:21 AM
Notification Type	incident
Damage Injury	No
Damage Death	No
Damage Fire Evacuation	No
Damage Facility Type	UNKNOWN
Damage Equipment	EXCAVATOR

Reporter Information

Reporter First Name	MIKE
Reporter Middle Name	
Reporter Last Name	MCCARTHY
Reporter Company	M SQUARED CONSTRUCTION
Reporter Email	MIKE@MSQUAREDCONSTRUCTION.COM
Reporter Phone	4156616902
Reporter Address	1278 20TH AVE
Reporter Address 2	
Reporter City	SAN FRANCISCO
Reporter State	CA
Reporter Zip	94122

Other Party Information

First Name	
Middle Name	
Last Name	
Company	
Address	
City	
State	
Zip Code	
Email	
Phone	

Ticket Entry

Ticket Number	X225902277
Ticket Type	NEW
Revision	00X
Created	9/16/2022 1:05 PM
Account	MMCCARTHY
Channel	WEB
Work Date	9/20/2022 6:01 PM
Response Required	Y
Response Due	9/20/2022 6:01 PM
Expires	10/15/2022 12:59 AM
One Year	N
Priority	NORM
Priority Number	2
Category	LREQ
Lookup	POLY
State	CA
County	San Francisco
Place	SAN FRANCISCO
Work area zip code	94131
St to address	
St from address	
Street	DIAMOND ST
Cross 1	29TH ST
Cross 2	
How delineated	
Excav st walk	Yes
Work Type	EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Boring	No
Explosives	Yes
Vacuum	No
Permit	
Work Order	
Done For	CITY OF SAN FRANCISCO
Remarks Type	
Company Name	M SQUARED CONSTRUCTION
Address1	1278 20TH AVE
Address2	
City	SAN FRANCISCO

State	CA
Zip Code	94122
Phone	4156616902
Phone ext	
Caller	MIKE MCCARTHY
Caller Language	ENGLISH
Cell	
Email	mike@msquaredconstruction.com
Contact Name	MIKE MCCARTHY
Contact Phone	4153612930
Contact Phone Ext	
Contact Cell	4153612930
Contact Email	mike@msquaredconstruction.com
Location	BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640 FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.
Comments	
Map URL	MAP URL of Notification Number D223430002

Ticket GPS Coordinates

Caller GPS Coordinates

Name	Latitude	Longitude
------	----------	-----------

Best Fit Rectangle GPS Coordinates

Name	Latitude	Longitude
37.741207-122.435048	37.740000	-122.440000
37.741255-122.435998	37.740000	-122.440000
37.743385-122.434936	37.740000	-122.430000
37.743434-122.435886	37.740000	-122.440000

Ticket Member List

Member Code

COMNCA

CTYSF2

CTYSF4

MUNUTL

PACBEL

PGESFO

SFOTEC

Exhibit 2

Ticket: X225902277-00X

MBRCOD 00001A USAN 12/15/22 15:45:17 X225902277-00X NEW NORM POLY LREQ

Ticket: X225902277 Rev: 00X Created: 09/16/22 12:05 User: MMCCARTHY Chan: WEB

Work Start: 09/20/22 17:01 Legal Start: 09/20/22 17:01 Expires: 10/14/22 23:59
Response required: Y Priority: 2

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY
Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Work For : CITY OF SAN FRANCISCO
Permit: 22EXC-01981 Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936
: 37.741255/-122.435998 37.741207/-122.435048

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900
: 37.743271/-122.435861 37.743354/-122.435775
: 37.743404/-122.435656 37.743415/-122.435522
: 37.743405/-122.435455 37.743354/-122.435336
: 37.743316/-122.435288 37.743222/-122.435224
: 37.741640/-122.435025 37.741541/-122.435061
: 37.741363/-122.435238 37.741244/-122.435559
: 37.741240/-122.435694 37.741277/-122.435821
: 37.741350/-122.435919 37.741448/-122.435976
: 37.741501/-122.435985 37.741607/-122.435963
: 37.741655/-122.435933 37.741734/-122.435841
: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=ADSYRaQURXRWJZ1-0

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 3

Ticket: X225902277-01X

MBRCOD 00001A USAN 12/15/22 15:45:23 X225902277-01X RNEW NORM POLY LREQ

Ticket: X225902277 Rev: 01X Created: 10/12/22 15:39 User: MMCCARTHY Chan: WEB

Work Start: 09/20/22 17:01 Legal Start: 09/20/22 17:01 Expires: 11/09/22 23:59
Response required: N Priority: 2

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY
Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Work For : CITY OF SAN FRANCISCO
Permit: 22EXC-01981 Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936
: 37.741255/-122.435998 37.741207/-122.435047

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900
: 37.743271/-122.435861 37.743354/-122.435775
: 37.743404/-122.435656 37.743415/-122.435522
: 37.743405/-122.435455 37.743354/-122.435336
: 37.743316/-122.435288 37.743222/-122.435224
: 37.741640/-122.435025 37.741541/-122.435061
: 37.741363/-122.435238 37.741244/-122.435559
: 37.741240/-122.435694 37.741277/-122.435821
: 37.741350/-122.435919 37.741448/-122.435976
: 37.741501/-122.435985 37.741607/-122.435963
: 37.741655/-122.435933 37.741734/-122.435841
: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=BDVVUXXNYMcLULz-o

Comments:

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 4

Ticket: X225902277-02X

MBRCOD 00001A USAN 12/15/22 15:46:43 X225902277-02X RNEW NORM POLY LREQ

Ticket: X225902277 Rev: 02X Created: 11/07/22 11:34 User: MMCCARTHY Chan: WEB

Work Start: 09/20/22 17:01 Legal Start: 09/20/22 17:01 Expires: 12/05/22 23:59
Response required: N Priority: 2

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY
Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Work For : CITY OF SAN FRANCISCO
Permit: 22EXC-01981 Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936
: 37.741255/-122.435998 37.741207/-122.435047

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900
: 37.743271/-122.435861 37.743354/-122.435775
: 37.743404/-122.435656 37.743415/-122.435522
: 37.743405/-122.435455 37.743354/-122.435336
: 37.743316/-122.435288 37.743222/-122.435224
: 37.741640/-122.435025 37.741541/-122.435061
: 37.741363/-122.435238 37.741244/-122.435559
: 37.741240/-122.435694 37.741277/-122.435821
: 37.741350/-122.435919 37.741448/-122.435976
: 37.741501/-122.435985 37.741607/-122.435963
: 37.741655/-122.435933 37.741734/-122.435841
: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=8DLfKhNXOWSVKWo-z

Comments:

****RENEW TICKET**** WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM
****RENEW TICKET**** WORK CONTINUING PER MIKE MCCARTHY--11/07/2022 11:33:55 AM

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 5

Ticket: X225902277-03X

MBRCOD 00001A USAN 12/15/22 15:47:07 X225902277-03X RNEW NORM POLY LREQ

Ticket: X225902277 Rev: 03X Created: 12/02/22 13:42 User: MMCCARTHY Chan: WEB

Work Start: 09/20/22 17:01 Legal Start: 09/20/22 17:01 Expires: 12/30/22 23:59
Response required: N Priority: 2

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY
Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Work For : CITY OF SAN FRANCISCO
Permit: 22EXC-01981 Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936
: 37.741255/-122.435998 37.741207/-122.435047

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900
: 37.743271/-122.435861 37.743354/-122.435775
: 37.743404/-122.435656 37.743415/-122.435522
: 37.743405/-122.435455 37.743354/-122.435336
: 37.743316/-122.435288 37.743222/-122.435224
: 37.741640/-122.435025 37.741541/-122.435061
: 37.741363/-122.435238 37.741244/-122.435559
: 37.741240/-122.435694 37.741277/-122.435821
: 37.741350/-122.435919 37.741448/-122.435976
: 37.741501/-122.435985 37.741607/-122.435963
: 37.741655/-122.435933 37.741734/-122.435841
: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=9DKgJiIcJfJeAdh-4

Comments:

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM
RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--11/07/2022 11:33:55 AM
RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--12/02/2022 01:41:53 PM

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 6

Ticket: X225902277-04W

MBRCOD 00001A USAN 12/15/22 15:47:27 X225902277-04W DMEX RUSH POLY LREQ

Ticket: X225902277 Rev: 04W Created: 12/09/22 10:14 User: PGA Chan: CSR

Work Start: 09/20/22 17:01 Legal Start: 09/20/22 17:01 Expires: 12/30/22 23:59
Response required: N Priority: 0

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY

Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131

Location: Address/Street: DIAMOND ST

: X/ST1: 29TH ST

:

: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS

Work For : CITY OF SAN FRANCISCO

Permit: 22EXC-01981

Job/Work order:

1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936

: 37.741255/-122.435998 37.741207/-122.435047

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900

: 37.743271/-122.435861 37.743354/-122.435775

: 37.743404/-122.435656 37.743415/-122.435522

: 37.743405/-122.435455 37.743354/-122.435336

: 37.743316/-122.435288 37.743222/-122.435224

: 37.741640/-122.435025 37.741541/-122.435061

: 37.741363/-122.435238 37.741244/-122.435559

: 37.741240/-122.435694 37.741277/-122.435821

: 37.741350/-122.435919 37.741448/-122.435976

: 37.741501/-122.435985 37.741607/-122.435963

: 37.741655/-122.435933 37.741734/-122.435841

: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=95ZVYPfJgEgDgC6-d

Comments:

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--11/07/2022 11:33:55 AM

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--12/02/2022 01:41:53 PM

DAMAGE A DAMAGED LINE FROM OTHER, TELEPHONE, STREET LIGHTS, TRAFFIC LIGHTS,

ELECTRIC, CABLE TV, FIBER-CUSTOMER HAS DAMAGED A UN-MARKED UTILITY LINE PER MIKE MCCARTHY--12/09/2022 10:13:22 AM

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 7

From: [Anton, Joseph](#)
To: McClenahan, Jeff@EnergySafety
Subject: Re: Underground Safety Board: Information Request 035 Follow-Up
Date: Tuesday, April 11, 2023 10:05:50 AM

Hi Jeff,

All documentation pertaining to your request can be obtained through Comcast directly. This should not be considered a refusal by Comcast, as Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T.

Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic.



Joseph Anton
Regional Claims/Compliance Mgr
UtiliQuest, LLC & Locating, Inc.

joseph.anton@utiliquest.com
 utiliquest.com

On Tue, Mar 28, 2023 at 9:04 AM McClenahan, Jeff@EnergySafety
<Jeff.McClenahan@energysafety.ca.gov> wrote:

CAUTION: External

Dear UtiliQuest,

I understand that UtiliQuest is contracted with Comcast to fulfill Comcast's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.

Energy Safety's position regarding information about the field markings and the damage is not proprietary or confidential. You state that "UtiliQuest is restricted" from providing the information I requested on January 3, 2023 and January 19, 2023. Provide the basis for Comcast's refusal. If the basis is a contract, provide the contract. If the basis is a policy, provide the policy or if the basis is a legal requirement, then cite the authority.

As part of my investigation, I will be interviewing the person who performed the locate and mark work on December 9, December 15, and December 19, 2022. Provide that person's name and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." Provide that person's name and a point of contact and I will be in touch with an interview date and time.

Please return the requested information by April 5, 2023. Not providing this information will be seen as failure to cooperate with my investigation.

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

[EnergySafety.ca.gov](https://www.energy-safety.ca.gov)

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Exhibit 8

From: [Anton, Joseph](#)
To: McClenahan, Jeff@EnergySafety
Cc: [Hugh Savage](#); [Jeffery Clark](#); wayne.scott.1@att.com; [FRANKS, DONNA J](#)
Subject: Re: Underground Safety Board: Information Request 062
Date: Tuesday, April 11, 2023 10:04:50 AM

Hi Jeff,

All documentation pertaining to your request can be obtained through AT&T directly. This should not be considered a refusal by AT&T, as Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T.

Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic.



Joseph Anton

Regional Claims/Compliance Mgr
UtiliQuest, LLC & Locating, Inc.

-
- joseph.anton@utiliquest.com
 - utiliquest.com

On Tue, Mar 28, 2023 at 9:03 AM McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov> wrote:

CAUTION: External

Dear UtiliQuest,

I understand that UtiliQuest is contracted with AT&T to fulfill AT&T's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.

Energy Safety's position regarding information about the field markings and the damage is not proprietary or confidential. You state that "UtiliQuest is restricted" from providing the information I requested. Provide the basis for AT&T's refusal. If the basis is a contract, provide the contract. If the basis is a policy, provide the policy or if the basis is a legal requirement, then cite the authority.

As part of my investigation, I will be interviewing the person who performed the locate and mark work on December 15 and December 19. Provide that person's name and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that AT&T did not need to provide field marks on December 15, 2022 because "[w]hen excavating in a continuous path, a centerline is needed to follow California excavation guidelines." Provide that person's name and a point of contact and I will be in touch with an interview date and time.

Please return the requested information by April 12, 2023. Not providing this information will be

seen as failure to cooperate with my investigation.

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

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Exhibit 9

☰ 37.741779, -122.435732 🔍 ✕



37°44'30.4"N 122°26'08.6"W

37.741779, -122.435732

- Directions
- Save
- Nearby
- Send to phone
- Share

- 5395 Diamond Heights Blvd, San Francisco, CA 94131
- PHR7+PP6 Diamond Heights, San Francisco, CA
- Add a missing place
- Add your business

Photos



🍴 Restaurants 🏨 Hotels 📷 Things to do 🚇 Transit 🅅 Parking 📄 Pharmacies 🏧 ATMs

Topaz Open Space

KIKI YO Fitness
Temporarily closed

Measure distance
Click on the map to add to your path
Total distance: 635.11 ft (193.58 m)

Map data ©2023 Google United States Terms Privacy Send feedback 100 ft

Exhibit 10

Ticket: X225902277-06X

MBRCOD 00001A USAN 12/15/22 15:48:08 X225902277-06X REMK NORM POLY LREQ

Ticket: X225902277 Rev: 06X Created: 12/13/22 12:43 User: MMCCARTHY Chan: WEB

Work Start: 12/15/22 17:01 Legal Start: 12/15/22 17:01 Expires: 01/10/23 23:59
Response required: Y Priority: 2

Excavator Information

Company: M SQUARED CONSTRUCTION
Co Addr: 1278 20TH AVE
City : SAN FRANCISCO State: CA Zip: 94122
Created By: MIKE MCCARTHY Language: ENGLISH
Office Phone: 415-661-6902 SMS/Cell:
Office Email: mike@msquaredconstruction.com

Site Contact: MIKE MCCARTHY
Site Phone: 415-361-2930 Site SMS/Cell: 415-361-2930
Site Email: mike@msquaredconstruction.com

Excavation Area

State: CA County: SAN FRANCISCO Place: SAN FRANCISCO
Zip: 94131
Location: Address/Street: DIAMOND ST
: X/ST1: 29TH ST
:
: BEGINNING AT THE SOUTH EDGE OF THE DIAMOND ST AND 29TH ST
: INTERSECTION, EXTEND SOUTH ALONG DIAMOND ST FOR APPROXIMATELY 640
: FEET, THROUGH THE BEACON ST INTERSECTION, AND TO THE INTERSECTION OF
: DIAMOND HEIGHTS BLVD AND DIAMOND ST. FOLLOW WHITE PAINT DELINEATIONS.

Delineated Method: WHITE PAINT

Work Type: EXCAVATION TO INSTALL WATER MAIN AND CONCRETE CURB RAMPS
Work For : CITY OF SAN FRANCISCO
Permit: 22EXC-01981 Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 37.743434/-122.435886 37.743385/-122.434936
: 37.741255/-122.435998 37.741207/-122.435047

Excavator Provided:

Polygon : 37.741779/-122.435732 37.743168/-122.435900
: 37.743271/-122.435861 37.743354/-122.435775
: 37.743404/-122.435656 37.743415/-122.435522
: 37.743405/-122.435455 37.743354/-122.435336
: 37.743316/-122.435288 37.743222/-122.435224
: 37.741640/-122.435025 37.741541/-122.435061
: 37.741363/-122.435238 37.741244/-122.435559
: 37.741240/-122.435694 37.741277/-122.435821
: 37.741350/-122.435919 37.741448/-122.435976
: 37.741501/-122.435985 37.741607/-122.435963
: 37.741655/-122.435933 37.741734/-122.435841
: 37.741779/-122.435732

Map link:

https://newtin.usan.org/newtinweb/map_tkt.nap?TRG=CDUWTYSSTVTULdh-4

Comments:

RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM
RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--11/07/2022 11:33:55 AM
RENEW TICKET WORK CONTINUING PER MIKE MCCARTHY--12/02/2022 01:41:53 PM
DAMAGE A DAMAGED LINE FROM OTHER, TELEPHONE, STREET LIGHTS, TRAFFIC LIGHTS,

ELECTRIC, CABLE TV, FIBER-CUSTOMER HAS DAMAGED A UN-MARKED UTILITY LINE PER MIKE MCCARTHY--12/09/2022 10:13:22 AM

AMENDMENT INCIDENT NUMBER: D223430002 PER MIKE MCCARTHY--12/09/2022 10:22:02 AM **REQUEST RE-MARKS** FROM COMNCA, CTYSF2, CTYSF4, MUNUTL, PACBEL, PGESFO, SFOTEC--WORK CONTINUING RE MARKS NEEDED FOR THE EAST SIDE OF THE DIAMOND ST AND DIAMOND HEIGHTS BLVD INTERSECTION. PER MIKE MCCARTHY--12/13/2022 12:42:16 PM

Members:

COMNCA CTYSF2 CTYSF4 MUNUTL PACBEL PGESFO SFOTEC

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Exhibit 11

Ticket Status: NRSP
Transmission ID 13

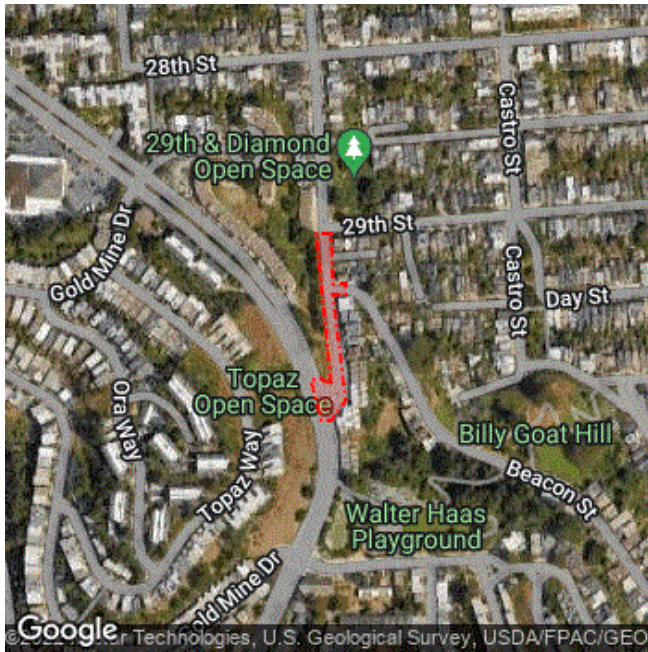
Ticket Type: Normal
Response Required: No

Excavator Details

Contact: Mike McCarthy
Company: M Squared Construction
Excavator Type: Contractor (or other professional excavator)
Address: 1278 20th Ave Suite C San Francisco California 94122
Phone: 415-361-2930

Mobile: Not Supplied
Email: mike@msquaredconstruction.com
Language: Not Supplied
Excavator ID: 1845

Dig Site and Ticket Details



[Open Map](#)

Latitude/Longitude: 37.742180 -122.435481
GIS coordinate system: WGS84 (WKID 4326)

Ticket Action Reason:

NO RESPONSE Utility have incorrectly responded to the ticket stating area was not delineated. AREA IS CLEARLY DELINEATED with white marking paint. On site is Mike McCarthy at 415-361-2930-12/16/2022 09:04 AM

Excavator Remarks:

This is a no response notice on a re-mark request for a previous ticket (X225902277). AT&T and Comcast have failed to mark their utilities.

Previous Ticket #	X225902277	Rev.#	
Submitted	12/16/2022 09:04	Medium	WEB
Work Begin Date	12/20/2022 17:01		
Legal Start Date	12/20/2022 17:01		
Ticket Expiration	01/13/2023 23:59		
Work Duration	Longer than 31 days		
Address/Location	1980 Diamond St		
City/Town/Place	San Francisco		
County	San Francisco County		
State	CA	Zip Code	94131
Nearby Cross Street	Diamond Heights Blvd		
Subdivision/Lot			
Delineated Method	White Paint		
Work Type	Utilities - Distribution		
Work Activity	Water - Install New Facilities		
Excavation Method	Backhoe/trackhoe/excavator/mini ex		
Anticipated Depth	48 to 84 inches		
Boring	No	Explosive	No
Street/Sidewalk	Yes	Pavement Only	Yes
Vacuum Excavation	No		
Project Owner	City and County of San Francisco		
Permit	City/Town 22EXC-01981		
Job #/Name	WD-2843 Diamond St Water		
Onsite Contact Name	Mike McCarthy		
Onsite Contact Phone	4153612930		

Member Operators Notified

Seq. No.	Authority Name	Phone	Status
502676	City and County of San Francisco Department of Technology	4155583265	Notification Sent
502674	City & County of San Francisco Heat/Power/Light	4152274311	Notification Sent
502675	City & County of San Francisco Water	4157168509	Notification Sent
502677	Comcast	3233425552	Notification Sent
502678	Muni Overhead Lines Department	4155183750	Notification Sent
502679	Pacific Bell	5106452929	Notification Sent
502680	Pacific Gas & Electric	9252707271	Notification Sent

END OF UTILITIES LIST

Ticket Revision History

	DATE/TIME	STATUS	TYPE	USER	MEDIUM
	12/16/2022 9:04:11 AM	NRSP	Normal	MikeMcc	Web

END OF REVISION HISTORY LIST

Additional Information

Log in to OCA to view responses from member facility operators and confirm that all operators have responded before you begin digging. Link to OCA here.

Be sure the work location is accessible to facility owners/operators and their contract locators.

- Do not proceed with your works until the legal start date/response due date has arrived and ALL facility owners/operators have responded that it is safe to dig.
- When working within 48" of any facility marking, hand dig to expose the line prior to using power equipment.
- If you make contact with a line, you are required to contact the facility owner immediately.
- **If you need assistance, please contact us by dialing 811 or 1-800-642-2444, or send an email to chat@usan.org**

Exhibit 12

Reserved

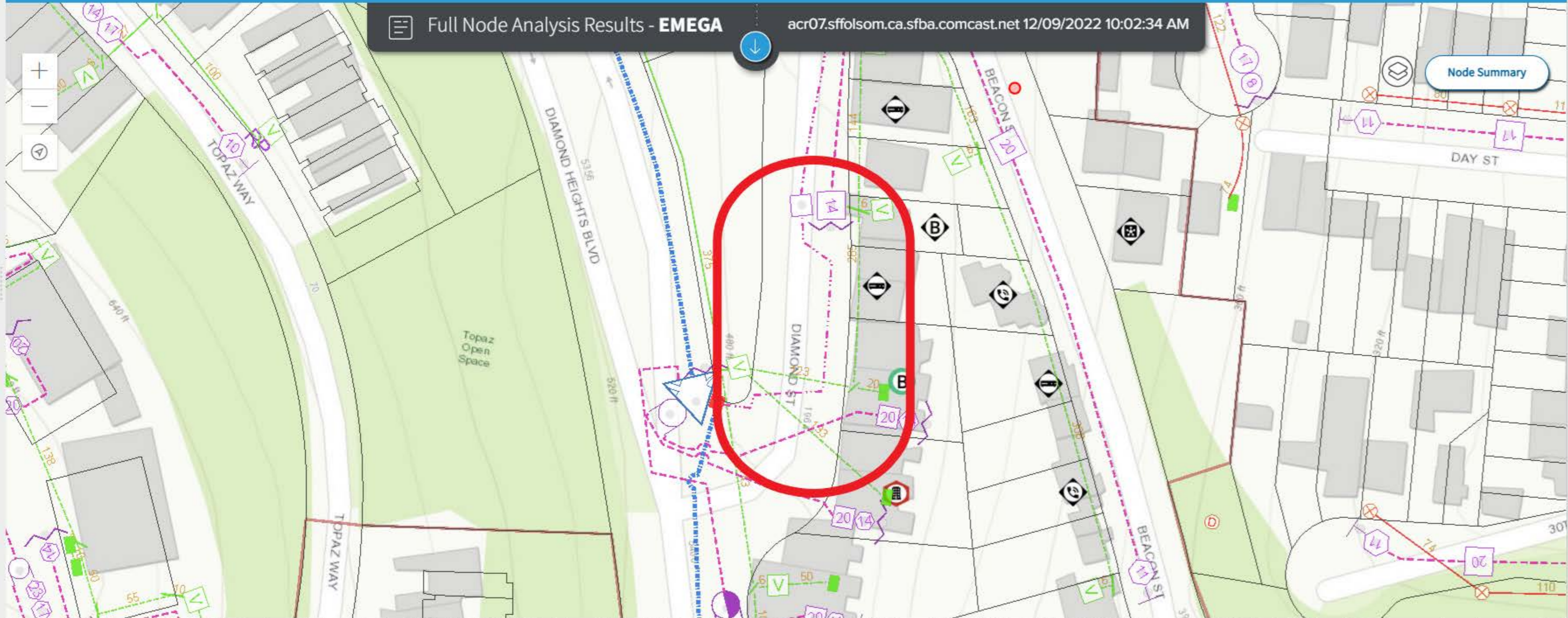
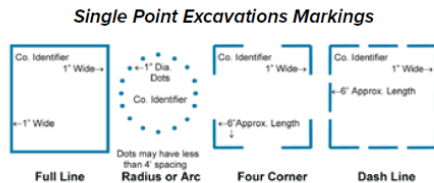


Exhibit 13

From: [Mike McCarthy](#)
To: [Espinoza, Carmen](#)
Subject: RE: X225902277
Date: Thursday, December 15, 2022 4:11:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Guidelines for Excavation Delineation

The following marking illustrations are examples of how excavators may choose to mark their area of proposed excavation. The use of white marking products (e.g., paint, flags, stakes, whiskers, or a combination of these) may be used to identify the excavation site.



Carmen,

Both marking methods are described in the handbook. The handbook gives them as “examples of how the **contractor** may choose to mark their area of proposed excavation”. In some trenching projects, the plans provide measurements for proposed trench lines, in which case providing the proposed trench line makes sense. The plans for this watermain install project, however, are schematic, meaning the alignment show on the plans is undetermined and is to be determined onsite based on existing utility conditions. For this case, we have chosen to delineate the edges of our proposed work area, which covers the half of the intersection that the main could possibly go.

If you would like I can spray a few potential trench lines across the intersection, but I fail to see why it matters as the entire delineated area will need to be marked in order for us to determine where our alignment can fall.

Thanks,
Mike McCarthy
(415) 361-2930

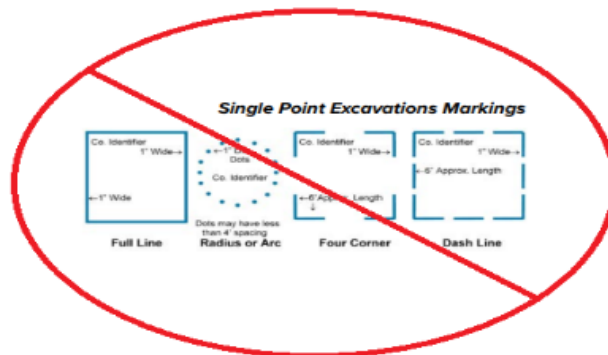
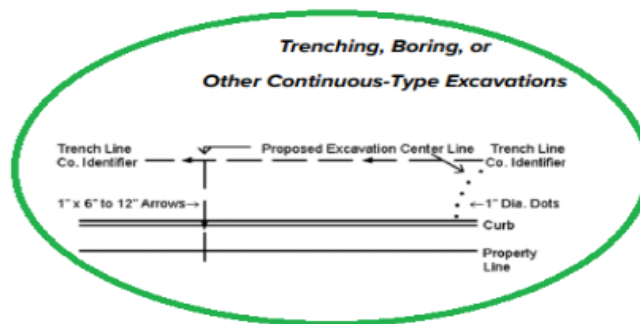
From: Espinoza, Carmen <carmen.espinoza@utiliquest.com>
Sent: Thursday, December 15, 2022 3:50 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: X225902277

On ticket number (X225902277) the delineations on site do not match the delineations needed to meet the requirements f35 or the work type of Boring, Trenching or other Continuous Excavations. When excavating in a continuous path, a centerline is needed to follow California excavation guidelines.

We are closing this ticket with incorrect delineations. This ticket is un-marked and should not be excavated until the marks are complete on site. To get complete utility marks on site please re-submit this ticket to 811 when the proper bore path delineations are corrected on site.

When Boring, Trenching, or Other Types of Continuous-Type Excavations:

Mark in white the proposed centerline (Bore Path) of planned excavation using 6 in. to 12 in. x 1 in. arrows approximately 4 ft to 50 ft apart to show direction of excavation. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Mark lateral excavations with occasional arrows showing excavation direction from centerline with marks at curb or property line if crossed. Dots may be used for curves and closer interval marking.



Carmen Espinoza

Dispatcher, UtiliQuest, LLC

carmen.espinoza@utiliquest.com
utiliquest.com

[Redacted signature line]

[Redacted signature line]

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Exhibit 14



**JULY 7 CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INTERVIEW REPORT**

REPORT DATE: 7/7/2023

CASE NO: CAS-01537-N8N4X5

DATE/TIME OF INTERVIEW: 7/7/2023 2:45 PM

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Mike Mccarthy,
1278 20th Ave
San Francisco, CA 94122
Tel: 4156616902

NARRATIVE:

What's your recollection of the delineation marks?

Was delineated all the way up the street. Could see faintly some of the marks. Clear that go all the way, even if standing at Beacon street, there is a mark just beyond it where UQ says it stops and pointing up to Diamond Heights.

So in September 2022, were you the one delineating?

Yes.

In December, did you re-delineate the site?

Yes.

How did you re-delineate the locate marks?

Just went over the top of marks that made before.

Did you re-delineate or add anything else in addition?

I don't think I added anything, no.

In September, did any coordination issues come up with utility locators?

Don't t think so, but not sure. Not sure because have been having some issues come up lately. Because that is a new policy or something and has been a main issue in the past 2 or 3 months.

Did you input GPS coordinates for this ticket?

In September, it was still on that old 811 system. There was a GPS coordinate. I input all the tickets online where you show where you are going. Now the new system in December is even more precise now with the GPS. So with both of them GPS.

And you were the one to put in the GPS.

Yes, and the description as well is another thing. You put in the GPS that shows the excavation area but is also a section where you are supposed to put in a description of the ticket. And I describe beginning at intersection like beginning at south edge extend south along beacon street at diamond heights boulevard or something like that. Clear that include that on the ticket.

Do you recall any utilities marking in that area?

All the other ones marked in that area -- gas, electric, water were marked in the area on Diamond Street.

Just to be sure, you were the one doing all those delineations?

Yes.

You mentioned in your email, but did you take the photos last week when you went to the site?

Yes.

Would you be able to provide those to me?

Yes

Are you still working that site?

Yes.

You mentioned locate and mark issue on other projects. What's been going on other sites?

Last couple months utiliquist locator, that new policy is that cannot mark unless there is a trench or bore path provided. They send me snippets of the 811 handbook. First, told the locator that never heard of this and have been delineating tickets this way for 5 years. So looked up the handbook and looked like taken out of context. Looks like picking and choosing. Provide examples of how contractor can delineate the site and up to contractor to choose. Pushed me up the ladder after explaining to the locators.

Respond to ticket with deletion does not match ticket description -- but not true because have been describing that so they match. Someone at 811 said don't know what to tell you. Not a "No Response," and started doing a "Return" ticket and asking to come back and will reject that again.

Ultimately pushed up ladder to the supervisor and regional manager and NorCal operations. Same conversation with all of them, requirement ATT is enforcing on them. Biggest thing for them is the mark and locate is not supposed to be for engineering services. Examples gave is like downtown SF contractor ask to mark 4 lane road and then decide to work in 1 lane. I said I understand but that is not my situation which is why I have marked situation. Think why a contractor should be able to choose.

Waiter main for us and other laterals and connection pits, so just marking a trenching path does not meet all my needs or requirements. Still got nowhere with them. Said to go F myself. And said will just keep rejecting the ticket. Wanted to talk to ATT and see if was coming from them. And it

seemed to be the case. Got ahold of someone there and they said the same speech that UQ did that not for engineering purposes.

Eventually in interest of getting ticket marked because had been 2 or 3 weeks met with UQ supervisor and marked way asked me to and did it.

Takes more time for me though. My concern and told them that they are looking for a way to do less work. Way want me to do it can lead to more misunderstanding or misinterpret my marks.

My big concern but in interest of getting it marked I did what they asked.

Explain more where you think the misinterpretation could come from.

Lots involved in the main install but working on new and old main and putting in main on both sides of the street. Sometimes have to access if a leak or connecting to old service. To mark it will just be putting white lines all over the roadway, would be along new main and old main and every service lateral. Every fire hydrant etc... Get worried that between all the criss-crossing white lines will miss something and leave something unmarked.

Way typically do it is mark out the borders and need to curb to curb marked. Then often ask about the sidewalk as well, service where replacing each lateral so sometimes at service meter box in sidewalk.

Will say and ask that need this whole area marked because working in this entire area. Parcel and go piece it out. Worry that will leave something out that am expecting.

Has that come up again like in December where you did not have a trench?

Not marking as engineering purposes and think misinterpreted that don't have a specific trench path. Not that this is not engineered, we have plans where water main is supposed to go, but plans are schematic is what they call it so that have a plan designed but before we are allowed the city has to identify what is in the way

Usually have between 4 and 5 feet where the main is going to go. Not confirmed until do some potholing and verify the location of existing facilities like gas mains and ATT, Comcast stuff like that in the street. So often need the roadway marked first before can say where the main will go.

Is that more than a lane?

It's more like halves of the street that think about it. Most of the blocks have mains on one side and the other.

Do you have specific tickets or electronic positive responses where this occurred?

2 or 3 week stretch where could not get a ticket marked.

Have service laterals so am crossing the street and said at ATT if explain that then UQ should mark it. But I'm still getting the same response.

On the ones going forward will need to mark the trench path.

Speaking by phone with them?

Communications were by phone and the tickets. Rejected no responses as well. Then 811 said to call in Return ticket with same response with.

Recall any names of UtiliQuest or ATT?

Dylan Wilson, a supervisor at UQ. Sent to a Hugh Jackson I think was the regional manager of UtiliQuest.

Eventually, Shant and cannot remember last name was the Nor Cal Operations Manager. When spoke with 811, they suggested speak with Shant. Don't remember Shant's last name.

Do you remember who you spoke with at ATT?

Paul, but don't have a last name. Called the ATT damage prevention hotline and spoke with someone there. Said to speak with Paul and gave me a phone number.

Anything else you want share at this point?

Called 811 and put in contact with Marketing department and what their stance is with this. Because I read differently than ATT and UQ. Thought could give an answer. Unfortunately, they said they create the handbook and not a law firm. Up to your interpretation and their interpretation.

Exhibit 15

From: [Mike McCarthy](#)
To: McClenahan, Jeff@EnergySafety
Subject: RE: Underground Safety Board Information Request
Date: Tuesday, July 11, 2023 1:01:17 PM
Attachments: [image001.png](#)

Hi Jeff,

Attached are the photos of the old/faded delineation marks from the original ticket. As mentioned, they clearly extend from Beacon St, pointing south along Diamond St to the Diamond Heights intersection.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Friday, July 7, 2023 4:18 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Mike,

If you could please email me by July 22 with the additional photos that you took of this job site, I would much appreciate it. I don't anticipate the need for a further interview, but I will be in contact if anything comes up

Please see the information request attached for those photo records.

Thanks for taking the time this afternoon to discuss this case further.

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Tuesday, June 13, 2023 3:49 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Re: Underground Safety Board Information Request

Hi Jeff,

That's completely incorrect. The excavation area extended approx. 25 ft down Beacon St from

Diamond St, so these delineation marks shown were to indicate where the work would take place around Beacon St, but the delineation marks clearly indicated that the work would continue through Beacon St up to Diamond Heights Blvd.

There were marks all the way from Beacon St to Diamond Heights Blvd, and yes the other utilities (PG&E Gas and Electric and SF Water Department I can remember specifically) marked the entire ticket, as delineated, to Diamond Heights Blvd. I am unsure if I have photos from the time of the ticket, I can check, but I would not be surprised if the original delineation marks can still be faintly seen.

As for GPS, yes, this ticket was submit on the online system and had GPS mapping clearly showing the work would continue to Diamond Heights Blvd, and the description of the ticket also clearly states work would continue to Diamond Heights Blvd.

I am out of town at the moment and will not be returning until June 21st, but would love to set up a call for when I am back. I have been having some significant problems with getting Utiliquest to mark my tickets recently and would love to discuss some of their practices with you. I am concerned that they are looking for ways get around performing their responsibilities to mark and locate. Blatantly lying about the delineations of this ticket is just another example of how I fear they are trying to take advantage of contractors and the 8-1-1 system.

Thank you,
Mike

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, June 12, 2023 6:48:55 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

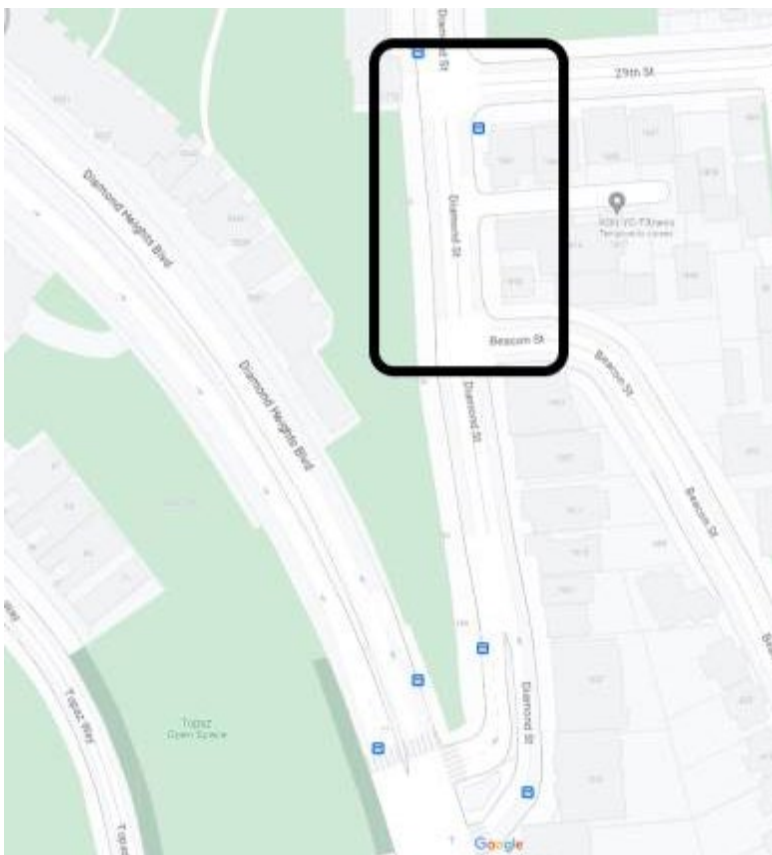
Hi Mike,

I have a few follow-up questions; I know it has been a few months since we spoke on this incident so let me know a good time to setup a call to clarify.

Comcast/UtiliQuest says that they marked within the delineated area which they say was on Diamond St. from 29th St. to the Beacon St. intersection. They say that your final delineation mark was in the intersection of Beacon Street below and so the damage occurred outside the delineated area. I've attached diagrams to this email for you to take a look at.

- Do you have any records or photos of where you delineated for Ticket X225902277-00X?
- Can you recall delineating between the Beacon St. intersection and Diamond Heights Blvd.?
- Did you input GPS coordinates to create this ticket?
- Do you recall other utilities marking the area from Beacon Street to Diamond Heights?

Take a look at this and your records, and let's setup a call to discuss later this week or next week.



Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Monday, February 13, 2023 12:21 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Following up, I did see the Utiliquest crew marking this ticket and they did mark both AT&T and Comcast facilities.

Thanks,
Mike McCarthy
(415) 361-2930

From: Mike McCarthy
Sent: Monday, February 13, 2023 12:20 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Jeff,

I do not see any other emails with Comcast listed for this ticket. But Utilitquest usually marks for both utilities. I'm not sure why its not also listed.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, February 13, 2023 12:09 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Oh okay; this email says that UtiliQuest marked for PacBell. Was there an additional email regarding the status of the Comcast markings?

Thanks,

[Jeff McClenahan](#)
He/him
Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Monday, February 13, 2023 12:05 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Hey Jeff,

It was actually just one email. I think it got attached twice, once as a non-cloud copy and once as a cloud copy. But it is the same email.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, February 13, 2023 11:46 AM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Hi Mike,

I don't have access to the cloud link you shared. Could you please send a non-cloud copy of the 2nd email you attached?

Best,

Jeff McClenahan
He/him
Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Thursday, February 9, 2023 2:42 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Hi Jeff,

Sorry I missed you, I was out of office last week and have been busy catching up. I believe the

remarks were done 12/19/22. I received the attached email from utilitquest.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Thursday, February 9, 2023 2:01 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Thanks, Mike.

I've had some trouble reaching you by phone, so could just answer this: what date were the remarks for the Comcast facility completed?

And did you receive an EPR code that the remarks were completed?

Best,

[Jeff McClenahan](#)
He/him
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Monday, February 6, 2023 9:37 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Jeff,

I'm still working to learn this new ticket system but I was able to generate this report. Let me know if this is what you are looking for.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Thursday, February 2, 2023 1:07 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Hi Mike,

Sorry it's taken me a moment to get back to you.

Do you have a copy of the EPR Code responses as well? Or how have you been receiving those?

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>

Sent: Thursday, January 26, 2023 9:28 AM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Underground Safety Board Information Request

Jeff,

Please see attached for this ticket.

Thanks,

Mike McCarthy

(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Sent: Tuesday, January 24, 2023 2:59 PM

To: Mike McCarthy <mike@msquaredconstruction.com>

Subject: RE: Underground Safety Board Information Request

Hi Mike,

I'm just sending our standard information request (attached) for the records we discussed by phone, namely copies of the new ticket/s and records of EPR code responses for this ticket.

The format has changed somewhat from the previous one so let me know if I can address any issues or questions related to the request itself.

Best,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>

Sent: Wednesday, January 4, 2023 10:53 AM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Underground Safety Board Information Request

I don't have photos, but it was AT&T and Comcast markings, so UtiliQuest again. PG&E had marked their gas and electric facilities and also performed the remark after I sent the request.

Thanks,

Mike McCarthy

(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Sent: Tuesday, January 3, 2023 4:48 PM

To: Mike McCarthy <mike@msquaredconstruction.com>

Subject: RE: Underground Safety Board Information Request

Are you able to provide any photos of the new markings or identify the operators and marks that were not painted on the site previously?

Thanks,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Mike McCarthy <mike@msquaredconstruction.com>

Sent: Tuesday, January 3, 2023 3:10 PM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Underground Safety Board Information Request

Hi Jeff,

Yes, UtiliQuest did finally come out to remark the area. They had sent a response that the area was not delineated properly, so I had to send a No Response request with a note that the area had been clearly delineated with white marking paint.

This was, however, during the switch over from the old online ticket reporting system to the new one, and the new website made me create a new ticket. I think my No Response request showed up

as a new ticket for the utilities rather than a No Response. Either way, the area was final remarked. The remarks also actually showed some more lines that were not marked in the first place. I'm glad I called the remarks, as we could have easily hit another unmarked utility line otherwise.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Tuesday, January 3, 2023 3:03 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Hi Mike,

Just checking in on this incident, and maybe given the weather your work has halted for the moment, but have you resolved the site re-marking issue with UtiliQuest for the project on Diamond St? If so, what happened?

Thanks and happy new year to you,

Jeff McClenahan
He/him
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Mike McCarthy <mike@msquaredconstruction.com>
Sent: Monday, December 19, 2022 2:50 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board Information Request

Sorry, I might have forgotten to include. Please see attached.

Thanks,
Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, December 19, 2022 2:50 PM
To: Mike McCarthy <mike@msquaredconstruction.com>
Subject: RE: Underground Safety Board Information Request

Hi Mike,

I received the photos and your internal report, but I'm not seeing the email attachment if you could please re-forward.

Thanks for all the information,

[Jeff McClenahan](#)

He/him

Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Mike McCarthy <mike@msquaredconstruction.com>

Sent: Monday, December 19, 2022 2:09 PM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Underground Safety Board Information Request

Hi Jeff,

Please see attached incident report and photos. I've also attached my brief correspondence with the UtiliQuest locator. He had sent me this email after our phone conversation.

Another thing I made clear to him on the phone is that water main projects do not just involve excavation for the main. There are other excavations that need to be done for connecting new main to old main, or existing services to new main, etc. I told him that is why we used the bracketing method to delineate the entire work area, not just where the main might go. Let me know if you need anything else.

Thanks,

Mike McCarthy
(415) 361-2930

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Sent: Monday, December 19, 2022 1:43 PM

To: Mike McCarthy <mike@msquaredconstruction.com>

Subject: Underground Safety Board Information Request

Hi Mike,

Thanks for filling me in on the situation at 1931 Diamond St.

If you could please send any records and photos you have the incident, then I will proceed with full information.

Please let me know when the site is marked out, and if you continue to have problems with the delineation. If you have any written communication records with UtiliQuest about this delineation issue that would be useful as well.

Best,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

Exhibit 16

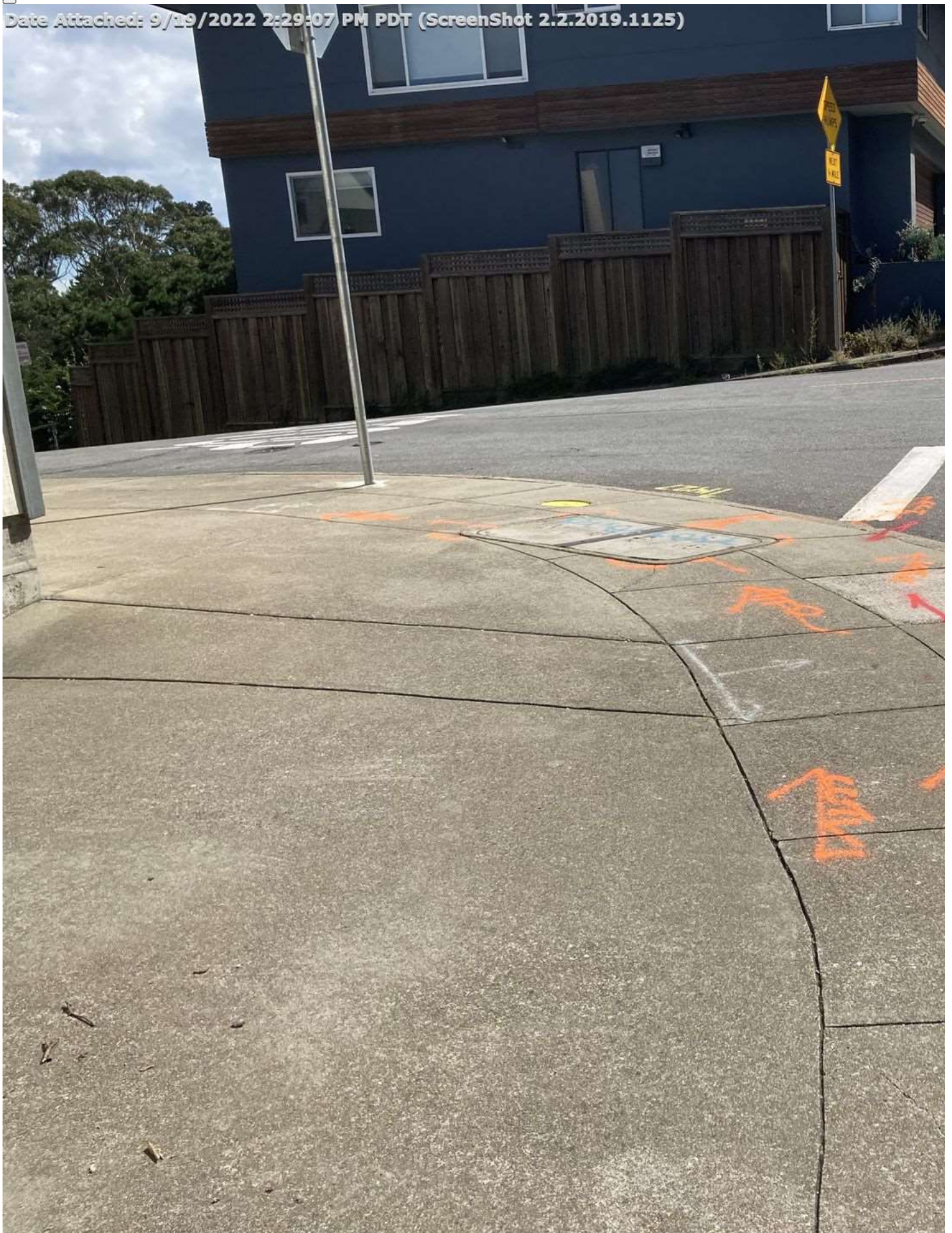
Date Attached: 9/19/2022 2:29:25 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:08 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/09/2022 2:29:07 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:07 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:10 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:21 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:22 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:09 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:11 PM PDT (ScreenShot 2.2.2019.1125)



Date Attached: 9/19/2022 2:29:11 PM PDT (ScreenShot 2.2.2019.1125)

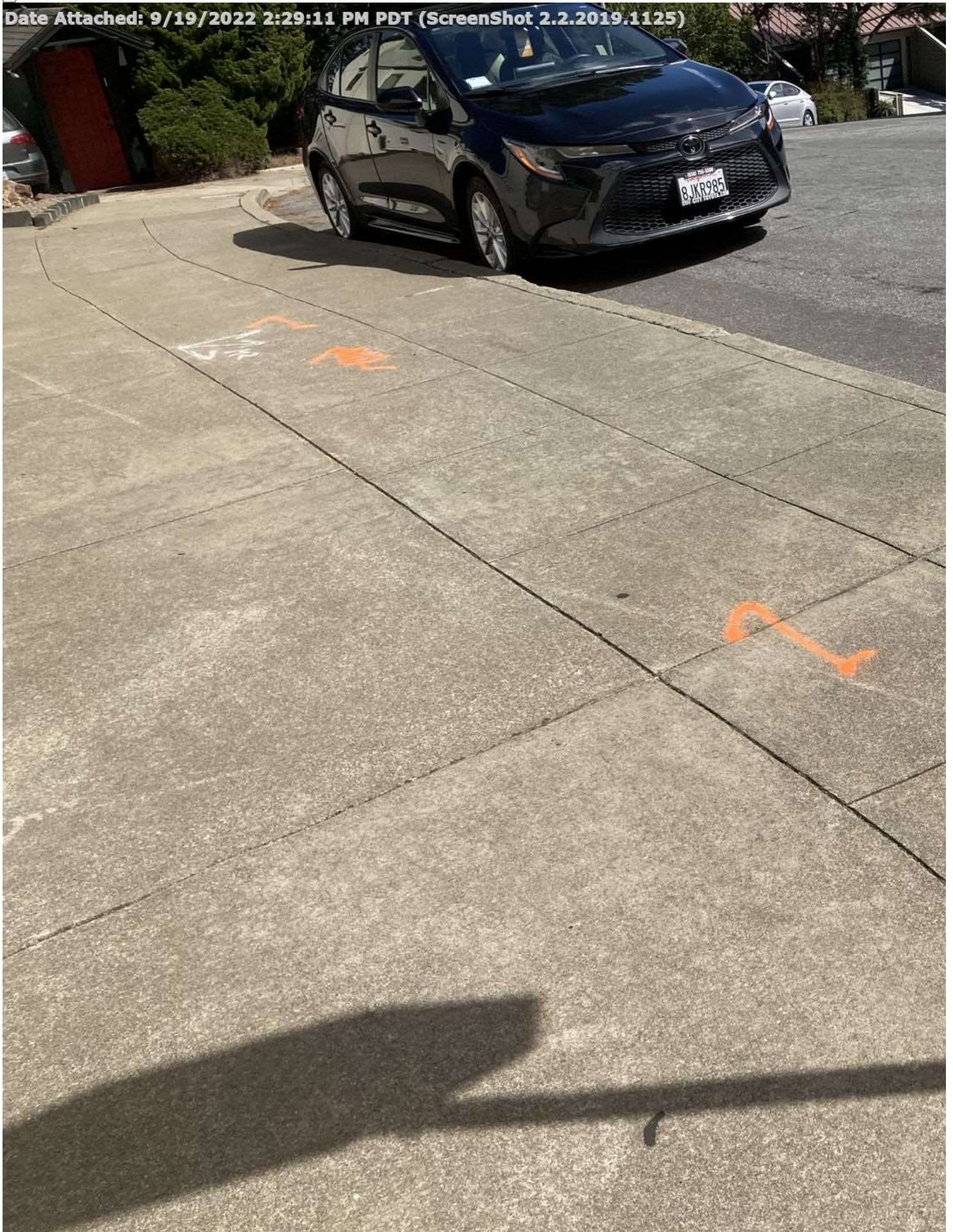


Exhibit 17

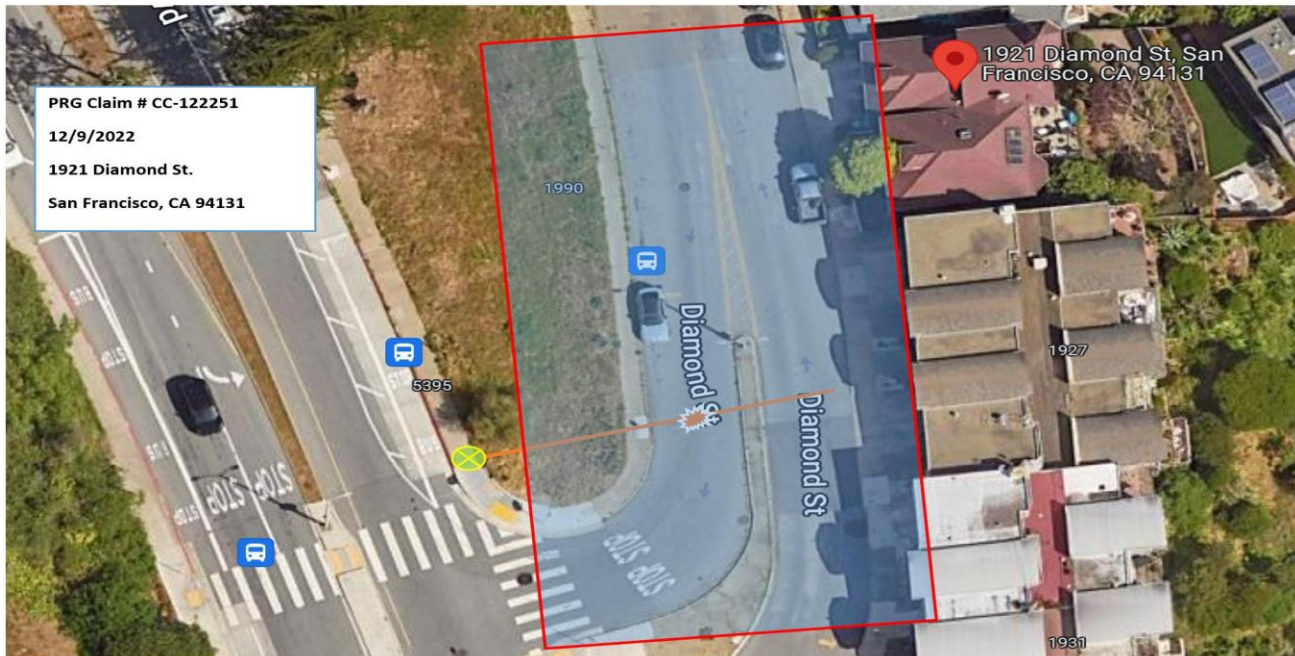
Damage Investigation Findings

PRG CLAIM: CC-122251
DATE OF DAMAGE: 12/09/2022 10:00 AM
NOTIFICATION: 12/09/2022 12:50 PM
LOCATION: 1921 Diamond St., San Francisco, CA 94131
ARRIVAL: 12/12/2022 01:00 PM
LOCATE TICKET: X225902277
INVESTIGATOR: Jordan Stockholm

SUMMARY

On Friday, December 9, 2022 at 12:50 PM, I was notified by Comcast employee Pedro Bedolla about damage at 1921 Diamond St., San Francisco, CA 94131. The damage happened to multiple buried Comcast coax cables in conduits during excavation in the street.

I arrived on-site at 1921 Diamond St. San Francisco, CA to find the damaged cable location covered by a cold patch of asphalt. There were no representatives from Comcast or M Squared Construction Inc. on-site during my visit. Comcast and their 3rd party repair group will have patched the conduits and pulled new spans of the damaged cables for a permanent repair.



LEGEND

 Pole
  Access point
  Point of Damage
  Cable Path
  Scope of Ticket

STATEMENTS

Pedro Bedolla - Comcast - Email - 12/9/2022 @ 12:50 PM

I was informed of this damage by Comcast, who provided photos and repair details.

Mike McCarthy - M Squared Construction Inc. - Phone - 12/13/2022 @ 3 PM

I spoke with the listed foreman for M Squared Construction Inc., who informed me that Utiliquest did not mark this cable prior to the damage.

Chet King - Utiliquest - Phone - 12/13/2022 @ 1 PM

I sent photos to Utiliquest.

DETERMINATION

M Squared Construction Inc. requested a locate on 9/20/2022 for the purposes of excavation and was provided with ticket number X225902277. They were working within the scope and timeframe of the ticket, and it was shown as being valid. Utiliquest is charged with ensuring that Comcast utilities are properly located and marked within the scope of the locate ticket and it has been found that this was not done. Therefore, it has been determined that Utiliquest is liable for the damage and subsequent repair of the facility as noted above. Without sufficient marking of the Comcast utilities in the referenced area, M Squared Construction Inc. would not be aware of the cable and should not be held accountable for its damage.

4216.7. (c,d) CA Dig Law - Locate Company Liability

(c) If an operator of a subsurface installation without a reasonable basis, as determined by a court of competent jurisdiction, has failed to comply with the provisions of Section 4216.3, including, but not limited to, the requirement to field mark the appropriate location of subsurface installations within two working days of notification, as defined by subdivision (v) of Section 4216 and subdivision (b) of Section 4216.2, has failed to comply with subdivision (c) of Section 4216.2, or has failed to comply with subdivision (b) of Section 4216.4, the operator shall be liable for damages to the excavator who has complied with Section 4216.2, subdivisions (b) and (d) of Section 4216.3, and Section 4216.4, including liquidated damages, liability, losses, costs, and expenses, actually incurred by the excavator, resulting from the operator's failure to comply with these specified requirements to the extent the damages, costs, and expenses were proximately caused by the operator's failure to comply. (d) An excavator who damages a subsurface installation due to an inaccurate field mark by an operator, or by a third party under contract to perform field marking for the operator, shall not be liable for damages, replacement costs, or other expenses arising from damages to the subsurface installation if the excavator complied with Sections 4216.2 and 4216.4.



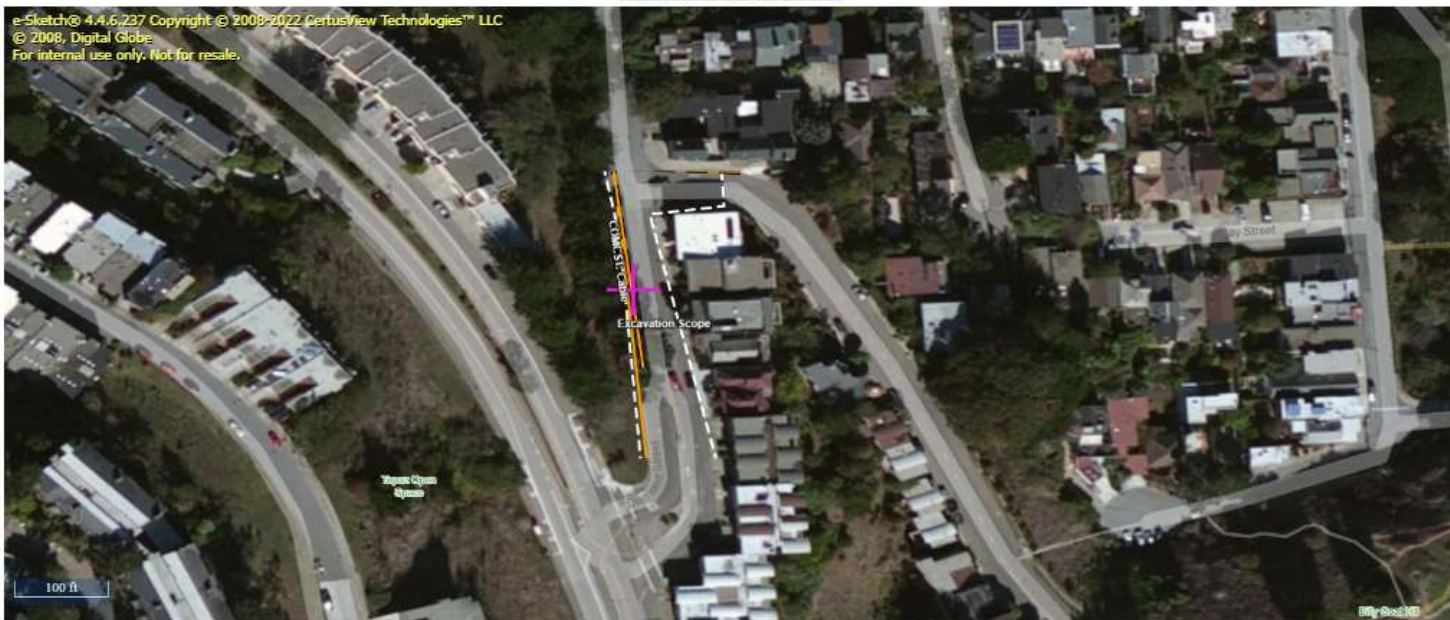
ROOT CAUSE

Facility marking or location not sufficient or accurate.

Exhibit 18

Virtual Manifest™

e-Sketch® 4.4.6.237 Copyright © 2008-2022 CertusView Technologies™ LLC
© 2008, Digital Globe
For internal use only. Not for resale.



Shapes: D=Excavation Scope (White) P=Phone Main (Orange)
C=Cable (Orange)

Materials: Paint
Actions: Secured Bonds/Closures
Conditions:

Symbols:

Ticket Details

Ticket #: X225902277
Completed By: 850087
Completed On: 09/19/2022 02:37 PM
PlaceStamp: 0,0

Signature



Device GPS Unavailable
Lat/Long was available on Ticket

Exhibit 19

Incident Investigation Report

WD-2843 – Diamond Street,

San Francisco, CA

1. Incident	
Date and Time of Incident:	12/9/2022 – 10:00am
Incident Investigation Date:	12/9/2022

2. Persons Involved in the Investigation	
Position	Name
Name of person conducting investigation:	Mike McCarthy
Project Manager:	Mike McCarthy
Project Safety Representative:	Mike McCarthy
Health and Safety Representative:	Mike McCarthy
Other:	
Other:	
Other:	

3. Name of person(s) who were injured
N/A

4. Injury(s) Sustained
N/A

5. Incident Location - <i>(please state exact location)</i>
1927 Diamond St (west side of Diamond St) San Francisco, CA 94131

6. Description of Incident – <i>(Provide a brief description)</i>
<p>While excavating to install 8” DIP main on Diamond St, between Beacon St and Diamond Heights Blvd, roughly outside of 1927 Diamond St, using a Komatsu Excavator, a 2” comcast conduit and the two cables inside the conduit were damaged. The utility was unmarked. While trenching with the excavator, Westy was pulling the dirt back with the machine. The teeth of the bucket hit the top conduit of a 3-conduit bundle. The teeth broke the conduit and pulled the two cables inside, severing them.</p> <p>I was informed of the damage at 10am, I arrived onsite to investigate at 10:10am, called 811, USAN, to report a dig-in on an unmarked and unknown utility. Comcast support arrived at 10:40am to perform a temp repair to restore service to the residents. CableCom arrived at around 12:30pm. They repaired the conduit so we could continue with backfill, then pulled a new cable through the conduit, completing the repair around 3:45pm.</p>
Has a similar incident/near miss occurred previously? <input type="checkbox"/> Yes <input type="checkbox"/> No

Were there procedures in place to minimize the risk?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has a Risk Assessment for the task been completed/reviewed (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Medical Treatment – <i>(Please provide a brief explanation of the medical treatment or first aid that was applied)</i>	
N/A	
Was an ambulance called?	<input type="checkbox"/> Yes <input type="checkbox"/> No

8. Key Contributing Factors – <i>(Provide a brief description of the circumstances that led to the incident/injury occurring and the immediate cause)</i>
<p>Design of equipment/workplace (e.g. defective or unsuitable equipment, workplace layout)</p> <p>Environment (e.g. lighting, ventilation, noise, temperature) Comcast failed to mark their existing underground utility. There was no way for our crew to know there was a conduit there.</p> <p>Human (e.g. fatigue, lack of understanding)</p> <p>Work methods and systems (e.g. training, unclear work procedures, flow of information)</p> <p>Other comments:</p>

9. Documents Collected - <i>(e.g. interviews, photos, Safe Work Procedures, and risk assessments).</i>	
Name of Document	Attached
Photo's	<input type="checkbox"/> Yes <input type="checkbox"/> No
USAN Ticket – X225902277	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No

10. Corrective Actions - <i>(Provide a detailed description of what actions are to be taken to reduce the risk of the incident/injury from occurring again)</i>			
Actions	Completion Date	Person Responsible	Actions Completed
Review procedures for safely exposing and working around existing utilities.			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

11. Risk Management – Evaluate the likelihood, consequences and level of risk

Likelihood		
Descriptor	Level	Definition
Rare	1	May occur, sometime (“once in a life time / once in a hundred years”)
Unlikely	2	May occur somewhere within DEECD over an extended period of time
Possible	3	May occur several times across DEECD or a region over a period of time
Likely	4	May be anticipated multiple times over a period of time May occur once every few repetitions of the activity or event
Almost Certain	5	Prone to occur regularly Is anticipated for each repetition of the activity

Consequence		
Descriptor	Level	Definition
Insignificant	1	No injury
Minor	2	Injury/ ill health requiring first aid
Moderate	3	Injury/ill health requiring medical attention
Major	4	Injury/ill health requiring hospital admission
Severe	5	Fatality

Risk Level					
Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Medium	High	Extreme	Extreme	Extreme
Likely	Medium	Medium	High	Extreme	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Medium	Medium

Key	
Extreme:	Notify Workplace Manager and/or Management OHS Nominee immediately. Corrective actions should be taken immediately. Cease associated activity.
High:	Notify Workplace Manager and/or Management OHS Nominee immediately. Corrective actions should be taken within 48 hours of notification
Medium:	Notify Nominated employee, HSR / OHS Committee . Nominated employee, OHS Representative / OHS Committee is to follow up that corrective action is taken within 7 days.
Low:	Notify Nominated employee, HSR / OHS Committee . Nominated employee, HSR / OHS Committee is to follow up that corrective action is taken within a reasonable time.

Risk Level:

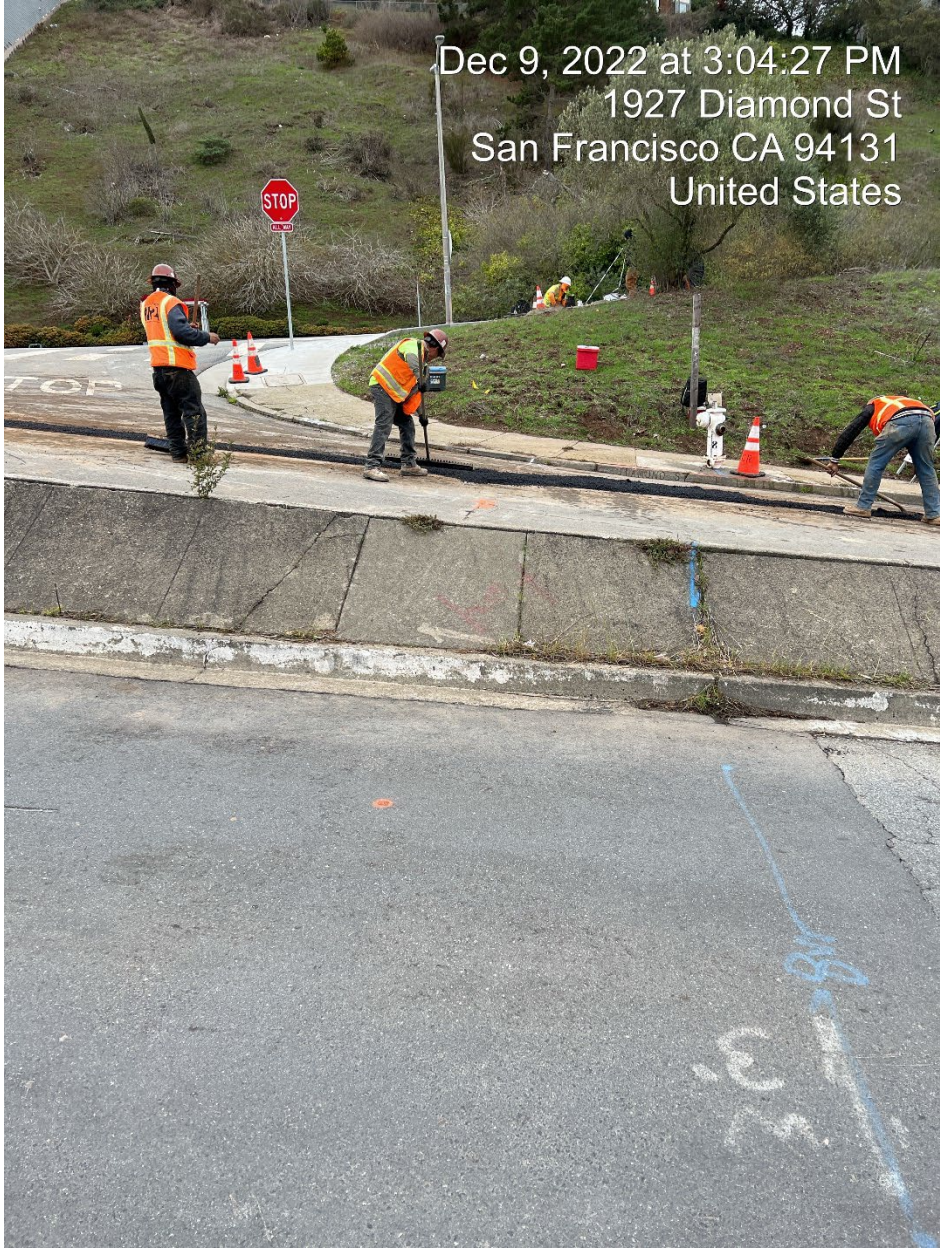
Low

Exhibit 20



Dec 9, 2022 at 3:04:39 PM
1927 Diamond St
San Francisco CA 94131
United States

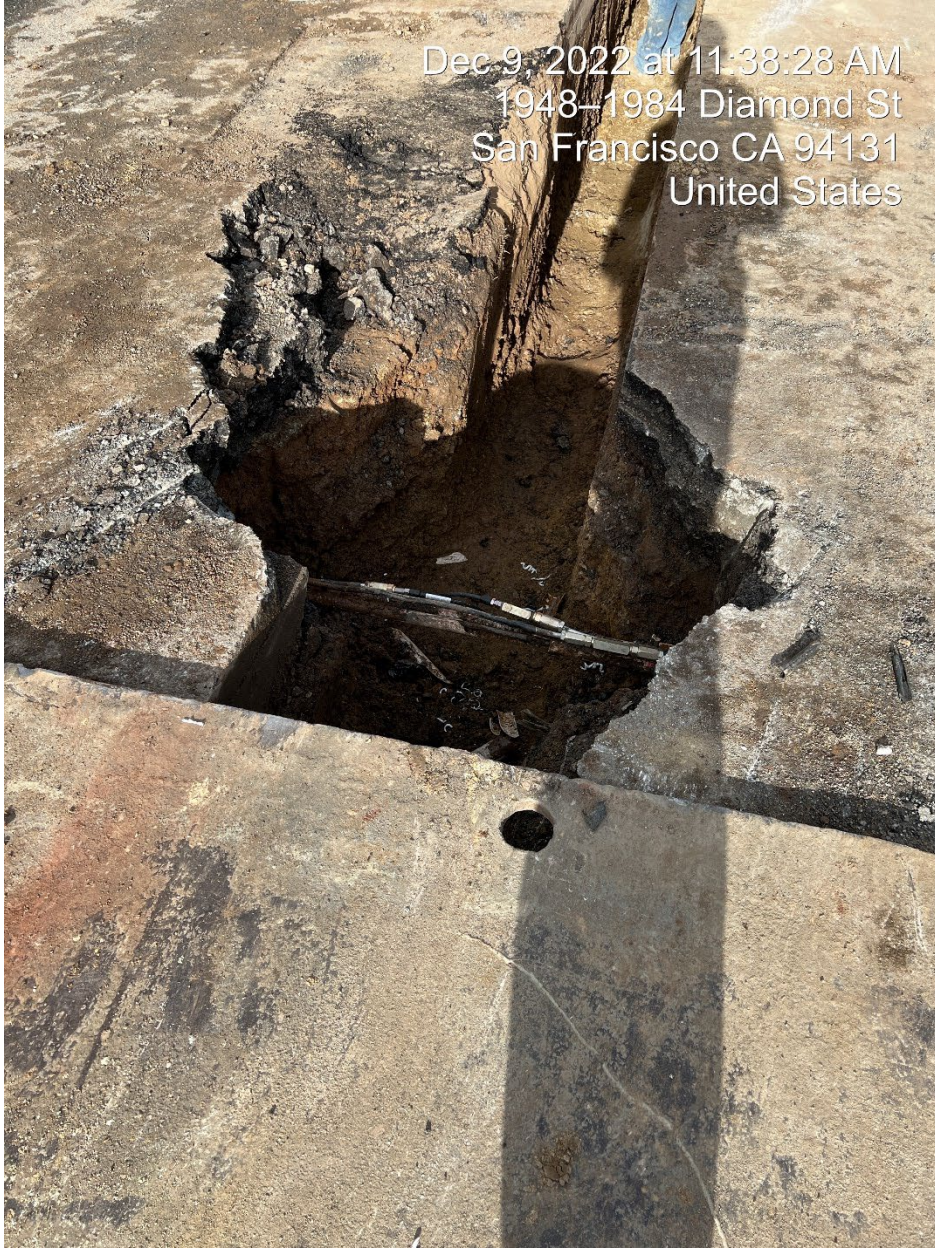
Dec 9, 2022 at 3:04:27 PM
1927 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 3:04:15 PM
1921 Diamond St
San Francisco CA 94134
United States



Dec 9, 2022 at 11:38:28 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:38:21 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:34:03 AM
1915 Diamond St
San Francisco CA 94131
United States





Dec 9, 2022 at 11:33:57 AM
1915 Diamond St
San Francisco CA 94131
United States

Dec 9, 2022 at 11:33:49 AM
1915 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:33:36 AM
1921 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:33:25 AM
1921 Diamond St
San Francisco CA 94131
United States



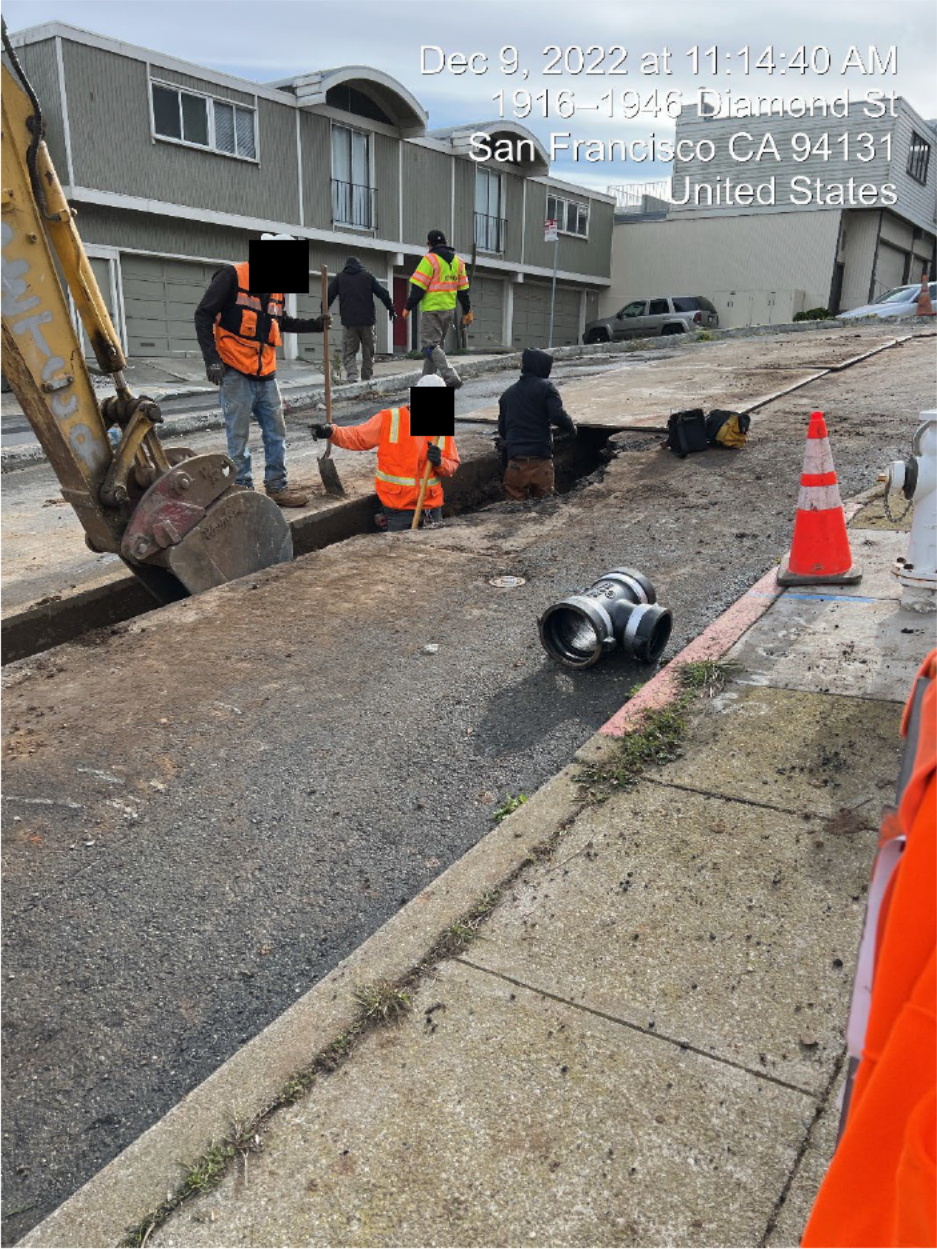
Dec 9, 2022 at 11:15:35 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:14:49 AM
1916-1946 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 11:14:40 AM
1916-1946 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:33:39 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:33:36 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:27:00 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:25:29 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:25:21 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:25:18 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:24:41 AM
1927 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:24:26 AM
1927 Diamond St
San Francisco CA 94131
United States



Dec-9, 2022 at 10:24:16 AM
1927 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:24:09 AM
1927 Diamond St
San Francisco CA 94131
United States



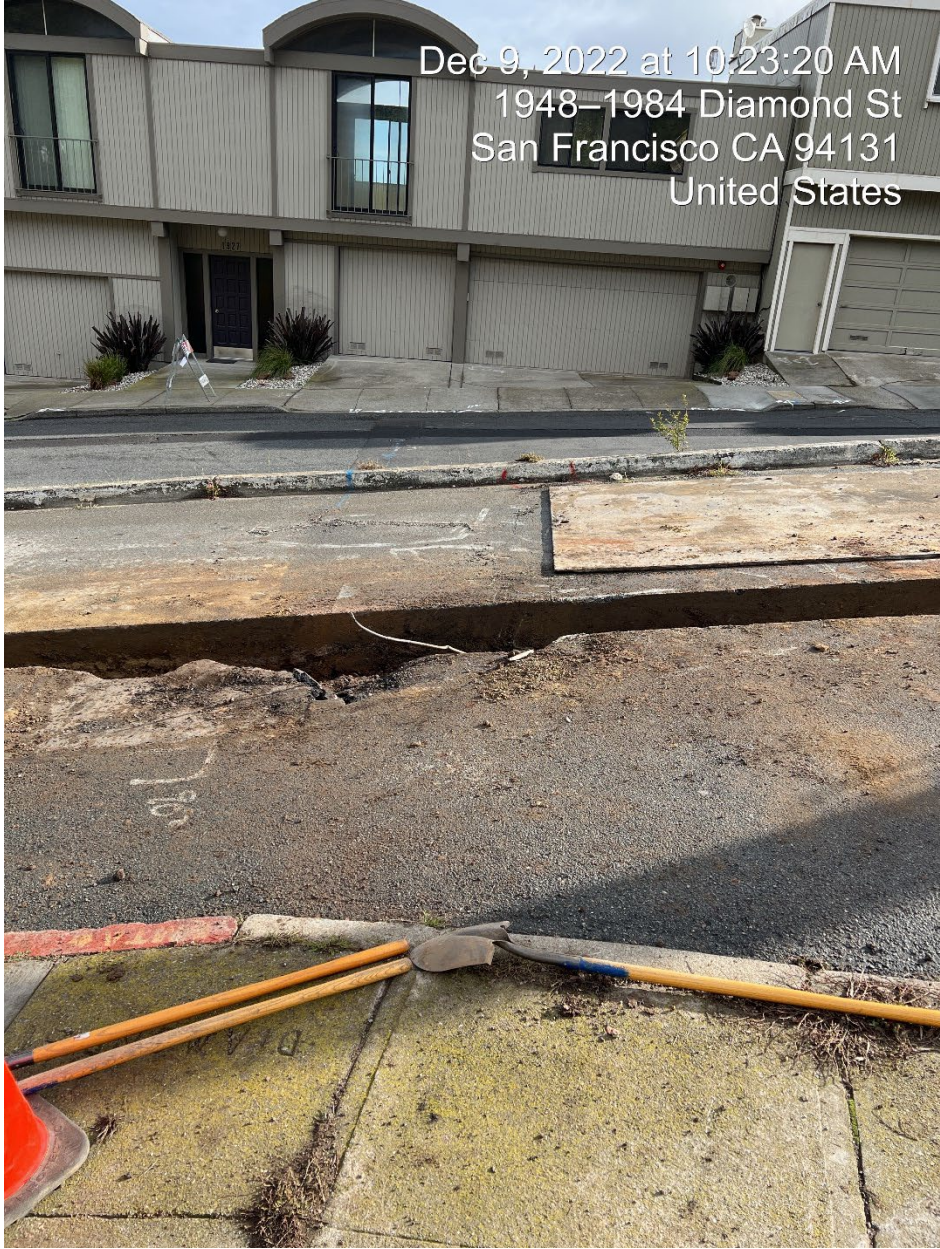


Dec 9, 2022 at 10:23:41 AM
1948-1984 Diamond St
San Francisco CA 94131
United States

Dec 9, 2022 at 10:23:33 AM
1948-1984 Diamond St
San Francisco CA 94131
United States



Dec 9, 2022 at 10:23:20 AM
1948-1984 Diamond St
San Francisco CA 94131
United States





Dec 9, 2022 at 10:23:03 AM
1948-1984 Diamond St
San Francisco CA 94131
United States

1984

Dec 9, 2022 at 10:22:32 AM
1948-1984 Diamond St
San Francisco CA 94131
United States





Dec 9, 2022 at 3:04:49 PM
1927 Diamond St
San Francisco CA 94131
United States

Exhibit 21

Member Name	Member Code	Ticket	Revision	Responded	Response Code	Response Description
CITY COUNTY SAN FRANCISCO DEPT OF TECH	SFOTEC	X225902277	00X	9/20/2022 6:57:04 PM	999	Late notice
			06X	12/15/2022 5:16:53 PM	999	Late notice
CITY OF SAN FRANCISCO - WATER	CTYSF2	X225902277	00X	9/20/2022 6:57:04 PM	999	Late notice
			04W	12/9/2022 10:18:15 AM	001	Clear - no conflict
			05W	12/9/2022 12:27:39 PM	001	Clear - no conflict
			06X	12/13/2022 2:46:45 PM	001	Clear - no conflict
CITY OF SAN FRANCISCO HEAT/POWER/LIGHT	CTYSF4	X225902277	00X	9/20/2022 8:29:33 AM	010	Locate area marked
			06X	12/15/2022 10:16:36 AM	003	Existing markings adequate
COMCAST - NORTHERN CALIFORNIA	COMNCA	X225902277	00X	9/19/2022 2:40:25 PM	010	Locate area marked
			05W	12/9/2022 1:30:40 PM	010	Locate area marked
			06X	12/15/2022 3:55:28 PM	023	Delineated area does not match location request - resend ticket requested
MUNI OVERHEAD LINES DEPARTMENT	MUNUTL	X225902277	00X	9/20/2022 6:57:04 PM	999	Late notice
			06X	12/15/2022 5:16:53 PM	999	Late notice
PACIFIC BELL	PACBEL	X225902277	00X	9/19/2022 2:41:14 PM	010	Locate area marked
			01X	10/12/2022 4:01:26 PM	004	No markings requested
			02X	11/7/2022 12:02:44 PM	004	No markings requested
			03X	12/2/2022 2:01:42 PM	004	No markings requested
			05W	12/9/2022 1:31:36 PM	001	Clear - no conflict
			06X	12/15/2022 3:56:16 PM	023	Delineated area does not match location request - resend ticket requested
PGE DISTRIBUTION - SAN FRANCISCO	PGESFO	X225902277	00X	9/20/2022 12:38:38 PM	051	Mutually agreed to a later start date & Time)4216.3(a)(1)(A))
				9/20/2022 3:23:20 PM	014	Partially marked - more time is needed
				9/20/2022 3:31:25 PM	051	Mutually agreed to a later start date & Time)4216.3(a)(1)(A))
				9/20/2022 4:02:37 PM	014	Partially marked - more time is needed
				9/21/2022 2:09:08 PM	010	Locate area marked
			01X	10/12/2022 3:40:42 PM	004	No markings requested
			02X	11/7/2022 11:34:40 AM	004	No markings requested
			03X	12/2/2022 1:42:53 PM	004	No markings requested
			05W	12/9/2022 11:02:17 AM	004	No markings requested
			06X	12/14/2022 11:24:58 AM	014	Partially marked - more time is needed
				12/14/2022 1:28:35 PM	010	Locate area marked

Exhibit 22

From: [Simonian, Shant](#)
To: [Belluzzi, Steven](#)
Cc: [Nick Starke](#); [Joseph Anton](#); [William Stewart](#)
Subject: [EXTERNAL] Underground Safety Board Investigation D22630004
Date: Saturday, June 3, 2023 9:58:42 AM
Attachments: [Underground Safety Board Investigation Case Ticket #X225902277.pdf](#)
[Photo B.png](#)
[Photo A.png](#)

Steve

Attached you will find the response to the above case along with supporting documents. There was a 3rd renewal ticket that we left out of the report because comcast never sent it to us. (**RENEW TICKET** WORK CONTINUING PER MIKE MCCARTHY--12/02/2022 01:41:53 PM)

Also the other ticket number that they were asking about was after the damage and seems like there was an issue with the new pelican crossover, we are researching it and will draft a response early next week for that.

Shant Simonian

Dir Operations, UtiliQuest, LLC

shant.simonian@utiliquest.com

utiliquest.com



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Underground Safety Board Investigation Case D22630004

Ticket Info

Ticket #:X225902277

Legal Start :09/20/22 17:01pm **Located and Marked:**09/19/22 2:39pm

EPR sent:09/19/22 2:41pm **Response Code:**10 Locate Area Marked

EPR posted ONE CALL: Unavailable

Ticket Updates

****RENEW TICKET**** WORK CONTINUING PER MIKE MCCARTHY--10/12/2022 03:39:54 PM

EPR:10/12/22 3:50pm **Response Code:**04 No Marks Requested

****RENEW TICKET**** WORK CONTINUING PER MIKE MCCARTHY--11/07/2022 11:33:55 AM

EPR:11/17/22 11:40am **Response Code:**04 No Marks Requested

****DAMAGE**** A DAMAGED LINE FROM OTHER, TELEPHONE, STREET LIGHTS, TRAFFIC LIGHTS, ELECTRIC, CABLE TV, FIBER-CUSTOMER HAS DAMAGED A UN-MARKED UTILITY LINE PER MIKE MCCARTHY--12/09/2022 10:13:22 AM

Located and Marked:12/09/22 1:27pm

EPR:12/09/22 1:30pm Response Code: 10 Locate Area Marked

EPR posted ONE CALL: All tickets Unavailable

Investigation

- Comcast facilities along with other utilities were marked in the area of the excavator's delineations for the area described in USA ticket X225902277 prior to the legal start date of the ticket. (see photo A below)
- All subsequent Tickets never requested Remarks from the excavator (see above)
- Excavator dug and damaged Comcast facility approximately 300' way from the closest Premark and cable facility locate mark. (see photo B)

Summary

- Excavator failed to delineate the area where the damage occurred.

Violation:

4216.2.

Before notifying the appropriate regional notification center, an excavator planning to conduct an excavation shall delineate the area to be excavated.

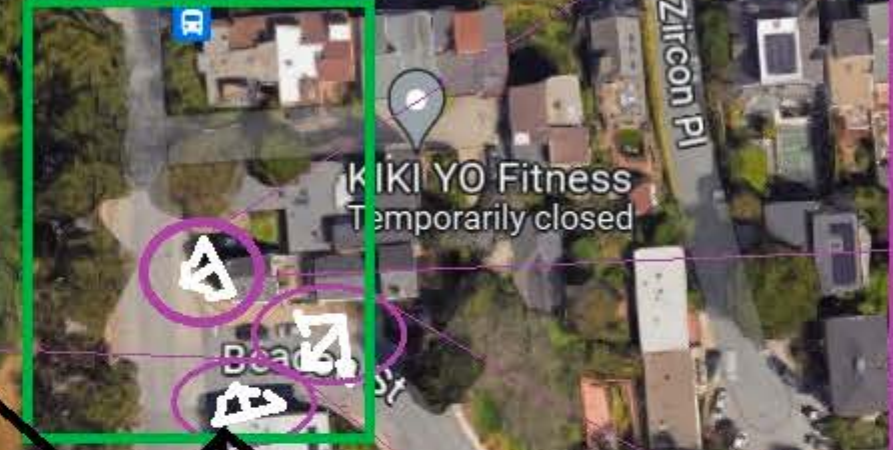
4216.7 *(Failure to Comply/Consequences)*

If a subsurface installation is damaged by an excavator as a result of failing to comply with Section 4216.2, 4216.4, or 4216.10 or subdivision (b) of Section 4216.3, or as a result of failing to comply with the operator's requests to protect the subsurface installation as specified by the operator before the start of excavation, the excavator shall be liable to the operator of the subsurface installation for resulting damages, costs, and expenses to the extent the damages, costs, and expenses were proximately caused by the excavators failure to comply.

- Ticket #: X225902277 Was located and marked accurately at the delineated area of the ticket prior to the legal start date.
- EPR was transmitted to the USA North prior to the Legal start date.



REQUESTED USA AREA PER USA MARKS





ABOUT 300 FT

Damage Location

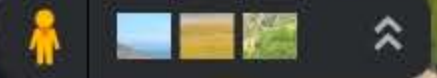


Exhibit 23

From: BAGNESCHI, PAUL
To: McClenahan, Jeff@EnergySafety
Subject: RE: Case D223430002
Date: Monday, July 17, 2023 11:55:25 AM
Attachments: image001.png

See the answers to the questions

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, July 17, 2023 10:45 AM
To: BAGNESCHI, PAUL <pb1419@att.com>
Subject: RE: Case D223430002

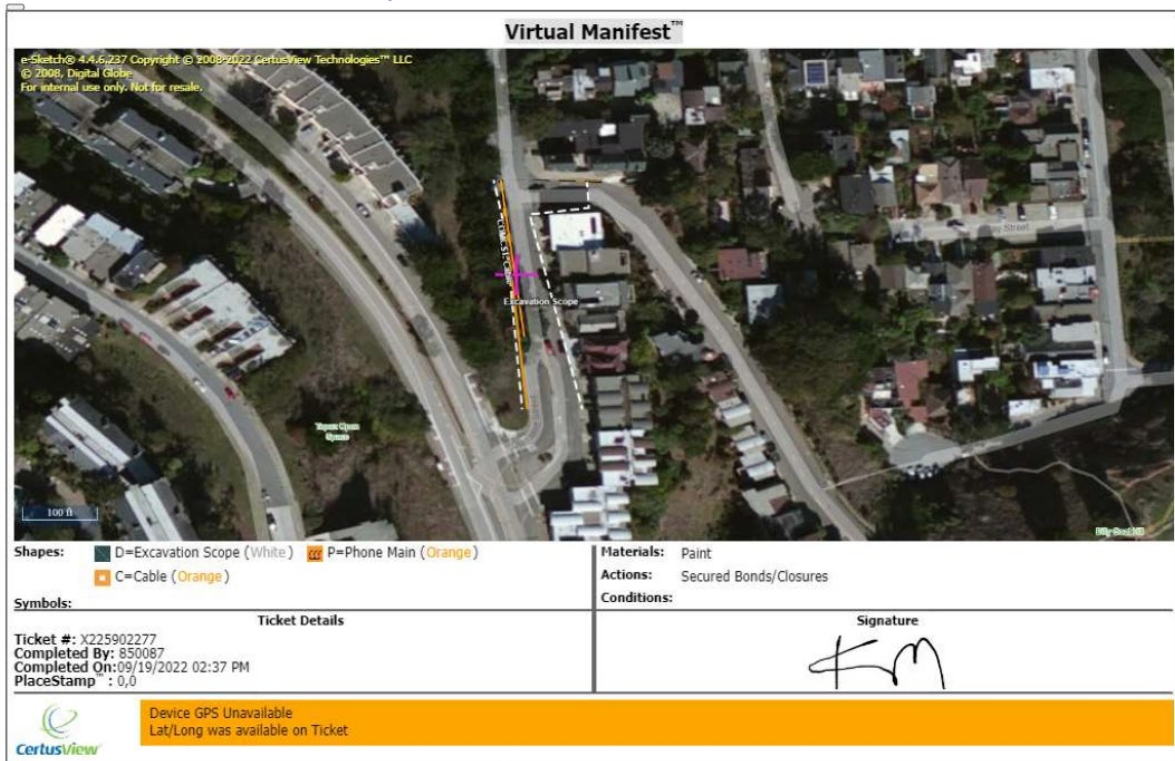
I was looking through the photos and Photo 60 from the September 2022 set stood out.

A few questions:

- What is this exactly and how is it involved in locate and mark practices? It is a drawing of the approximate location of our lines that were marked out for the locate. Assists with the determination if all lines in the area were marked out
- Who created this document? And id the ATT locator have access to this? The locator created it at the completion of the locate
- How is the "excavation scope" drawn? Is that determination automated in any way? Drawn by locator that completed the locate. Not so scale and approximate location of delineations
- What is "securing bonds/closures" that is listed as an "action" in this context? All of our metallic cables have bonds to ground on them. If they remove a bond or see a bond the locators ensure they are tight

I'll paste a copy below and attach.

Appreciate your insight here since I haven't seen something like this before.



Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: BAGNESCHI, PAUL <pb1419@att.com>
Sent: Friday, July 14, 2023 10:17 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Case D223430002

These were taken by Utiiquest cable locator when the locate was performd

Paul

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Friday, July 14, 2023 9:37 AM
To: BAGNESCHI, PAUL <pb1419@att.com>
Subject: RE: Case D223430002

Thanks for sending these over, Paul, and I'm able to access them perfectly.

Who took these photos and what is their organization and title?

Thanks,

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: BAGNESCHI, PAUL <pb1419@att.com>
Sent: Wednesday, July 5, 2023 7:24 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Case D223430002

Jeff,

I just sent you two links to drop files for the photos
In the email it will say to request a code to access them. When it sends the code, it can end up in your Spam folder
Let me know if you have any issues with getting them
I can also split them in to smaller groups to email

Paul Bagneschi

Sr Administrator EH&S / OSP Wireline Protection
AT&T Field Operations Business Unit
Global Field Specialty OPS
Cable Damage Prevention Compliance – *West Region*
California: Bay-North & South; Valley Central-North; Sacramento Valley; Northern & North Coast Counties

AT&T

4051 Newton rd., Stockton, CA 95205
650 703 1616. Pb1419@att.com

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From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, July 3, 2023 1:34 PM
To: BAGNESCHI, PAUL <pb1419@att.com>
Subject: RE: Case D223430002

Hi Paul,

Yes, if you could please provide photos of the locate marks they could be helpful to see.

Thanks for the information,

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: BAGNESCHI, PAUL <pb1419@att.com>
Sent: Monday, July 3, 2023 1:22 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Case D223430002

Jeff,

Our contractor, Utiliquest, has been responding to your requests for information. We would like to provide some additional information that we hope will clear up any remaining questions. There were two separate requests for AT&T to mark its facilities. AT&T did mark its facilities for the initial request. A request to re-mark the facilities was submitted. When our contractor, Utiliquest, went out to mark AT&T's facilities, there was no trench path marked for the continuous excavation being performed by the developer's excavator. AT&T's contractor, Utiliquest, was waiting for the trench path to be marked with a white centerline so that it could properly mark AT&T's facilities. The damage to a facility was done

prior to a remark request from the excavator. The cable damaged belongs to cable TV and does not belong to AT&T.

If you need photos of the marks, please let me know and I will provide them.

Paul Bagneschi

Sr Administrator EH&S / OSP Wireline Protection

AT&T Field Operations Business Unit

Global Field Specialty OPS

Cable Damage Prevention Compliance – *West Region*

California: Bay-North & South; Valley Central-North; Sacramento Valley; Northern & North Coast Counties

AT&T

4051 Newton rd., Stockton, CA 95205

650 703 1616. Pb1419@att.com

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Exhibit 24

Jun 28, 2023 at 2:27:54 PM
1915-1939 Diamond St
San Francisco CA 94131
United States



Jun 28, 2023 at 2:28:07 PM
1921 Diamond St
San Francisco CA 94131
United States



Jun 28, 2023 at 2:28:23 PM
1915 Diamond St
San Francisco CA 94131
United States



Jun 28, 2023 at 2:28:49 PM
1990 Diamond St
San Francisco CA 94131
United States



Jun 28, 2023 at 2:29:02 PM
1990 Diamond St
San Francisco CA 94131
United States



Exhibit 25

Reserved

Exhibit 26

From: [McClenahan, Jeff@EnergySafety](mailto:McClenahan,Jeff@EnergySafety)
To: Teahan, Bill; Femenia, John
Subject: Re: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277
Date: Tuesday, September 5, 2023 8:02:26 AM

Hi Bill,

My apology that I have been out so I missed your email.

I would still like to hear what happened with this EPR code response. Let me know if I can provide further info and feel free to give me a call if that's helpful to narrow this down.

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Teahan, Bill <bteahan@swater.org>
Sent: Friday, September 1, 2023 6:49 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; Femenia, John <JFemenia@swater.org>
Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi Jeff,

I am returning to work this morning I saw you emails, has your question been answered?

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, August 21, 2023 8:45 AM
To: Teahan, Bill <bteahan@swater.org>; Femenia, John <JFemenia@swater.org>
Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

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Hi Bill and/or John,

Just following up on this; let me know if I can provide further information to look in to this.

Best,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: McClenahan, Jeff@EnergySafety

Sent: Wednesday, August 9, 2023 3:56 PM

To: bteahan@sfgwater.org; jfemenia@sfgwater.org

Subject: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi Bill and John,

I'm investigating a utility damage involved with USA Ticket X225902277-00X in late 2022 and see that City and County of San Francisco Water Department, member code CTYSF2 with USA North 811, did not provide an electronic positive response code to this ticket.

In the USA North 811 records, I see that on September 20, 2022 that CTYSF2 received a late notice code 999.

Could you explain why the SF Water Department did not provide an electronic response to this ticket?

I found that you are both associated as a point-of-contact with this ticket, so if that is in error please direct me to the right person who can speak to this.

Let me know if I can provide further information and thanks for your time,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

Exhibit 27

McClenahan, Jeff@EnergySafety

From: McClenahan, Jeff@EnergySafety
Sent: Monday, September 11, 2023 10:27 AM
To: john.orkes@sfmta.com
Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi John,

Just following up on this; I know this ticket was a while ago in December of 2022 but were you able to find anything regarding the electronic responses to this ticket X225902277-00X?

Thanks for your time,

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: McClenahan, Jeff@EnergySafety
Sent: Wednesday, August 9, 2023 3:58 PM
To: john.orkes@sfmta.com
Subject: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi John,

I'm investigating a utility damage involved with USA Ticket X225902277-00X in late 2022 and see that SFMTA Overhead Lines Department, member code MUNUTL with USA North 811, did not provide an electronic positive response code to this ticket.

In the USA North 811 records, I see that on September 20, 2022 that MUNUTL received a late notice code 999.

Could you explain why the SFMTA Overhead Lines Department did not provide an electronic response to this ticket?

I found that you are twice associated as a point-of-contact with this ticket, so if I found you in error please direct me to the right person who can speak to this.

Let me know if I can provide further information and thanks for your time,

Jeff McClenahan (He/him)
Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

Exhibit 28

From: [Roberts, Brian \(TIS\)](#)
To: McClenahan, Jeff@EnergySafety; [Uusitalo, Joshua \(TIS\)](#)
Cc: [Cassidy, Gerald \(TIS\)](#)
Subject: Re: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277
Date: Tuesday, September 12, 2023 7:31:15 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear Jeff, we researched this ticket and found that the reason we did not provide the electronic positive response is that we were still learning the new process and attaining sufficient resources to respond in a timely manner. This is essentially the same issue we encountered with X228404711.

We have since attained greater experience and believe this will be much less likely in the future. In addition, we will be taking the mandatory training.

This ticket does raise a couple of concerns:

1. This ticket X225902277 and X228404711 were both associated with utility damage by the same contractor within a couple of months. We are wondering if this contractor is applying sufficient care. While the ticketing system is great, it is not really a substitute for careful excavation.
2. We have found that our tickets are often ignored by utilities. Is there any way you can encourage compliance.

Sincerely,
Brian



Brian Roberts

Policy Analyst

1 South Van Ness Ave., 2nd Floor

Phone: 628-224-1187

www.sfgov.org/dt

Past President, National Assoc. of
Telecommunications Officers and Advisors
(NATOA)

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Date: Wednesday, September 6, 2023 at 11:38 AM

To: [Roberts, Brian \(TIS\)](#) <brian.roberts@sfgov.org>, [Uusitalo, Joshua \(TIS\)](#) <joshua.uusitalo@sfgov.org>

Cc: [Cassidy, Gerald \(TIS\)](#) <gerald.cassidy@sfgov.org>

Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi Brian,

Just following up on this ticket. I know this was some time ago from Dec. 2022, so were you able to find anything related to this ticket?

Thanks,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: McClenahan, Jeff@EnergySafety

Sent: Wednesday, August 23, 2023 1:06 PM

To: Roberts, Brian (TIS) <brian.roberts@sfgov.org>; Uusitalo, Joshua (TIS) <joshua.uusitalo@sfgov.org>

Cc: Cassidy, Gerald (TIS) <gerald.cassidy@sfgov.org>

Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi Brian,

No, this is unrelated to that prior investigation. I'm looking at Ticket X225902277 following a telecom dig-in on that ticket in December 2022.

Thanks for your time,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Roberts, Brian (TIS) <brian.roberts@sfgov.org>

Sent: Wednesday, August 23, 2023 12:12 PM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; Uusitalo, Joshua (TIS) <joshua.uusitalo@sfgov.org>

Cc: Cassidy, Gerald (TIS) <gerald.cassidy@sfgov.org>

Subject: Re: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hello Jeff, we are looking into this ticket and will get back to you. Is this related at all to Ticket X228404711? This one has been resolved and we are planning on taking required training shortly.

Sincerely,
Brian



Brian Roberts

Policy Analyst
1 South Van Ness Ave., 2nd Floor

Phone: 628-224-1187

www.sfgov.org/dt

Past President, National Assoc. of
Telecommunications Officers and Advisors
(NATOA)

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Date: Monday, August 21, 2023 at 8:45 AM

To: Uusitalo, Joshua (TIS) <joshua.uusitalo@sfgov.org>, Roberts, Brian (TIS) <brian.roberts@sfgov.org>

Subject: RE: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

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Hi Brian and/or Joshua,

Just following up on this; let me know if I can provide further information to look in to this.

Best,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: McClenahan, Jeff@EnergySafety

Sent: Wednesday, August 9, 2023 3:54 PM

To: joshua.uusitalo@sfgov.org; brian.roberts@sfgov.org

Subject: Underground Safety Board: Follow-up on electronic positive response to Ticket X225902277

Hi Brian and Joshua,

I'm investigating a utility damage involved with USA Ticket X225902277-00X in late 2022 and see that City and County of San Francisco Department of Technology, member code SFOTEC with USA North 811, did not provide an electronic positive response code to this ticket.

I found that you are both associated as a point-of-contact with this ticket, so if that is in error please direct me to the right person who can speak to this.

In the USA North 811 records, I see that on September 20, 2022 that SFOTEC received a late notice code 999.

Could you explain why the SF Department of Technology did not provide an electronic response to this ticket?

Let me know if I can provide further information and thanks for your time,

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

Exhibit 29

Reserved

Exhibit 30



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

Request Date: 1/3/2023

Response Due: 1/18/2023

Hugh Savage, Area Manager (hugh.savage@utiliquest.com)

Jeff Clark, Area Supervisor (jeffery.clark@utiliquest.com)

Originator: Jeff McClenahan, Investigator

Information Request Number: Underground Safety-IR-035

Subject: Locator records related to ticket X225902277

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.
- e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.

f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.

g. Send your response to case investigator:

Jeff McClenahan (jeff.mcclenahan@energysafety.ca.gov)

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277.

END OF REQUEST

Exhibit 31



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

2nd Notice

Request Date: 1/19/2023

Response Due: 2/3/2023

Hugh Savage, Area Manager (hugh.savage@utiliquest.com)

Jeff Clark, Area Supervisor (jeffery.clark@utiliquest.com)

Originator: Jeff McClenahan, Investigator

Information Request Number: Underground Safety-IR-035

Subject: Locator records related to ticket X225902277

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.

- e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.
- f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.
- g. Send your response to case investigator:

Jeff McClenahan (jeff.mcclenahan@energysafety.ca.gov)

- 1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277.

END OF REQUEST

Exhibit 32

From: [McClenahan, Jeff@EnergySafety](mailto:McClenahan,Jeff@EnergySafety)
To: [Anton, Joseph](mailto:Anton,Joseph)
Subject: RE: Document request regarding X225902277
Date: Monday, January 23, 2023 3:30:00 PM

Hi Joseph,

Thanks for your response on this information request.

I understand your position regarding proprietary documents, and I had also initially asked after an interview with technician or technicians involved in this case; would I be able to interview any locate technicians involved in this incident?

Best,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Anton, Joseph <joseph.anton@utiliquest.com>
Sent: Thursday, January 19, 2023 4:38 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Document request regarding X225902277

You don't often get email from joseph.anton@utiliquest.com. [Learn why this is important](#)

Hi Jeff,

I received the attached request for documentation regarding the above referenced ticket. Utiliquest is restricted from giving proprietary documents to third parties. I have to refer you to the utility company directly.

Thank you



Joseph Anton

Regional Claims/Compliance Mgr
UtiliQuest, LLC & Locating, Inc.

joseph.anton@utiliquest.com
 utiliquest.com

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Exhibit 33



**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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Bill Johns, Vice Chair
Ron Bianchini
Randy Charland
Marjorie Del Toro
Marshall Johnson
Carl Voss

EXECUTIVE OFFICER

Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

Request Date: March 28, 2023

Response Due: April 12, 2023

To: Joseph Anton
Regional Claims/Compliance Manager
UtiliQuest

Dear UtiliQuest,

I understand that UtiliQuest is contracted with AT&T to fulfill AT&T's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.

Energy Safety's position regarding information about the field markings and the damage is not proprietary or confidential. You state that "UtiliQuest is restricted" from providing the information I requested. Provide the basis for AT&T's refusal. If the basis is a contract, provide the contract. If the basis is a policy, provide the policy or if the basis is a legal requirement, then cite the authority.

As part of my investigation, I will be interviewing the person who performed the locate and mark work on December 15 and December 19. Provide that person's name and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that AT&T did not need to provide field marks on December 15, 2022 because "[w]hen excavating in a continuous path, a centerline is needed to follow California excavation guidelines." Provide that person's name and a point of contact and I will be in touch with an interview date and time.

Please return the requested information by April 12, 2023. Not providing this information will be seen as failure to cooperate with my investigation.

Sincerely,

Jeff McClenahan
Investigator, Underground Investigations Division
Office of Energy Infrastructure Safety
Jeff.mcclenahan@energysafety.ca.gov

Exhibit 34

From: [CAVENAILE, KEVIN](#)
To: [FRANKS, DONNA J](#); [Brooks, Jeff@EnergySafety](mailto:Brooks.Jeff@EnergySafety); [SCOTT, LAWAYNE](#)
Cc: McClenahan, Jeff@EnergySafety
Subject: RE: Underground Safety Board investigation
Date: Thursday, June 1, 2023 7:36:52 AM

You don't often get email from kc2951@att.com. [Learn why this is important](#)

Jeff,

Hey how are you. Please direct any inquiries into ATT/D(AT&T Distribution member codes PACBELL, /ATT/D South,)to me. I have folks on my team that are very verse in this process and would be best to handle responding to Notices of Investigation. Please give me a call if you have any questions. Thanks and take care.

Kevin Cavenaile

Area Mgr Ntwk Process &Quality
Damage Prevention | AT&T Field Operations
WSW Region

AT&T

Morris, IL
[815.274.3093](tel:815.274.3093) | kc2951@att.com
MOBILIZING **YOURWORLD**

From: FRANKS, DONNA J <df3259@att.com>
Sent: Thursday, June 01, 2023 5:16 AM
To: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>; SCOTT, LAWAYNE <ls3139@att.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; CAVENAILE, KEVIN <KC2951@att.com>
Subject: RE: Underground Safety Board investigation

Jeff,

I have forwarded this email to the Area Manager for AT&T/Distribution.
Kevin Cavenaile, kc2951@att.com

The Information Request Number: Underground Safety-IR—062 states the incident address as being: Approximately 1931 Diamond Street San Francisco, CA 94131

AT&T/T has no facilities at this address or in this vicinity.

I am a contact for the AT&T/T portion of AT&T only. I am not connected with AT&T/D (or Utiliquest) in any way.

Thanks,

Donna Franks
Senior – Technical Process/Quality
AT&T Business – Customer Service and Operations

AT&T

131 Arlington Road Lavonia, GA 30553
678.917.3174 | df3259@att.com

From: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Sent: Wednesday, May 31, 2023 7:45 PM
To: SCOTT, LAWAYNE <ls3139@att.com>; FRANKS, DONNA J <df3259@att.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Underground Safety Board investigation

Dear Mr. Scott and Ms. Franks:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest's Joseph Anton declining, on behalf of AT&T, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and 2022121600401. This office considers AT&T's decision to impede this investigation to be unacceptable.

I write to provide AT&T with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as AT&T's refusal to cooperate with the investigation.

Jeff Brooks
Attorney
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, California 95814
(916) 926-1672

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Exhibit 35

Reserved

Exhibit 36

From: [SCOTT, LAWAYNE](#)
To: McClenahan, Jeff@EnergySafety
Cc: [CAVENAILE, KEVIN](#)
Subject: RE: Underground Safety Board investigation
Date: Friday, June 16, 2023 1:03:40 PM

Good afternoon Jeff..

I will look at the two locate tickets that you are referencing to seek out the Locate Technician(s) that were dispatched and worked the tickets.

You will receive my reply by the end of business day on MONDAY, JUNE 19th 2023 with the UTILIQUEST employee(s) that will joining the Teams Meeting call.

Thanks.

Wayne Scott

Sr Administrator EH&S / OSP Wireline Protection

Field Operations - West Region

Cable Damage Prevention Compliance (*Pacific & Nevada Sub-Regions*)

California: Los Angeles-(METRO)-(S.F.VLY)-(S.G.VLY); Ventura; Santa Barbara; San Luis Obispo; Kern; Kings; Tulare; Madera; Fresno; Monterey; Inyo; Mono-Counties

Nevada (North): Storey; Douglas; Lyon; Eureka; Lander; Churchill; Washoe; Pershing; Humboldt; Elko-Counties

Nevada (South): Clark; Nye; Esmeralda; Mineral; Lincoln; White Pine-Counties

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O 213.633-3155 | wayne.scott.1@att.com

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From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Friday, June 16, 2023 10:38 AM
To: SCOTT, LAWAYNE <ls3139@att.com>
Subject: RE: Underground Safety Board investigation

Wayne,

My apology that I missed the CC to you below.

It looks like Kevin Cavaneile is out of town until Monday so just wanted to get this in front of you too.

I'd like to interview the locator or locators that conducted locate and mark activities and that provided electronic positive responses for AT&T for Tickets X225902277 and 2022121600401 in December 2022.

I set a meeting for Wednesday June 28 from 10am to noon via Microsoft Teams with the invite information below and calendar link attached.

Full information below.

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division
(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: McClenahan, Jeff@EnergySafety
Sent: Friday, June 16, 2023 10:22 AM
To: CAVENAILE, KEVIN <KC2951@att.com>
Subject: RE: Underground Safety Board investigation

Hi Kevin,

I'd like to interview the locator or locators that conducted locate and mark activities and that provided electronic positive responses for AT&T for Tickets X225902277 and 2022121600401 in December 2022.

I believe that UtiQuest was conducting locate and mark for AT&T on these tickets as in my March 28 request. A copy of that email is attached titled "Re: Underground Safety Board: Information Request 062."

From that request, I'd like to speak with the following people:

- The locator or locators for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
- The person who determined AT&T did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." This is in reference to an email from Carmen Espinoza of UtiQuest to Mike McCarthy of M Squared Construction on this ticket. A copy of that email is attached here titled "RE_X225902277."

I'd also like to speak to the locator who conducted initial locate and mark activities for AT&T on September 19, 2022.

I set a meeting for Wednesday June 28 from 10am to noon via Microsoft Teams with the invite information below and calendar link attached.

I'm not certain how many people I'm requesting to meet here, so if we need more time then we can set an additional meeting.

There is no requirement to be on camera, I'm using Microsoft Teams just for ease of teleconferencing and people should be able to phone in or access via internet browser or Microsoft Teams application.

Please see the access information below and calendar link attached for the meeting.

Let me know if I can address anything in advance or if you are having a technical issue with the calendaring/access info.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 279 157 603 343

Passcode: PEXina

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 916-573-2034,,6913364#](#) United States, Sacramento

Phone Conference ID: 691 336 4#

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Welcome to the California Natural Resources Agency and affiliated organizations online meeting system. Enjoy your meeting.

[Learn More](#) | [Meeting options](#)

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: CAVENAILE, KEVIN <KC2951@att.com>

Sent: Thursday, June 1, 2023 7:37 AM

To: FRANKS, DONNA J <df3259@att.com>; Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>; SCOTT, LAWAYNE <ls3139@att.com>

Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Underground Safety Board investigation

You don't often get email from kc2951@att.com. [Learn why this is important](#)

Jeff,

Hey how are you. Please direct any inquiries into ATT/D(AT&T Distribution member codes PACBELL, /ATT/D South,)to me. I have folks on my team that are very verse in this process and would be best to handle responding to Notices of Investigation. Please give me a call if you have any questions. Thanks and take care.

Kevin Cavenaile

Area Mgr Ntwk Process &Quality
Damage Prevention | AT&T Field Operations
WSW Region

AT&T

Morris, IL
[815.274.3093](tel:815.274.3093) | kc2951@att.com
MOBILIZING **YOURWORLD**

From: FRANKS, DONNA J <df3259@att.com>

Sent: Thursday, June 01, 2023 5:16 AM

To: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>; SCOTT, LAWAYNE <ls3139@att.com>

Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; CAVENAILE, KEVIN <KC2951@att.com>

Subject: RE: Underground Safety Board investigation

Jeff,

I have forwarded this email to the Area Manager for AT&T/Distribution.

Kevin Cavenaile, kc2951@att.com

The Information Request Number: Underground Safety-IR—062 states the incident address as being: Approximately 1931 Diamond Street San Francisco, CA 94131

AT&T/T has no facilities at this address or in this vicinity.

I am a contact for the AT&T/T portion of AT&T only. I am not connected with AT&T/D (or Utiliquest) in any way.

Thanks,

Donna Franks
Senior – Technical Process/Quality
AT&T Business – Customer Service and Operations

AT&T
131 Arlington Road Lavonia, GA 30553
678.917.3174 | df3259@att.com

From: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Sent: Wednesday, May 31, 2023 7:45 PM
To: SCOTT, LAWAYNE <ls3139@att.com>; FRANKS, DONNA J <df3259@att.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Underground Safety Board investigation

Dear Mr. Scott and Ms. Franks:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest's Joseph Anton declining, on behalf of AT&T, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and 2022121600401. This office considers AT&T's decision to impede this investigation to be unacceptable.

I write to provide AT&T with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as AT&T's refusal to cooperate with the investigation.

Jeff Brooks
Attorney
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, California 95814

(916) 926-1672

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Exhibit 37

From: [SCOTT, LAWAYNE](#)
To: [Stewart, William](#)
Cc: [CAVENAILE, KEVIN](#)
Subject: FW: Underground Safety Board investigation
Date: Wednesday, June 21, 2023 7:23:31 AM
Attachments: [RE Underground Safety Board investigation .msg](#)
[Underground Safety Board - Investigation \(June 2023\).docx](#)

Willie,

2nd NOTIFICATION:

The Underground Safety Board Investigator is still waiting for a response from UTILIQUEST on their request to interview the Locate Tech that worked the two tickets (X225902277 and 2022121600401 in December of 2022) that is associated with this Utility Operator's No Response investigation.

Please follow up by replying back today with the name of the Cable Locate Technician that will be joining the scheduled June 28th, 2023, Microsoft TEAMS Meeting (10:00AM .

Thank you.

From: SCOTT, LAWAYNE
Sent: Monday, June 19, 2023 11:01 AM
To: Stewart, William <Willy.stewart@utiliquest.com>
Cc: CAVENAILE, KEVIN <kc2951@att.com>
Subject: FW: Underground Safety Board investigation

Willie,

The Underground safety Board will be interviewing the person who performed the locate and mark work on December 15 and December 19. **Provide that person's name** and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that AT&T did not need to provide field marks on December 15, 2022.

I attached the two locate tickets that are part of the investigation.
Please reply back to me by the end of business today.

Thanks.

Wayne Scott

Sr Administrator EH&S / OSP Wireline Protection

Field Operations - West Region

Cable Damage Prevention Compliance (*Pacific & Nevada Sub-Regions*)

[California](#): Los Angeles-(METRO)-(S.F.VLY)-(S.G.VLY); Ventura; Santa Barbara; San Luis Obispo; Kern; Kings; Tulare; Madera; Fresno; Monterey; Inyo; Mono-Counties

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Exhibit 38

Reserved

Exhibit 39



Exhibit 40



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

Request Date: 1/3/2023

Response Due: 1/18/2023

Hugh Savage, Area Manager (hugh.savage@utilquest.com)

Jeff Clark, Area Supervisor (jeffery.clark@utilquest.com)

Originator: Jeff McClenahan, Investigator

Information Request Number: Underground Safety-IR-035

Subject: Locator records related to ticket X225902277

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.
- e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.

f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.

g. Send your response to case investigator:

Jeff McClenahan (jeff.mcclenahan@energysafety.ca.gov)

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277.

END OF REQUEST

Exhibit 41



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

Request Date: 1/10/2023

Response Due: 1/25/2022

To: Steve Belluzzi

Comcast

427 East Eaton Road

Chico, CA 95973 US

Originator: Jeff McClenahan, Investigator

Information Request Number: Underground Safety-IR-044

Subject: Damage to telecommunications line associated with Ticket X225902277

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify”

means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.

e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.

f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.

g. Send your response to case investigator:

Jeff McClenahan (jeff.mcclenahan@energysafety.ca.gov)

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the telecommunications damage incident on 12/9/2022 around 1931 Diamond St San Francisco CA. The incident is associated with one-call ticket number: X225902277.

END OF REQUEST

Exhibit 42

From: [Jordan Stokholm](#)
To: McClenahan, Jeff@EnergySafety
Cc: [Cabrera, Carlos](#); [GALLAGHER, BRADLEY](#); [White, Richard](#); [Bedolla, Pedro](#); [Belluzzi, Steven](#)
Subject: Re: Underground Safety Board: Investigation into damage associated with Ticket 225902277
Date: Thursday, February 2, 2023 1:26:32 PM
Attachments: [OPDNarrative-122251.pdf](#)

You don't often get email from jstokholm@prgconsulting.net. [Learn why this is important](#)

Hi Jeff,

Here is a copy of the report.

Thank You,

On Thu, Feb 2, 2023 at 12:58 PM McClenahan, Jeff@EnergySafety
<Jeff.McClenahan@energysafety.ca.gov> wrote:

Could you please provide a copy of this damage report?

Thanks,

[Jeff McClenahan](#)

He/him

Investigator | Underground Investigations Division

(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Jordan Stokholm <jstokholm@prgconsulting.net>
Sent: Thursday, February 2, 2023 9:12 AM
To: Cabrera, Carlos <Carlos_Cabrera@comcast.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>;
GALLAGHER, BRADLEY <BRADLEY_GALLAGHER2@comcast.com>; White,
Richard <Richard_White2@comcast.com>; Bedolla, Pedro
<Pedro_Bedolla3@comcast.com>; Belluzzi, Steven <Steven_Belluzzi@comcast.com>
Subject: Re: Underground Safety Board: Investigation into damage associated with Ticket 225902277

You don't often get email from jstokholm@prgconsulting.net. [Learn why this is important](#)

Carlos,

I found a damage claim for this location and date. Utiliquest was found to be at fault due to not having marked the cable for the contractor's USA ticket.

On Wed, Feb 1, 2023 at 6:00 PM Cabrera, Carlos <Carlos_Cabrera@comcast.com> wrote:

Jeff,

I don't have any records of the mark and locate for this site.

If needed, we can schedule a quick call to discuss.

Jordan and Construction team,

Are you able to provide any of the information requested below?

Thank you.

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Wednesday, February 1, 2023 3:07 PM
To: Cabrera, Carlos <Carlos_Cabrera@comcast.com>
Cc: GALLAGHER, BRADLEY <BRADLEY_GALLAGHER2@comcast.com>; White, Richard <Richard_White2@comcast.com>; Bedolla, Pedro <Pedro_Bedolla3@comcast.com>; Belluzzi, Steven <Steven_Belluzzi@comcast.com>
Subject: [EXTERNAL] RE: Underground Safety Board: Investigation into damage associated with Ticket 225902277

Thanks for the information, Carlos, and apologies it's taken me a few days to get back to you.

In trying to figure out the contributing factors on this damage:

- Do you have any records of the markings you can provide throughout this ticket?
- Do you have any records to show the facility was marked at the start of the ticket?
- Are you able to provide a damage report with respect to this incident?

Is there a good time for you to discuss by phone? Please let me know along with your contact info.

Best,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Cabrera, Carlos <Carlos_Cabrera@comcast.com>

Sent: Friday, January 27, 2023 1:53 PM

To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>; McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Cc: GALLAGHER, BRADLEY <BRADLEY_GALLAGHER2@comcast.com>; White, Richard <Richard_White2@comcast.com>; Bedolla, Pedro <Pedro_Bedolla3@comcast.com>

Subject: RE: Underground Safety Board: Investigation into damage associated with Ticket 225902277

You don't often get email from carlos_cabrera@comcast.com. [Learn why this is important](#)

Mr. McClenahan,

Our facilities were impacted on December 9th 2022 by M Squared Construction.

M Squared Construction was conducting water main work in the area.

Attached are the pictures of the damage and repair to our facilities.

M-Squared construction Foreman onsite the day of the incident, Mike McCarthy 415-361-2930

I have added Comcast construction specialists Richard White, Brad Gallagher and Pedro Bedolla for any other future questions.

Thank you.

From: Belluzzi, Steven <Steven_Belluzzi@cable.comcast.com>
Sent: Thursday, January 26, 2023 4:33 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>;
Cabrera, Carlos <Carlos_Cabrera@cable.comcast.com>
Subject: RE: Underground Safety Board: Investigation into damage associated with Ticket 225902277

My apologies Jeff, I thought for sure we responded to you on this.

Carlos can you please assist?

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Thursday, January 26, 2023 9:16 AM
To: Belluzzi, Steven <Steven_Belluzzi@cable.comcast.com>
Subject: [EXTERNAL] RE: Underground Safety Board: Investigation into damage associated with Ticket 225902277

Hi Steve,

I'm following up on a damage to a Comcast facility from December 9, 2022 associated with Ticket X225902277 in San Francisco CA around 1931 Diamond St.

This is a 2nd notice of this information request.

Will you please provide any records you have associated with this incident and see our standard information request attached. And can you provide contact information for a technician or someone familiar with this incident?

Thanks,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: McClenahan, Jeff@EnergySafety

Sent: Tuesday, January 10, 2023 2:22 PM

To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>

Subject: Underground Safety Board: Investigation into damage associated with Ticket 225902277

Hi Steve,

I'm following up on a damage to a Comcast facility from December 9, 2022 associated with Ticket X225902277 in San Francisco CA around Diamond St.

Will you please provide any records you have associated with this incident and see our standard information request attached, and will you provide contact information for a technician or someone familiar with this incident who can speak to what responsibilities UtiliQuest or Comcast had in marking this ticket?

Specifically, photos from the excavator show the damaged facility was not marked on 12/9. EPR codes show this ticket as marked a few months prior however, so if you have records to show the mark faded that could potentially explain the damage.

The excavator also reports that new Comcast marks showed up in the remarks to this ticket that were not previously marked on the site. Based on that I'm wondering if the site was marked at all initially or if there is some mapping issue involved with this incident.

Respond here or feel free to give me a call to discuss.

Thanks for your help,

[Jeff McClenahan](#)

He/him

Investigator | Underground Investigations Division

[Office of Energy Infrastructure Safety](#)

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

--

Jordan Stokholm

Project Resources Group | Field Investigator | San Francisco

P: 415.697.5914

110 E. Oak St. Suite 200 | Fort Collins | Colorado 80524

Jstokholm@prgconsulting.net

<http://www.prgus.com/>

--

Jordan Stokholm

Project Resources Group | Field Investigator | San Francisco

P: 415.697.5914

110 E. Oak St. Suite 200 | Fort Collins | Colorado 80524

Jstokholm@prgconsulting.net

<http://www.prgus.com/>

Exhibit 43



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

2nd Notice

Request Date: 1/19/2023

Response Due: 2/3/2023

Hugh Savage, Area Manager (hugh.savage@utiliquest.com)

Jeff Clark, Area Supervisor (jeffery.clark@utiliquest.com)

Originator: Jeff McClenahan, Investigator

Information Request Number: Underground Safety-IR-035

Subject: Locator records related to ticket X225902277

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.

- e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.
- f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.
- g. Send your response to case investigator:

Jeff McClenahan (jeff.mcclenahan@energysafety.ca.gov)

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind concerning the utility damage on 12/9/2022, around 1931 Diamond Street, San Francisco CA 94131. The incident is associated with one-call ticket number: X225902277.

END OF REQUEST

Exhibit 44

From: [McClenahan, Jeff@EnergySafety](mailto:McClenahan,Jeff@EnergySafety)
To: [Anton, Joseph](#)
Subject: RE: Document request regarding X225902277
Date: Monday, January 23, 2023 3:30:00 PM

Hi Joseph,

Thanks for your response on this information request.

I understand your position regarding proprietary documents, and I had also initially asked after an interview with technician or technicians involved in this case; would I be able to interview any locate technicians involved in this incident?

Best,

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

(279) 789-1818

[Office of Energy Infrastructure Safety](#)

From: Anton, Joseph <joseph.anton@utiliquest.com>
Sent: Thursday, January 19, 2023 4:38 PM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: Document request regarding X225902277

You don't often get email from joseph.anton@utiliquest.com. [Learn why this is important](#)

Hi Jeff,

I received the attached request for documentation regarding the above referenced ticket. Utiliquest is restricted from giving proprietary documents to third parties. I have to refer you to the utility company directly.

Thank you



Joseph Anton

Regional Claims/Compliance Mgr

UtiliQuest, LLC & Locating, Inc.

joseph.anton@utiliquest.com

utiliquest.com

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Exhibit 45



**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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Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

2nd NOTICE: IMMEDIATE ACTION REQUIRED

INFORMATION REQUEST

2nd Request Date: January 26, 2023

Response Due: February 10, 2023

Re: Lack of response to information letter of January 10, 2023 which contained a response date of January 25, 2023.

To: Steve Belluzzi

Sr. Director, Network Operations

Comcast

427 East Eaton Road

Chico, CA 95973 US

Investigator: Jeff McClenahan

2nd Information Request Number: Underground Safety-2IR-001

Subject: 2nd request for information pertaining to

Case: D223430002

Ticket # X225902277

Incident Address: About 1931 Diamond St San Francisco, CA 94131

Incident Date: December 9, 2022

Known parties as of this date: M Squared Construction, Comcast, UtiliQuest

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.
- b. If you have any questions about the meaning or scope of the information requests herein, at your earliest opportunity, direct such questions to the Energy Safety investigator identified in (g). below of this request.
- c. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “investigator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.
- e. If you do not know the exact answer to any of the requests below, please so indicate and provide your best estimate.
- f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.
- g. Send your response to case investigator:

Jeff.mcclenahan@energysafety.ca.gov

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind regarding the December 9, 2022 damage to a communications facility related to Ticket # 225902277 at about 1931 Diamond St. San Francisco CA 94131.

END OF REQUEST

Exhibit 46

From: [Belluzzi, Steven](#)
To: [McClenahan, Jeff@EnergySafety](#); [Brooks, Jeff@EnergySafety](#); [Barkley, Jon@EnergySafety](#)
Subject: RE: Underground Safety Board investigation
Date: Friday, June 2, 2023 11:57:08 AM

Perfect!

I just got off a call with Utiliquest and they assured me they would have the info ready today. I will forward once I receive.

I also have a pending request (from Jon Barkley) case # D222630004 which they committed to have complete by Monday.

This delay is unacceptable. I escalated to their VP and he also joined the call with full commitment to fix their gap and start tracking these request with urgency moving forward.

Thanks again and have a great weekend

Steve Belluzzi
Sr. Director, Network Operations
Comcast California
3055 Triad Place
Livermore CA 94551
M: (415) 859-0870

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Friday, June 2, 2023 9:47 AM
To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>; Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Subject: [EXTERNAL] RE: Underground Safety Board investigation

Hi Steve,

I understand that you left a voicemail with Mr. Brooks looking to reference our case number which is D223430002.

I've also attached a copy of the April 11 email from Joseph Anton that includes my March 28 request for context.

[Jeff McClenahan](#)

He/him
Investigator | Underground Investigations Division
(279) 789-1818

Office of Energy Infrastructure Safety

From: Belluzzi, Steven <steven_belluzzi@comcast.com>
Sent: Thursday, June 1, 2023 1:40 PM
To: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: RE: Underground Safety Board investigation

I'm pulling in Utiliquest and my engineering team to get the requested information.

Also I will level set with Utiliquest on expectations as these request are received.

Thanks,

Steve Belluzzi
Sr. Director, Network Operations
Comcast California
3055 Triad Place
Livermore CA 94551
M: (415) 859-0870

From: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Sent: Wednesday, May 31, 2023 4:43 PM
To: Belluzzi, Steven <steven_belluzzi@comcast.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: [EXTERNAL] Underground Safety Board investigation

Dear Mr. Belluzzi:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest's Joseph Anton declining, on behalf of Comcast, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and 2022121600401. This office considers Comcast's decision to impede this investigation to be unacceptable.

I write to provide Comcast with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as Comcast's refusal to cooperate with the investigation.

Jeff Brooks
Attorney

Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, California 95814
(916) 926-1672

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Exhibit 47



**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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EXECUTIVE OFFICER

Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

Request Date: March 28, 2023

Response Due: April 5, 2023

To: Joseph Anton
Regional Claims/Compliance Manager
UtiliQuest

Dear UtiliQuest,

I understand that UtiliQuest is contracted with Comcast to fulfill Comcast's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.

Energy Safety's position regarding information about the field markings and the damage is not proprietary or confidential. You state that "UtiliQuest is restricted" from providing the information I requested on January 3, 2023 and January 19, 2023. Provide the basis for Comcast's refusal. If the basis is a contract, provide the contract. If the basis is a policy, provide the policy or if the basis is a legal requirement, then cite the authority.

As part of my investigation, I will be interviewing the person who performed the locate and mark work on December 9, December 15, and December 19, 2022. Provide that person's name and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." Provide that person's name and a point of contact and I will be in touch with an interview date and time.

Please return the requested information by April 5, 2023. Not providing this information will be seen as failure to cooperate with my investigation.

Sincerely,

Jeff McClenahan
Investigator, Underground Investigations Division
Office of Energy Infrastructure Safety
Jeff.mcclenahan@energysafety.ca.gov

Exhibit 48

From: [Belluzzi, Steven](#)
To: [Brooks, Jeff@EnergySafety](#)
Cc: [McClenahan, Jeff@EnergySafety](#)
Subject: RE: Underground Safety Board investigation
Date: Sunday, June 4, 2023 8:16:37 AM
Attachments: [EXTERNAL Underground Safety Board Investigation D22630004.msg](#)

Jeff,

Attached is Utiliquest response to the request.

Please let me know if you have any additional questions upon your review.

Thanks,

Steve Belluzzi
Sr. Director, Network Operations
Comcast California
3055 Triad Place
Livermore CA 94551
M: (415) 859-0870

From: Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>
Sent: Wednesday, May 31, 2023 4:43 PM
To: Belluzzi, Steven <steven_belluzzi@comcast.com>
Cc: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Subject: [EXTERNAL] Underground Safety Board investigation

Dear Mr. Belluzzi:

I am counsel for the Office of Energy Infrastructure Safety and I have reviewed the April 11 email from Utiliquest's Joseph Anton declining, on behalf of Comcast, to provide information requested by Investigator Jeff McClenahan relating to tickets numbered X225902277 and 2022121600401. This office considers Comcast's decision to impede this investigation to be unacceptable.

I write to provide Comcast with one more opportunity to comply with the request for information. After June 7, this office will consider the failure to provide the requested information as Comcast's refusal to cooperate with the investigation.

Jeff Brooks
Attorney
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, California 95814

(916) 926-1672

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Exhibit 49

From: [Anton, Joseph](#)
To: [Belluzzi, Steven](#)
Cc: [Simonian, Shant](#); nick.starke@utiliquest.com
Subject: Re: [EXTERNAL] Re: FW: Case #'s D223430002 & D22630004
Date: Tuesday, June 13, 2023 3:56:09 PM

Steve,

Hopefully this clarifies the issue with the Pelican ticket management system, and the response for ticket 2022121600401.

Originally the project began excavation under the old ticket management system with ticket X225902277. On Dec 16 2022 USA North made their conversion to the Pelican system, and the old tickets were no longer compatible with Pelican. As a result, every excavator with open excavation tickets needed to re-enter their tickets into Pelican with a new number. This is where ticket 2022121600401 came from.

When USA North opened ticket 2022121600401 they did so with the "response required" field entered as "false". That entry means no response is required which then triggers an automatic screening of the ticket by our system. Every utility company uses this process of automatically screening no response required tickets because those are for ongoing tickets where no remarks are needed. In this case it was an error by USA North labeling it that way because the new system was still trying to get on line correctly.

The result was that Utiliquest screened the ticket as "no marks required", then an EPR was sent to the excavator to notify them of the same.

Utiliquest identified USA north's error early on, then created a work around for its auto screen process regarding these "no response required" tickets. This work around is still currently in place as USA North has yet to completely correct their problem.

On Mon, Jun 12, 2023 at 1:18 PM Belluzzi, Steven <steven_belluzzi@comcast.com> wrote:

CAUTION: External

1. Name and contact information of the locator for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
2. The name and contact information for the person who determined Comcast did not need to provide field marks on December 15, 2022
3. Follow up from Utiliquest regarding an issue with the new pelican crossover... pending research.

From: Simonian, Shant <shant.simonian@utiliquest.com>
Sent: Monday, June 12, 2023 1:11 PM
To: Belluzzi, Steven <steven_belluzzi@comcast.com>; Joseph Anton

<joseph.anton@utiliquest.com>

Cc: nick.starke@utiliquest.com

Subject: [EXTERNAL] Re: FW: Case #'s D223430002 & D22630004

Joe

Can you look at the email. I think we still owe a response for 2022121600401

On Mon, Jun 12, 2023 at 1:09 PM Belluzzi, Steven <Steven_Belluzzi@comcast.com> wrote:

CAUTION: External

Shant,

Looks like we are still missing information

Let me know if we need to have a call to discuss.

Thanks,

Steve

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Sent: Monday, June 12, 2023 11:47 AM

To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>

Subject: [EXTERNAL] RE: Case #'s D223430002 & D22630004

After reviewing the documents and emails from UtiliQuest with respect to Case D223430002, here is what I'm missing:

- From my March 28, 2023 email request (a copy of that email is attached titled "Re: Underground Safety Board: Information Request 035 Follow-Up):

- The name and contact information of the locator for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
 - The name and contact information for the person who determined Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." This is in reference to an email from Carmen Espinoza of UtiliQuest to Mike McCarthy of M Squared Construction on this ticket. A copy of that email is attached here titled "RE_X225902277."
-
- From the June 3, 2023 email from Shant Simonian that you forwarded (A copy of that email is attached titled "[External] Underground Safety Board Investigation D22630004"):
 - Says that UtiliQuest will provide a response regarding ticket 2022121600401 and that "there was an issue with the new pelican crossover."

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Belluzzi, Steven <Steven_Belluzzi@comcast.com>

Sent: Thursday, June 8, 2023 10:05 AM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>; Barkley, Jon@EnergySafety <Jon.Barkley@energysafety.ca.gov>

Subject: Case #'s D223430002 & D22630004

Energy Safety Team,

I feel I owe you a clean email that separates the two pending case request. In a prior email, we had the wrong case associated to the request.

Attached are the two separate cases D223430002 & D22630004.

Moving forward. Utiliquest understand the urgency and accuracy expectations as the request come in.

Expect to see improvement moving forward.

Thanks,

Steve Belluzzi

Sr. Director, Network Operations

Comcast California

3055 Triad Place

Livermore CA 94551

M: (415) 859-0870

----- Forwarded message -----

From: "Anton, Joseph" <joseph.anton@utiliquest.com>

To: "McClenahan, Jeff@EnergySafety" <Jeff.McClenahan@energysafety.ca.gov>

Cc:

Bcc:

Date: Tue, 11 Apr 2023 17:05:07 +0000

Subject: Re: Underground Safety Board: Information Request 035 Follow-Up

Hi Jeff,

All documentation pertaining to your request can be obtained through Comcast directly. This should not be considered a refusal by Comcast, as Utiliquest is a separate entity working under contract. Utiliquest has no authority to communicate on behalf of AT&T. Unfortunately Utiliquest can not provide any documentation to a third party, this includes contract and policy information, as well as employee interviews. It's my understanding

that in the past the locate company representative on the Dig Safe Board met with Jason Corsay (Chief Investigator) where this was discussed in detail and understood. I have to refer you to Jason for more details on that discussion. Perhaps he can help offer his insight to you on the topic.



Joseph Anton

Regional Claims/Compliance Mgr
UtiliQuest, LLC & Locating, Inc.

- joseph.anton@utiliquest.com
- utiliquest.com

On Tue, Mar 28, 2023 at 9:04 AM McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov> wrote:

CAUTION: External

Dear UtiliQuest,

I understand that UtiliQuest is contracted with Comcast to fulfill Comcast's responsibility concerning Ticket # X225902277 and 2022121600401. If that is not correct notify me immediately.

Energy Safety's position regarding information about the field markings and the damage is not proprietary or confidential. You state that "UtiliQuest is restricted" from providing the information I requested on January 3, 2023 and January 19, 2023. Provide the basis for Comcast's refusal. If the basis is a contract, provide the contract. If the basis is a policy, provide the policy or if the basis is a legal requirement, then cite the authority.

As part of my investigation, I will be interviewing the person who performed the locate and mark work on December 9, December 15, and December 19, 2022. Provide that person's name and a point of contact and I will be in touch with an interview date and time. I will also interview the person who decided that Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." Provide that person's name and a point of contact and I will be in touch with an interview date and time.

Please return the requested information by April 5, 2023. Not providing this information will be seen as failure to cooperate with my investigation.

Jeff McClenahan

He/him

Investigator | Underground Investigations Division

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

(279) 789-1818

EnergySafety.ca.gov

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----- Forwarded message -----

From: "Simonian, Shant" <shant.simonian@utiliquest.com>

To: "Belluzzi, Steven" <Steven_Belluzzi@cable.comcast.com>

Cc: Nick Starke <nick.starke@utiliquest.com>, Joseph Anton <joseph.anton@utiliquest.com>, William Stewart <willy.stewart@utiliquest.com>

Bcc:

Date: Sat, 3 Jun 2023 16:57:36 +0000

Subject: [EXTERNAL] Underground Safety Board Investigation D22630004

Steve

Attached you will find the response to the above case along with supporting documents. There was a 3rd renewal ticket that we left out of the report because comcast never sent it to us. (****RENEW TICKET**** WORK CONTINUING PER MIKE MCCARTHY-12/02/2022 01:41:53 PM)

Also the other ticket number that they were asking about was after the damage and seems like there was an issue with the new pelican crossover, we are researching it and will draft a response early next week for that.

Shant Simonian

Dir Operations, UtiliQuest, LLC

shant.simonian@utiliquest.com

utiliquest.com



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--

Shant Simonian

Dir Operations, UtiliQuest, LLC

shant.simonian@utiliquest.com

utiliquest.com



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Exhibit 50

From: [Anton, Joseph](#)
To: [Simonian, Shant](#); McClenahan, Jeff@EnergySafety
Cc: [Andy Broome](#); [Nick Starke](#); [Stewart, William](#); [Belluzzi, Steven](#)
Subject: Re: FW: Case #'s D223430002 & D22630004
Date: Wednesday, June 21, 2023 9:20:30 AM

Jeff,

Utiliquest declines to participate in a phone interview at this time. As previously communicated, Utiliquest doesn't allow its employees to discuss any business practices with third parties. As an alternative you can submit to me in writing any specific questions you have, and I'll escalate them for answering.

Thank you



Joseph Anton

Regional Claims/Compliance Mgr
UtiliQuest, LLC & Locating, Inc.

joseph.anton@utiliquest.com
 utiliquest.com

On Tue, Jun 20, 2023 at 1:26 PM Simonian, Shant <shant.simonian@utiliquest.com> wrote:

Joe

The investigator set up a call and wants the tech on, I don't know how we want to reply.

----- Forwarded message -----

From: **Belluzzi, Steven** <Steven_Belluzzi@comcast.com>

Date: Tue, Jun 20, 2023 at 1:18 PM

Subject: FW: Case #'s D223430002 & D22630004

To: Simonian, Shant <shant.simonian@utiliquest.com>, nick.starke@utiliquest.com
<nick.starke@utiliquest.com>

CAUTION: External

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Sent: Friday, June 16, 2023 9:41 AM

To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>

Subject: [EXTERNAL] Re: Case #'s D223430002 & D22630004

I think this is less than ideal for everyone and here is the best I can do:

I created a meeting for Tuesday June 27 from 10am to noon via Microsoft Teams with the invite information below and would like to speak to the following people:

- The locator or locators for the September 19, December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
- The person who determined Comcast did not need to provide field marks on December 15, 2022

I've added the locator for September 19 to this list to learn more about the initial delineation and photos you provided recently.

I'm not certain how many people I'm requesting to meet here, so if we need more time then we can set an additional meeting.

There is no requirement to be on camera, I'm using Microsoft Teams just for ease of teleconferencing and people should be able to phone in or access via internet browser or Microsoft Teams application.

I'd like to know what you mean about employee information, if there is any further context you can provide on that. In the interview I will ask after names, titles, responsibilities, etc.. for these tickets.

Please see the access information below and calendar link attached for the meeting.

Let me know if I can address anything in advance or if you are having a technical issue with the calendaring/access info.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 252 354 533 913

Passcode: XX7mfn

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 916-573-2034,395994367#](tel:+1916-573-2034,395994367#) United States, Sacramento

Phone Conference ID: 395 994 367#

[Find a local number](#) | [Reset PIN](#)



Welcome to the California Natural Resources Agency and affiliated organizations online meeting system. Enjoy your meeting.

[Learn More](#) | [Meeting options](#)

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Belluzzi, Steven <Steven_Belluzzi@comcast.com>

Sent: Wednesday, June 14, 2023 8:29 AM

To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>

Subject: RE: Case #'s D223430002 & D22630004

Jeff,

Attached is Utiliquest follow up upon their investigation on the Pelican issue.

Regarding the request in providing names of the locators. Utiliquest does not provide employee info. How do you want to proceed? What if I asked for their tech number? Something that doesn't

cross privacy information.

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Monday, June 12, 2023 11:47 AM
To: Belluzzi, Steven <Steven_Belluzzi@comcast.com>
Subject: [EXTERNAL] RE: Case #'s D223430002 & D22630004

After reviewing the documents and emails from UtiliQuest with respect to Case D223430002, here is what I'm missing:

- From my March 28, 2023 email request (a copy of that email is attached titled "Re: Underground Safety Board: Information Request 035 Follow-Up):
 - The name and contact information of the locator for the December 9, December 15, and December 19, 2022 locate and mark work with Ticket X225902277 and 2022121600401.
 - The name and contact information for the person who determined Comcast did not need to provide field marks on December 15, 2022 because "When excavating in a continuous path, a centerline is needed to follow California excavation guidelines." This is in reference to an email from Carmen Espinoza of UtiliQuest to Mike McCarthy of M Squared Construction on this ticket. A copy of that email is attached here titled "RE_X225902277."

- From the June 3, 2023 email from Shant Simonian that you forwarded (A copy of that email is attached titled "[External] Underground Safety Board Investigation D22630004"):
 - Says that UtiliQuest will provide a response regarding ticket 2022121600401 and that "there was an issue with the new pelican crossover."

Jeff McClenahan (He/him)

Investigator | Underground Investigations Division

(279) 789-1818

Office of Energy Infrastructure Safety

From: Belluzzi, Steven <Steven_Belluzzi@comcast.com>
Sent: Thursday, June 8, 2023 10:05 AM
To: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>; Brooks, Jeff@EnergySafety <Jeff.Brooks@energysafety.ca.gov>; Barkley, Jon@EnergySafety <Jon.Barkley@energysafety.ca.gov>
Subject: Case #'s D223430002 & D22630004

Energy Safety Team,

I feel I owe you a clean email that separates the two pending case request. In a prior email, we had the wrong case associated to the request.

Attached are the two separate cases D223430002 & D22630004.

Moving forward. Utiliquest understand the urgency and accuracy expectations as the request come in.

Expect to see improvement moving forward.

Thanks,

Steve Belluzzi

Sr. Director, Network Operations

Comcast California

3055 Triad Place

Livermore CA 94551

M: (415) 859-0870

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Shant Simonian

Dir Operations, UtiliQuest, LLC

shant.simonian@utiliquest.com

utiliquest.com



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Exhibit 51



Contractor's License Detail for License # 881231

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 10/12/2023 1:13:17 PM

Business Information

M SQUARED CONSTRUCTION INC
1278 20TH AVENUE SUITE C
SAN FRANCISCO, CA 94122
Business Phone Number:(415) 661-6902

Entity Corporation
Issue Date 07/21/2006
Expire Date **07/31/2024**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [EVEREST REINSURANCE COMPANY](#).

Bond Number: ES00004171

Bond Amount: \$25,000

Effective Date: 01/01/2023

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual STEWART WILLIAM MITCHELL certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 07/21/2006

Workers' Compensation

This license has workers compensation insurance with the [FIRST LIBERTY INSURANCE CORPORATION](#)

Policy Number: WC2Z91465551033

Effective Date: 04/01/2023

Expire Date: 04/01/2024

[Workers' Compensation History](#)

Other

- ▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

Exhibit 52

From: [Germain Suess](#)
To: McClenahan, Jeff@EnergySafety
Subject: RE: Underground Safety: EPR Codes for X225902277
Date: Tuesday, January 24, 2023 3:26:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[X225902277 responses.xlsx](#)

Hi Jeff,

Here are the responses for X225902277



Germain Suess
Member Services Specialist
O: 925-270-0339
W: undergroundservicealert.org
4005 Port Chicago Hwy #100 Concord, CA 94520

NEW DAMAGE PREVENTION PORTAL



Manage Your
Area Of Interests



Respond To
Your Tickets



Update Your Membership
Information All In One Place



This message contains confidential information and is intended only for the intended recipients. If you are not an intended recipient you should not disseminate, distribute or copy this e-mail. Please notify us immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore we do not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

From: McClenahan, Jeff@EnergySafety <Jeff.McClenahan@energysafety.ca.gov>
Sent: Tuesday, January 24, 2023 10:23 AM
To: Germain Suess <germain.suess@usan.org>
Subject: Underground Safety: EPR Codes for X225902277

Hi Germain,

Could you please send me all the EPR codes associated with Ticket # X225902277 including for all its revisions?

That format you sent the other day was extremely helpful, so thanks for putting that together.

Best,

Jeff McClenahan
He/him
Investigator | Underground Investigations Division

[Office of Energy Infrastructure Safety](#)

715 P Street, 20th Floor
Sacramento, CA 95814
(279) 789-1818
EnergySafety.ca.gov