



CALIFORNIA UNDERGROUND SAFETY BOARD INVESTIGATION DIVISION

INVESTIGATION REPORT

Date: February 3, 2025

Case No.: C241500002

Violations:

Phase 3 Communications, Inc.
Government Code § 4216.2(b):

Excavating without first notifying the Regional
Notification Center.

Cal. Code Regs., title 19, § 4151(c):

Failure to cooperate with the investigation.

Executive Summary:

On May 22, 2024, Phase 3 Communications, Inc. (Phase 3) excavated without a ticket near Silicon Valley Power's twelve-inch natural gas pipeline at 2975 Lafayette Street, Santa Clara, California 95054. During the investigation conducted by the California Underground Safety Board, Phase 3 failed to cooperate or provide any of the information requested.

No damages, injuries, or fatalities were reported.

Reporting Party Information:

Silicon Valley Power
1705 Martin Avenue
Santa Clara, California 95050

Date of Incident:

May 22, 2024

Location of the Incident:

2975 Lafayette Street
Santa Clara, California 95054

Excavator:

Phase 3 Communications, Inc.

1355 Felipe Avenue
San Jose, California 95122

Facility Type Damaged:

None

Investigation:

Notification of the Incident

On May 29, 2024, Silicon Valley Power submitted a notification stating:

“CONTRACTOR PHASE 3 COMMUNICATIONS INC WAS DIGGING ON LAFAYETTE STREET ADJACENT TO SILICON VALLEY POWERS (SVP) GAS COMPRESSOR BUILDING FEEDING THE DVR POWER PLANT. SVP WAS IN THE MIDDLE OF A PHMSA AUDIT WHEN WE NOTICED A CONTRACTOR DIGGING IN THE STREET 15 FEET AWAY FROM THE COMPRESSOR BUILDING. WHEN WE ASKED FOR THEIR 811 DIG TICKET, THEY SHOWED US AN EXPIRED TICKET FOR THE AREA. THE AREA BEING DUG AROUND IS WHERE OUR 12' NATURAL GAS PIPELINE RUNS TO OUR POWER PLANT.” (Exh. 1.)

The case was assigned to Investigator Amy Morford (Investigator).

Identity of the Excavator

Government Code section 4216(h) defines an excavator to be “any person, firm, contractor or subcontractor, owner, operator, utility, association, corporation, partnership, business trust, public agency, or other entity that, with their own employees or equipment, performs any excavation.”

Phase 3 Communications, Inc. was a licensed contractor, as of January 31, 2025, registered with the California Contractors State License Board, holding license number 777630, with a C10-Electrical classification. (Exh. 2.)

Phase 3 Refused to Cooperate with the Board’s Investigation

California Code of Regulations, Title 19, section 4151(c) provides that an excavator “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.”

Phase 3 refused to provide any information to the Board during the course of this investigation. For that reason, the information presented in this report was obtained from Silicon Valley Power.

On June 10, 2024, Investigator telephoned Phase 3's main office at 408-946-9011, spoke with a receptionist, and asked for a point of contact for the incident on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, California 95054. (Exh. 9.)

The receptionist informed Investigator that J.C. Dezubiria (Dezubiria) was the Project Manager and Akbar Ali (Ali) was Dezubiria's backup. The receptionist also provided separate contact numbers and email addresses were provided by the receptionist for each individual. (Exh. 9.)

On June 10, 2024, Investigator emailed an Information Request to Phase 3 Communications, Inc. The accompanying email was sent to Dezubiria, with a Cc to Ali. Its response due date was June 25, 2024. (Exh. 10.)

On June 17, 2024, Investigator spoke with Dezubiria via phone. Dezubiria stated that he was unaware of this incident, that he would look into the situation, and that he would follow up in a few days. (Exh. 11.)

On June 25, 2024, Phase 3 did not respond to the Information Request emailed on June 10, 2024, with a response due date of June 25, 2025.

On July 15, 2024, Investigator emailed a 2nd Information Request to Dezubiria and Phase 3 Communications, Inc. The accompanying email was sent to Dezubiria, with a Cc to Ali. Its response due date was July 30, 2024. (Exh. 12.)

On July 30, 2024, Phase 3 did not respond to the 2nd Information Request emailed on July 15, 2024, with a response due date of July 30, 2025.

On August 6, 2024, at 8:16 a.m., Investigator telephoned Ali at 1-916-712-2347. As there was no answer, Investigator left a voicemail message asking for a return call. (Exh. 13.)

On August 6, 2024, at 8:16 a.m., Investigator telephoned Dezubiria at 1-408-690-5816. As there was no answer, Investigator left a voicemail message for Dezubiria requesting a return call. (Exh. 14.) At 8:16 A.M., Investigator received a text message from Dezubiria stating, "Can I call you later?" (Exh. 15.) At 8:28 a.m., Investigator replied via text "yes," then added additional information about the reason for the telephone call. (Exh. 15.)

As of the writing of this Report of Investigation, no information had been provided by Phase 3 during the Board's investigation.

Excavation Information Provided by Silicon Valley Power

Government Code section Government Code 4216(g) defines “excavation” to be the use of tools or equipment to move or displace earth, rock, or other material in the ground.

On June 10, 2024, Investigator emailed a Case Announcement to reporter Matthew Gerry (Gerry), the Program Manager – Safety and Compliance, with Silicon Valley Power. (Exh. 3.) The next day, Investigator received an email response to the Case Announcement from Gerry, who provided information regarding the incident that was further discussed during an interview the same day. (Exh. 4.)

On June 11, 2024, Investigator conducted a telephone interview with Gerry in which he stated in summary:

- On May 22, 2024, during a PHMSA audit, SVP employees noticed Phase 3 digging on top of a SVP gas pipeline.
 - The Phase 3 had about seven or eight people.
 - One was operating the bobcat and a couple of people were digging with shovels around the manhole.
 - SVP told Phase 3 to stop the work.
 - Phase 3 stopped digging, backfilled the area with asphalt, and left.
- (Exh. 5.)

Gerry stated he had taken a photograph on May 22, 2024, that he would send to the Investigator. Later that day, Gerry emailed Investigator a photograph he had taken on May 22, 2024. (Exh. 6.)

Phase 3 Communications, Inc. Did Not Contact the Regional Notification Center Before Excavating

Government Code section 4216.2(b) states that an excavator planning to excavate shall notify the appropriate regional notification center of the excavator’s intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation.

A SVP senior engineer asked the Phase 3 crew if they had a ticket. A Phase 3 supervisor replied that the ticket had just expired, and Phase 3 needed to renew it. Everline, which runs SVP’s mark and locate system, confirmed there was no active ticket for Phase 3. (Exh. 5)

On July 23, 2024, Investigator emailed Germain Suess, USAN Member Services Specialist, requesting ticket information for 2975 Lafayette Street, Santa Clara, California 95054, on May 22, 2024, for Phase 3. (Exh. 7.)

That same day, July 23, 2024, Nick White, USAN Member Services Manager, emailed confirmation that no tickets were found for May 22, 2024, for Phase 3, at 2975 Lafayette Street, Santa Clara, California 95054. (Exh. 8.)

Findings:

1. On May 22, 2024, at 2975 Lafayette Street, Santa Clara, California 95054, Phase 3 Communications, Inc. excavated with a bobcat and shovels without first notifying the Regional Notification Center.
2. Phase 3 Communications, Inc. refused to participate and cooperate with the Board's investigation.

Investigator	Supervisor
Amy Morford	Anona Bonner
Signature	Signature
/s/ Amy Morford	/s/ Anona Bonner

Exhibit List:

Exhibit No.	Description	Date	Received From
1.	Incident Report submitted to the Underground Safety Board	Received on 5/29/2024	Silicon Valley Power
2.	Contractor's License Detail for License No. 777630 obtained from the Contractors State License Board Website	Downloaded on 01/31/2025	California Contractors State License Board website at https://www.cslb.ca.gov/online services/checklicense/checklicense.aspx
3.	Board's Case Announcement and Investigator's email to Electric Program Manager-Safety & Compliance Matthew Gerry with Silicon Valley Power	Emailed on 6/10/2024	
4.	Email from Matthew Gerry providing incident information	Received on 6/11/2024	Electric Program Manager-Safety & Compliance Matthew Gerry Silicon Valley Power
5.	Summary of Telephone Interview with Electric Program Manager-Safety & Compliance Matthew Gerry prepared by Amy Morford	Telephone Interview conducted by Amy Morford on 6/11/2024	
6.	Photograph provided by Matthew Gerry depicting the excavation site on May 22, 2024	Received on 6/11/2024	Electric Program Manager-Safety & Compliance Matthew Gerry Silicon Valley Power

7.	Investigator's email to USAN requesting ticket information on the underlying job to this incident	Emailed on 7/23/2024	
8.	Email from USAN stating there were no valid tickets for the underlying job to this incident	Received on 7/23/2024	Nick White Member Services Manager USAN
9.	Summary of Telephone Interview with Phase 3 Receptionist prepared by Amy Morford	Telephone Interview conducted by Amy Morford on 6/10/2024	
10.	Board's Information Request emailed to Phase 3 Communications, Inc. and Investigator's email to J.C. Dezubiria and Akbar Ali	Emailed on 6/10/2024	
11.	Record of Conversation with J.C. Dezubiria prepared by Amy Morford	Telephone Interview conducted by Amy Morford on 6/17/2024	
12.	Board's 2 nd Information Request emailed to J.C. Dezubiria and Phase 3 Communications, Inc. and Investigator's email to J.C. Dezubiria and Akbar Ali	Emailed on 7/15/2024	

13.	Record of Investigator's outgoing telephone call to Akbar Ali on August 6, 2024, at 8:12 A.M.	Call made 8/6/2024	
14.	Record of Investigator's outgoing telephone call to J.C. Dezubiria on August 6, 2024, at 8:16 A.M.	Call made 8/6/2024	
15.	Record of J.C. Dezubiria's "Can I call you later?" text message to Investigator and Investigator's text response	Texts made 8/6/2024	Project Manager J.C. Dezubiria Phase 3 Communications, Inc.

Exhibit 1

Notification Information Report

Information for Notification Number:- C241500002

Date Logged to CRM:- 5/29/2024 8:34 AM

Complaint/Incident Information	
Incident/Complaint Description	CONTRACTOR PHASE 3 COMMUNICATIONS INC WAS DIGGING ON LAFAYETTE STREET ADJACENT TO SILICON VALLEY POWERS (SVP) GAS COMPRESSOR BUILDING FEEDING THE DVR POWER PLANT. SVP WAS IN THE MIDDLE OF A PHMSA AUDIT WHEN WE NOTICED A CONTRACTOR DIGGING IN THE STREET 15 FEET AWAY FROM THE COMPRESSOR BUILDING. WHEN WE ASKED FOR THEIR 811 DIG TICKET, THEY SHOWED US AN EXPIRED TICKET FOR THE AREA. THE AREA BEING DUG AROUND IS WHERE OUR 12' NATURAL GAS PIPELINE RUNS TO OUR POWER PLANT.
Incident Date	5/22/2024 2:14 PM
Incident State	CA
Incident County	Santa Clara
Incident Place	Santa Clara
Incident St from Address	
Incident St to Address	
Incident Street	2975 Lafayette St
Incident Cross1	
Incident Location	LOCATION IS ON LAFAYETTE ITSELF BY A WELDING BUSINESS AND SILICON VALLEY POWER GAS COMPRESSOR BUILDING.
Type of Complaint	Excavating without 811 ticket
Other Complaint Detail	NONE
Notification Number	C241500002
Notification Created	5/29/2024 9:33 AM
Notification Type	complaint
Damage Injury	Undefined
Damage Death	Undefined
Damage Fire Evacuation	Undefined
Damage Facility Type	
Damage Equipment	

Reporter Information	
Reporter First Name	Matthew
Reporter Middle Name	
Reporter Last Name	Gerry
Reporter Company	Silicon Valley power
Reporter Email	mgerry@santaclaraca.gov
Reporter Phone	4088924980
Reporter Address	1705 Martin Avenue
Reporter Address 2	
Reporter City	Santa Clara
Reporter State	CA
Reporter Zip	95050

Other Party Information	
First Name	Unknown
Middle Name	
Last Name	
Company	Phase 3 Communications Inc
Address	
City	
State	CA
Zip Code	
Email	
Phone	4085298816

Ticket Entry	
Ticket Number	
Ticket Type	
Revision	
Created	
Account	
Channel	
Work Date	
Response Required	
Response Due	
Expires	
One Year	
Priority	
Priority Number	
Category	
Lookup	
State	
County	
Place	
Work area zip code	
St to address	
St from address	
Street	
Cross 1	
Cross 2	
How delineated	
Excav st walk	
Work Type	
Boring	
Explosives	
Vacuum	
Permit	
Work Order	
Done For	
Remarks Type	
Company Name	
Address1	
Address2	
City	

State	
Zip Code	
Phone	
Phone ext	
Caller	
Caller Language	
Cell	
Email	
Contact Name	
Contact Phone	
Contact Phone Ext	
Contact Cell	
Contact Email	
Location	
Comments	
Map URL	MAP URL of Notification Number C241500002

Ticket GPS Coordinates

Caller GPS Coordinates

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

Best Fit Rectangle GPS Coordinates

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

Ticket Member List

Member Code

Exhibit 2



▼ Contractor's License Detail for License # 777630

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 1/31/2025 11:51:07 AM

Business Information

PHASE 3 COMMUNICATIONS INC
1355 FELIPE AVE
SAN JOSE, CA 95122
Business Phone Number:(408) 946-9011

Entity Corporation
Issue Date 04/19/2000
Expire Date **04/30/2026**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

C10 - ELECTRICAL

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [AMERICAN CONTRACTORS INDEMNITY COMPANY](#).

Bond Number: 100522824

Bond Amount: \$25,000

Effective Date: 01/01/2023

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual NICOLAS DEZUBIRIA 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: 04/19/2000

Workers' Compensation

This license has workers compensation insurance with the [TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA](#)

Policy Number: UB1T961448

Effective Date: 03/01/2024

Expire Date: 03/01/2025

[Workers' Compensation History](#)

Other

- ▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

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Exhibit 3

From: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
To: mgerry@santaclearaca.gov
Subject: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA
Date: Monday, June 10, 2024 8:48:00 AM
Attachments: [2024.06.10_01 Investigation Announcement to Reporter SVP Santa Clara.docx](#)
[image001.png](#)

Hello,

My name is Amy Morford, and I represent the Investigations Division of the Underground Safety Board. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired at 2975 Lafayette Street Santa Clara, CA on May 22, 2024.

Please see the attached document for more information.

Your timely response is appreciated. Feel free to contact me via phone at 279-789-1815.

I look forward to working with you.

Amy Morford

Senior Policy Investigator
Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



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UNDERGROUND SAFETY BOARD**

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Marjorie Del Toro
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Carl Voss

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Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

Date: June 10, 2024

To: Matthw Gerry
Silicon Valley Power
1705 Martin Avenue
Santa Clara, CA 95050
408-892-4980
mgerry@santaclaraca.gov

Subject: Incident # CAS-01611-Y5B4D5, on May 22, 2024, at or near 2975 Lafayette Street Santa Clara, CA 95054 pertaining to Phase 3 Communications excavating adjacent to Silicon Valley Power's gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

The investigation of the above referenced incident has been assigned to me.

I will be contacting you again within 7 business days, no later than June 19, 2024, as I commence the investigation.

Please retain all records that pertain to this incident for our discussions.

Please be aware that investigations are handled in order of receipt and interviews are scheduled accordingly. If you have any questions in the meantime, please feel free to contact me. If you have any documents that you'd like to share in advance of our conversation, please send them to me.

Amy.Morford@energysafety.ca.gov

Exhibit 4

From: [Matthew Gerry](#)
To: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
Subject: RE: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA
Date: Tuesday, June 11, 2024 9:58:27 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Amy,

My initial report has some updated information. The supervisor for Phase 3 Communications Inc. had told us that the ticket “had expired recently” when he went to look it up. We had our third party, Everline, who does SVP’s mark and locates for our natural gas pipeline, look into tickets related to Phase 3. As it turns out, their last ticket that was submitted for the area was in November of 2023. I’m glad we spotted them and were able to stop their work but to make matters worse, we were over at our gas compressor building because we were in the middle of a PHMSA 5 year pipeline audit.... The companies website is www.p3com.com phone number: 1-408-946-9011 and their supervisor on sites number is: 1-408-529-8816

I’ve attached the tickets we were ale to find and some pictures of that work. Please let me know when you have a chance to discuss further.

Very Respectfully,
Matthew D Gerry, ASP
Silicon Valley Power
Electric Program Manager- Safety & Compliance
Direct: 408-615-6555
Cell: 408-892-4980
mgerry@santaclaraca.gov

From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Monday, June 10, 2024 8:49 AM
To: Matthew Gerry <mgerry@SantaClaraCA.gov>
Subject: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA

Hello,

My name is Amy Morford, and I represent the Investigations Division of the Underground Safety Board. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired at 2975 Lafayette Street Santa Clara, CA on May 22, 2024.

Please see the attached document for more information.

Your timely response is appreciated. Feel free to contact me via phone at 279-789-1815.

I look forward to working with you.

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



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Exhibit 5



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

DATE: June 11, 2024

CASE NO: CAS-01610-J1L9F2

DATE/TIME OF INTERVIEW: June 11, 2024, 12:44 p.m.

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Matthew Gerry
Silicon Valley Power
1705 Martin Avenue
Santa Clara, CA 95050
mgerry@santaclaraca.gov
408-892-4980

NARRATIVE:

On May 29, 2024, Matthew Gerry, Silicon Valley Power, submitted a compliant notification to the North Regional Notification Center. The Dig-In incident transpired on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, CA.

INTERVIEW:

Amy Morford (AM) – Investigator
Reporting Party (RP) – Matthew Gerry, Silicon Valley Power

On June 11, 2024, at approximately 12:44 p.m., the investigator spoke with Matthew Gerry, Silicon Valley Power, via phone.

AM: I'm speaking with you today to get information about Phase 3 Communications excavating in front of your facility on May 29, 2024. The report I have listed you as the reporting party. Is this correct?

RP: "Yeah."

AM: You work for Silicon Valley Power?

RP: "Yes."

AM: What is your title?

RP: Electric Program Manager – Safety and Compliance

AM: Tell me what happened on the date of the incident.

RP: "We have a gas compressor building across from Lafayette Street. We are doing a PHMSA audit and see this Phase 3 Communication Company digging in the street. So our senior engineer, who is part of the audit, goes out and asks these guys if they have a current ticket because they're right over our pipeline. We asked them where their ticket is and they had no idea, no clue of what's going on. When we approached the supervisor, he was just like, oh, yeah, I think our ticket just expired. We'll have to put it in to renew it. We had them stop the work until we got verification.

We use Everline for a lot of our compliance work related to the pipeline and power plant. They run our mark-and-locate system. So we reached out to the guy who does it, and he doesn't see a ticket for them. We go back, and the only tickets that we can find for this Phase 3 Communication in the same area was back in November and this occurred in in May, so I'm glad we stopped them, and they essentially pulled out of the area."

AM: You emailed me several photos. IMG_9890 (Pic. 4) has markings and paint on the ground. Is that recent, or do you know who marked it?

RP: "So these were the pictures taken when they submitted the initial ticket."

AM: So the three pictures of the location are back from November 2023?

RP: "Yeah, I should've updated that."

AM: The pictures you sent me, IMG_9890, IMG_9891, and IMG_9892 (Pics. 4-6) show digging, potholing, and vacuuming but they are from back in November?

RP: "Correct. Yes, that's correct."

AM: Is this the same location they were digging on May 22, 2024?

RP: "Correct the same exact one."

AM: Okay, so they're digging up the same area. Do you have any idea why?

RP: "I guess they were redoing the asphalt around this new manhole or something like that. They didn't really give us a straight answer when we were talking to him. I have another picture I took that's current, from when we caught them. I'm sending it over right now."

AM: Do you remember how many workers they had? What was the size of the crew?

RP: "Ah, they had about seven or eight out. It was good amount because they had to do their own traffic control out there because they had to block a lane, which I actually still need to check with the city to see if they had a current encroachment permit and stuff because that's another issue. But yeah, they had about seven or eight guys because I saw one operating their bobcat, couple of guys on the ground doing some of the asphalt, digging around that manhole."

AM: So they were using a bobcat, what other equipment did they have? What else were they using to excavate with?

RP: I think it was just mainly the bobcat. They did have a couple shovels and stuff like that."

AM: Okay. When you contacted them, they stopped working, stopped the job?

RP: "Correct."

AM: Okay. They stopped the job but what is the status of the area? Is it still blocked off? Did they cover the area to be able to drive over it? What's going on?

RP: "So they stopped digging, and they couldn't leave it as is because it's literally a main street. So they backfilled it with asphalt. Just the area they were working in and left." (IMG_9895 Pic. 7)

AM: That was the last you've seen of them?

RP: "Yeah."

AM: The area is filled in with asphalt, but it's not completed?

RP: "Correct."

AM: The pipeline, your pipeline Phase 3 was excavating over, is it a high-pressure line?

RP: "It's a twelve-inch natural gas pipeline. It runs to our power plant."

The investigator thanked Mr. Gerry for his time and concluded the call.

End of Record

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner

Exhibit 6

From: [Matthew Gerry](#)
To: Morford, Amy@EnergySafety
Subject: RE: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA
Date: Tuesday, June 11, 2024 12:50:47 PM
Attachments: [image001.png](#)

You don't often get email from mgerry@santaclaraca.gov. [Learn why this is important](#)

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Very Respectfully,
Matthew D Gerry, ASP
Silicon Valley Power
Electric Program Manager- Safety & Compliance
Direct: 408-615-6555
Cell: 408-892-4980
mgerry@santaclaraca.gov



From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Monday, June 10, 2024 8:49 AM
To: Matthew Gerry <mgerry@SantaClaraCA.gov>
Subject: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA

Hello,

My name is Amy Morford, and I represent the Investigations Division of the Underground Safety Board. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired at 2975 Lafayette Street Santa Clara, CA on May 22, 2024.

Please see the attached document for more information.

Your timely response is appreciated. Feel free to contact me via phone at 279-789-1815.

I look forward to working with you.

Amy Morford
Senior Policy Investigator
Underground Investigations Division
Amy.Morford@energysafety.ca.gov
Direct: 279-789-1815



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Exhibit 7

From: Morford, Amy@EnergySafety
To: [Germain Suess](#)
Subject: Ticket Search Request
Date: Tuesday, July 23, 2024 8:54:00 AM
Attachments: [image001.png](#)

Good morning,

I'm requesting a ticket search for the following:

Excavator:
Phase 3 Communications

Date: 5.22.2024

Location:
2975 Lafayette Street
Santa Clara, CA 95054

Thank you,

Amy Morford
Senior Policy Investigator
Underground Investigations Division
Amy.Morford@energysafety.ca.gov
Direct: 279-789-1815



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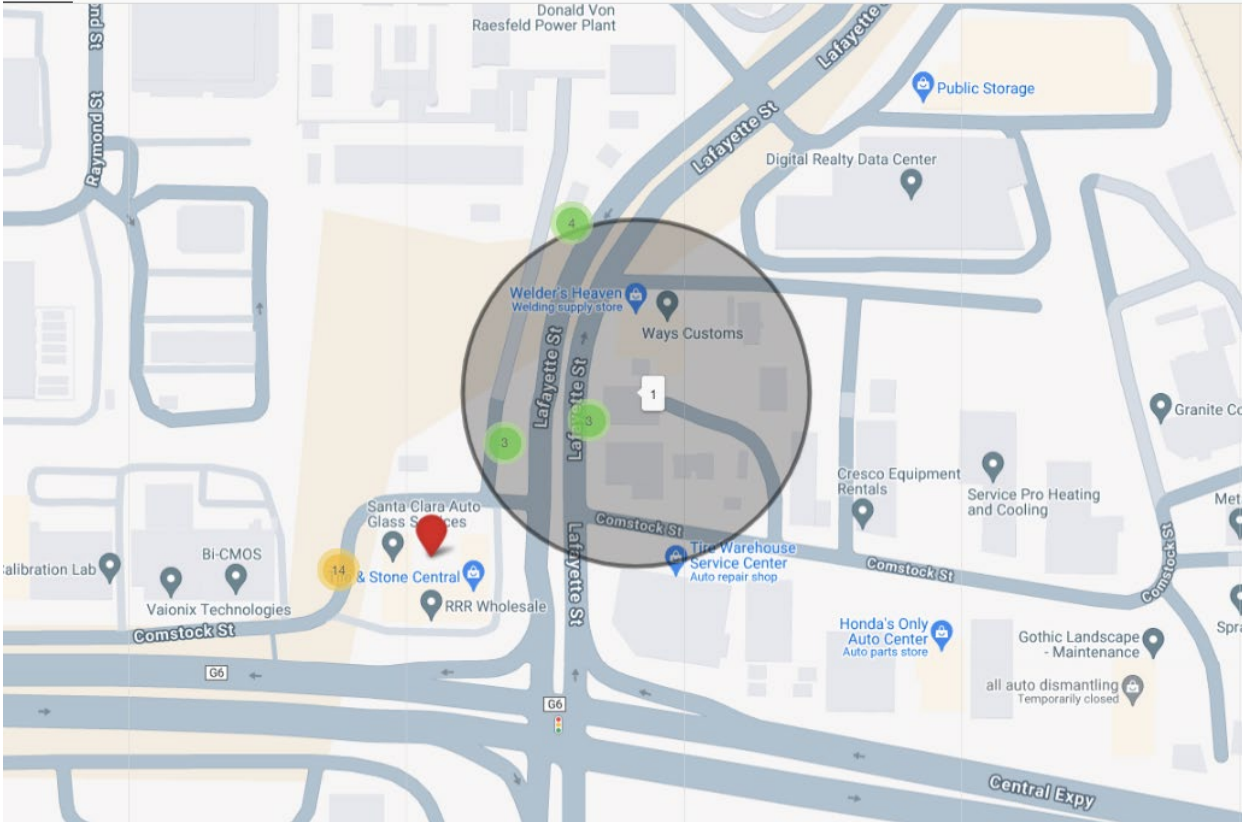
Exhibit 8

From: Nick White
To: Morford, Amy@EnergySafety
Cc: Germain Sues
Subject: Re: Ticket Search Request
Date: Tuesday, July 23, 2024 3:53:53 PM
Attachments: image001.png
image004.png
image005.png
DPP_20240723_0351PM.csv

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Amy,

Attached is what I was able to find using the search polygon below:
p



I don't show any tickets were created in this area on 5/22/24 so I removed the date filter and the attached report is what was populated.

Let me know if you need more information on any of the tickets and I will provide that.

Thank you.



Nick White
Member Services Manager
O: 925-222-6501
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	
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Ticket	Address	Type of work	Start date	Caller Name	Working on Behalf of	Authority Name	Is area pre-marked
Normal	2024071400289-000	Comstock St Santa Clara California 95054	Jul 16 2024 05:01:00 PM -0700	Reza Yazdi	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024071400287-000	Lafayette St Santa Clara California 95050	Jul 16 2024 05:01:00 PM -0700	Reza Yazdi	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024071103302-000	COMSTOCK ST Santa Clara California 95054	Jul 15 2024 05:01:00 PM -0700	Behrad Mansouri	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024071103323-000	Lafayette St Santa Clara California 95050	Jul 15 2024 05:01:00 PM -0700	Behrad Mansouri	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024051401732-002	Lafayette St Santa Clara California 95054	May 16 2024 05:01:00 PM -0700	JD Dunkin	Other	Not Supplied	Any
Normal	2024030505272-010	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024051401732-001	Lafayette St Santa Clara California 95054	May 16 2024 05:01:00 PM -0700	JD Dunkin	Other	Not Supplied	Any
Normal	2024051900208-005	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-009	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024051401732-000	Lafayette St Santa Clara California 95054	May 16 2024 05:01:00 PM -0700	JD Dunkin	Other	Not Supplied	Any
Normal	2024040801913-002	2765 Lafayette St Santa Clara California 95050	Apr 11 2024 07:00:00 AM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-008	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024031403282-002	Lafayette St Santa Clara California 95050	Apr 11 2024 05:01:00 PM -0700	LARRY ENTZMINGER	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024011900208-004	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024040801913-001	2765 Lafayette St Santa Clara California 95050	Apr 11 2024 07:00:00 AM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-007	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024031403282-001	Lafayette St Santa Clara California 95050	Apr 11 2024 05:01:00 PM -0700	LARRY ENTZMINGER	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024040801913-000	2765 Lafayette St Santa Clara California 95050	Apr 11 2024 07:00:00 AM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024011900208-003	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-006	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	202402020323-002	1111 Comstock St Santa Clara California 95054	Feb 06 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-005	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024032003370-000	Lafayette St Santa Clara California	Apr 01 2024 08:00:00 AM -0700	Matt Townsend	Municipality	Not Supplied	Any
Normal	2024032003346-000	Lafayette St Santa Clara California	Apr 01 2024 08:00:00 AM -0700	Jesse Serpa	Municipality	Not Supplied	Any
Normal	2024030505272-004	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-003	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-002	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-001	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024031403282-000	Lafayette St Santa Clara California 95050	Mar 20 2024 08:00:00 AM -0700	LARRY ENTZMINGER	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024011900208-002	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024030505272-000	Comstock St Santa Clara California 95054	Mar 07 2024 05:01:00 PM -0700	Yonathan Bekete	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	202402020323-001	1111 Comstock St Santa Clara California 95054	Feb 06 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024011900208-001	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	202402020323-000	1111 Comstock St Santa Clara California 95054	Feb 06 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2024011900208-000	2851-2899 Lafayette St Santa Clara California 95050	Jan 23 2024 05:01:00 PM -0700	Nick Goldthorpe	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2023110601194-001	2975 Lafayette St Santa Clara California 95054	Nov 08 2023 05:01:00 PM -0700	Alex Revolorio	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2023110601194-000	2975 Lafayette St Santa Clara California 95054	Nov 08 2023 05:01:00 PM -0700	Alex Revolorio	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2023082402936-003	Lafayette St Santa Clara California 95054	Nov 06 2023 05:01:00 PM -0700	Jorge Cockburn	Municipality	Not Supplied	Any
Normal	2023082402936-002	Lafayette St Santa Clara California 95054	Aug 28 2023 05:01:00 PM -0700	Jorge Cockburn	Municipality	Not Supplied	Any
Normal	2023100202054-000	2975 Lafayette St Santa Clara California 95054	Oct 04 2023 05:01:00 PM -0700	Alex Revolorio	Utility Facility Operator (non-municipality/county)	Not Supplied	Any
Normal	2023082402936-001	Lafayette St Santa Clara California 95054	Aug 28 2023 05:01:00 PM -0700	Jorge Cockburn	Municipality	Not Supplied	Any
Normal	2023082402936-000	Lafayette St Santa Clara California 95054	Aug 28 2023 05:01:00 PM -0700	Jorge Cockburn	Municipality	Not Supplied	Any

From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Tuesday, July 23, 2024 8:54 AM
To: Germain Suess <germain.suess@usan.org>
Subject: Ticket Search Request

Good morning,

I'm requesting a ticket search for the following:

Excavator:
Phase 3 Communications

Date: 5.22.2024

Location:
2975 Lafayette Street
Santa Clara, CA 95054

Thank you,

Amy Morford
Senior Policy Investigator
Underground Investigations Division
Amy.Morford@energysafety.ca.gov
Direct: 279-789-1815



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INFRASTRUCTURE
SAFETY

Exhibit 9



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
RECORD OF CONVERSATION**

DATE: June 10, 2024

CASE NO: CAS-01611-Y5B4D

DATE/TIME OF CONVERSATION: 06/10/2024 9:20 a.m.

LOCATION OF CONVERSATION: Phone

NAME/ADDRESS OF PARTY:

Phase 3 Communications, Inc.
1355 Felipe Avenue
San Jose, CA. 95122
408-946-9011

NARRATIVE:

Dig-In incident that transpired on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, CA 95054, pertaining to Phase 3 Communications excavating without an 811 ticket adjacent to Silicon Valley Power's gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

CONVERSATION:

On June 10, 2024, at approximately 9:25 a.m., the investigator called Phase 3 Communication's main office number, spoke with a receptionist, and asked for a point of contact for the incident on May 22, 2024, at or near 2975 Lafayette Street in Santa Clara.

The receptionist informed the investigator that J.C. Dezubiria is the Project Manager and Akbar Ali is Dezubiria's backup. Contact numbers and email addresses were provided for both individuals.

J.C. Dezubiria, Project Manager
408-690-5816
jc@p3com.net

Akbar Ali
916-712-2347
Akbar@p3com.net

End of Record

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner

Exhibit 10

From: Morford, Amy@EnergySafety
To: jc@p3com.net
Cc: akbar@p3com.net
Subject: Dig-In Incident on 5/22/24 at 2975 Lafayette Street Santa Clara, CA
Date: Monday, June 10, 2024 3:45:00 PM
Attachments: [2024.06.10_03_Information Request Excavator Phase 3 Santa Clara.docx](#)
[image001.png](#)

Hello,

My name is Amy Morford, and I represent the Investigations Division of the Underground Safety Board. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired at 2975 Lafayette Street Santa Clara, CA on May 22, 2024.

Please see the attached document for more information.

Your timely response is appreciated. Feel free to contact me via phone at 279-789-1815.

I look forward to working with you.

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



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TRANSMITTED VIA ELECTRONIC MAIL

Request Date: June 10, 2024

Response Due: June 25, 2024

To: Phase 3 Communications, Inc.
1355 Felipe Ave.
San Jose, CA. 95122
Office: 408-690-5816

Investigator: Amy Morford | Case No. CAS-01611-Y5B4D5

Information Request Number: Underground Safety-IR-2024-051

Subject: Dig-In incident that transpired on May 22, 2024, at or near 2975 Lafayette Street Santa Clara, CA, pertaining to Phase 3 Communications excavating adjacent to Silicon Valley Power's gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

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.
- 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 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:

Amy.Morford@energysafety.ca.gov

1. This is a request for a copy of all records including tickets, video, photographs, interviews, documents, and any reports of any kind regarding this incident.

END OF REQUEST

Exhibit 11



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
RECORD OF CONVERSATION**

DATE: June 17, 2024

CASE NO: CAS-01611-Y5B4D

DATE/TIME OF CONVERSATION: 06/17/2024 11:35 a.m.

LOCATION OF CONVERSATION: Phone

NAME/ADDRESS OF PARTY:

J.C. Dezubiria
Phase 3 Communications, Inc.
1355 Felipe Avenue
San Jose, CA. 95122
ic@p3com.net
408-690-5816

NARRATIVE:

Dig-In incident that transpired on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, CA 95054, pertaining to Phase 3 Communications excavating without an 811 ticket adjacent to Silicon Valley Power's gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

CONVERSATION:

On June 17, 2024, at approximately 11:35 a.m. The investigator contacted and spoke with J.C. Dezubiria, Project Manager with Phase 3 Communications.

Dezubiria stated that he was unaware of this incident and told the investigator he would look into the situation and follow up in a few days.

End of Record

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner

Exhibit 12

From: Morford, Amy@EnergySafety
To: jc@p3com.net
Cc: akbar@p3com.net
Subject: Dig-In Incident on 5/22/24 at or near 2975 Lafayette Street, Santa Clara
Date: Monday, July 15, 2024 3:57:00 PM
Attachments: [2024.07.15_01_2nd Information Request Excavator Phase 3 Santa Clara.docx](#)
[image001.png](#)

My name is Amy Morford, and I represent the Underground Safety Board Investigations Division. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara.

Please see the attached document for more information.

Your timely response is appreciated.

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



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Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

2nd NOTICE: IMMEDIATE ACTION REQUIRED

INFORMATION REQUEST

2nd Request Date: July 15, 2024

Response Due: July 30, 2024

Re: Lack of response to information request of June 10, 2024, which contained a response date of June 25, 2024.

To: J.C Dezubiria
Phase 3 Communications, Inc.
1355 Felipe Ave.
San Jose, CA. 95122
jc@p3com.net
408-690-5816

Investigator: Amy Morford | Case No. CAS-01611-Y5B4D5

2nd Information Request Number: Underground Safety-IR-2024-2-026

Subject: 2nd request for information pertaining to an incident on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, pertaining to Phase 3 Communications excavating without an 811 ticket adjacent to Silicon Valley Power's gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

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.

- 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:

Amy.Morford@energysafety.ca.gov

1. This is a request for a copy of all records, including video, photographs, interviews, documents, and reports of any kind, regarding the incident on May 22, 2024, at or near 2975 Lafayette Street, Santa Clara, pertaining to Phase 3 Communications excavating without an 811 ticket adjacent to Silicon Valley Power’s gas compressor building where a twelve-inch natural gas pipeline runs to the power plant.

END OF REQUEST

Exhibit 13

From: Morford, Amy@EnergySafety
To: Morford, Amy@EnergySafety
Subject: Phase 3
Date: Tuesday, January 21, 2025 4:52:06 PM
Attachments: [IMG_0056.PNG](#)

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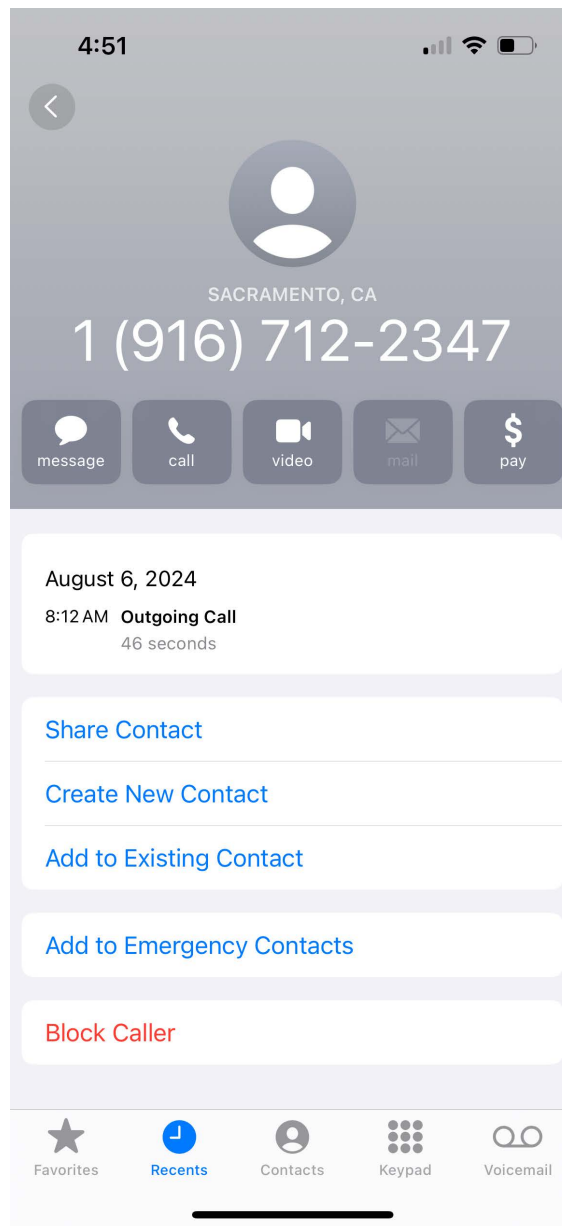


Exhibit 14

From: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
To: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
Subject: Phase 3
Date: Tuesday, January 21, 2025 2:58:13 PM
Attachments: [IMG_0055.PNG](#)

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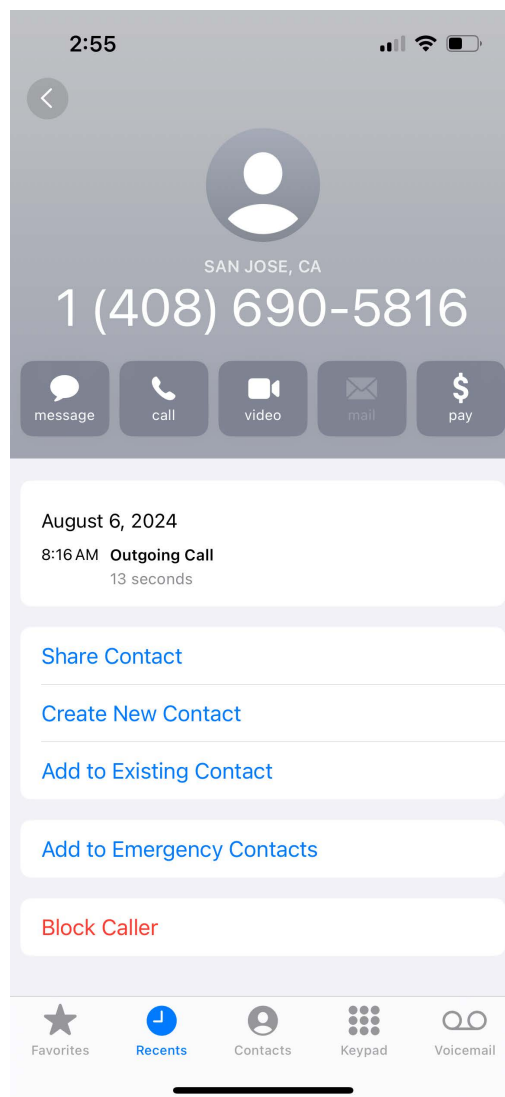


Exhibit 15

From: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
To: [Morford, Amy@EnergySafety](mailto:Morford,Amy@EnergySafety)
Subject: Phase 3
Date: Tuesday, August 6, 2024 8:30:05 AM
Attachments: [IMG_0031.PNG](#)

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