

**AT&T's Response to Notice of Possible Violation
Underground Safety Board, Case No: D223430002**

AT&T contests the Notice as follows:

(1) Government Code § 4216.3(b). AT&T did not fail to re-mark subsurface installations in a timely manner; the initial request (made December 13, 2022) was incomplete, and once AT&T got a proper re-mark request, AT&T performed the re-mark in the time required. When the re-mark request was made, AT&T advised the requestor (USA North) that the request was not specific enough because it failed to delineate the trench location. Once the USA North provided the trench location, AT&T did complete the markings in a timely manner and without incident. In addition, AT&T's re-mark was entirely separate from the damage that occurred – AT&T's facilities were not damaged (Comcast's facilities were damaged), and USA North made the re-mark request after the damage to Comcast's facilities. That damage occurred on December 9, 2022 – 4 days before the re-mark request. So, there was no damage and no violation associated with AT&T's response to USA North's re-mark request.

(2) Cal. Code Regs., title 19, § 4151(c). Finding of Fact #12 says, "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." This is simply incorrect. AT&T did not refuse to cooperate with the request, and it provided extensive information in addition the photographs after July 5, 2023, including:

- On July 5th, 2023, Mr. Bagneschi emailed Mr. McClenahan to verify the receipt of the photos that were asked for on July 3rd, 2023
- On July 14th, 2023, Mr. McClenahan emailed Mr. Bagneschi acknowledging the receipt of the photos and asked who had taken them
- On July, 14th, 2023, Mr. Bagneschi emailed Mr. McClenahan with a response to who had taken the photos
- On July 17th, 2023, Mr. McClenahan emailed Mr. Bagneschi with questions in regard to the photos
- On July 17th, 2023, Mr. Bagneschi emailed Mr. McClenahan with answers to the questions
- On July 17th, 2023, Mr. McClenahan emailed Mr. Bagneschi with a thank you to answering all questions
- On July 17th, 2023, Mr. Bagneschi emailed Mr. McClenahan advising that if there were additional questions, he would answer them

In fact, NOPV Exhibit 23 contains a copy of the email dated July 17, 2023, which definitively proves that the finding of fact #12 is incorrect, and shows AT&T was cooperating with the investigator's requests. After AT&T provided the responses in the email dated July 17, 2023, – and it responded to all of the investigator's requests – AT&T received no further inquiries from the investigator.

Additional Information

Pertaining to the request for a trench path/centerline:

- On the original locate request, the type of work was not stated so the area was marked out
- On the request to remark the location, the type of work was obvious and a centerline/trench path was requested
 - Also, the remark statement was for the east side, and during the interview, it was confirmed that the excavator just painted over the original delineations and did not redelineate the remark area being requested
 - The Law states “If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked”

“*REQUEST RE-MARKS** FROM COMNCA, CTYSF2, CTYSF4, MUNUTL, PACBEL, PGESFO, FOTEC--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

• **How did you re-delineate the locate marks?**

Just went over the top of marks that made before.

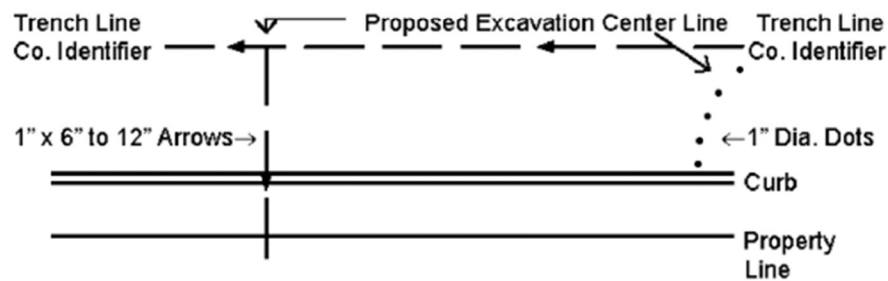
- During the interview between the excavator and Mr. McClenahan, it was stated that the plans for the excavation are just schematics. This illustrates that the original request was for design purpose since the location of the trench was not known

Part of interview

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

- The remark request was for the east side of the street and since the excavation had started 3 months prior and a locate request completed with utilities marked, a trench path/centerline should have been planned.
- Current law references using CGA Best practices for delineations

Trenching, Boring, or Other Continuous-Type Excavations



Continuous Excavation Marking

Mark in white the proposed centerline 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.

Pertaining to the interviewing of locators, a locate company representative met with Jason Corsay and explained that they would not do interviews but would answer any questions in writing.

The reason for this response is to ensure that there is written documentation of the questions and that the statements are not misinterpreted. It is my understanding that in the past the need for written questions and responses was cleared with Jason Corsay (Chief Investigator), and that both parties agreed that questions and answers would be in writing.

Exhibit 1

BAGNESCHI, PAUL

From: BAGNESCHI, PAUL
Sent: Monday, July 17, 2023 1:15 PM
To: McClenahan, Jeff@EnergySafety
Subject: Re: Case D223430002

If you need more information, let me know

The bond question, that can be pages worth of explanation

Paul

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

Sent: Monday, July 17, 2023 1:11:35 PM

To: BAGNESCHI, PAUL <pb1419@att.com>

Subject: RE: Case
D223430002

Thank you for the
explanation!

Best,

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 17, 2023 11:55 AM

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

Subject: RE: Case D223430002

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.

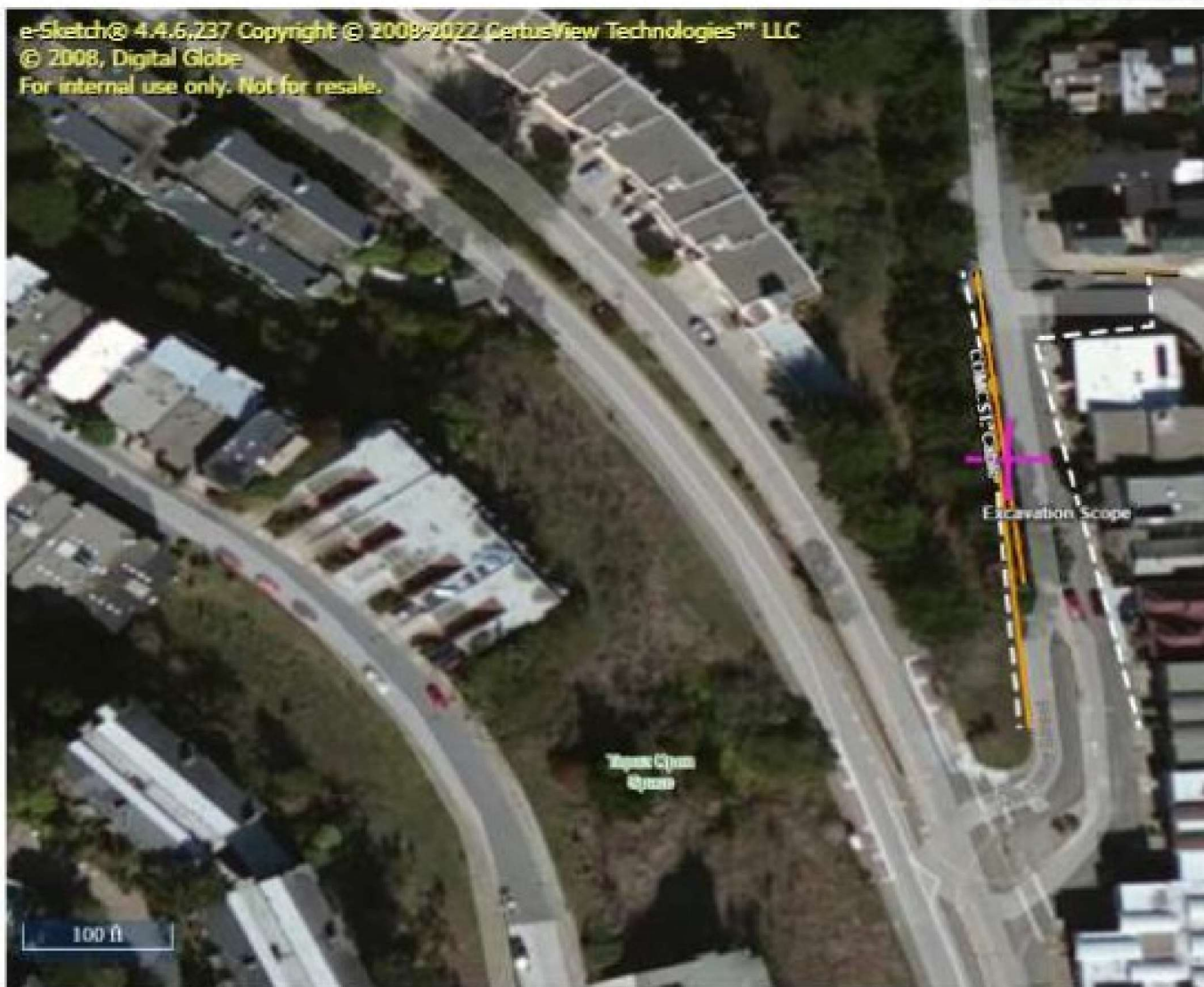
A few questions:

- 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.

Virtual Map

e-Sketch® 4.4.6.237 Copyright © 2008-2022 CertusView Technologies™ LLC
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Shapes: D=Excavation Scope (White) P=Phone Main (Orange)
C=Cable (Orange)

Symbols:

Ticket Details

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 Utiquest cable locator when the locate was performed

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

MOBILIZING YOUR
WORLD

<https://att.com>

CALL BEFORE YOU DIG. (Dial

811) <http://call811.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, Utilquest, 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, Utilquest, 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, Utilquest, 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

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