

**FK Design & Construction Inc.**

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Date: June 25, 2025

**To:**

Office of Energy Infrastructure Safety

Underground Safety Board

715 P Street, 15th Floor

Sacramento, CA 95814

[enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov)

Re: Written Response and Request for Informal Hearing – Notice of Probable Violation – Case N242694

To Whom It May Concern:

FK Design & Construction Inc. respectfully submits this written response to contest the Notice of Probable Violation issued on May 21, 2025, regarding the incident at 3010 Plaza Bonita Road on July 31, 2024. We also formally request to present our position at the informal hearing during the Board's public meeting on July 14, 2025.

**Background and Acknowledgment**

FK Design & Construction Inc. is a small, locally owned business with a proven track record of compliance and safety in excavation and construction. We acknowledge that due to an internal oversight on a fast-moving emergency water line repair, our crew did not complete a fresh DigAlert before starting the final trench work.

We sincerely regret this oversight and take full responsibility for the administrative lapse.

**Immediate and Responsible Actions Taken**

Despite this, our team acted immediately and responsibly once the gas line was struck:

- Our foreman evacuated the site to protect workers and the public.
- 911 and SDG&E were called within minutes.
- Our on-site engineer offered actionable guidance that ultimately allowed SDG&E to stop the leak.
- We paid for the cost of gas loss and related damages directly, despite operational inefficiencies on SDG&E's side during the emergency response.

**Mitigating Circumstances**

We respectfully point out that:

- The gas line was improperly installed less than an inch above the water main, violating minimum clearance requirements under Cal. Code Regs. Title 25, Section 1216(a). This contributed directly to the accidental strike.
- The area had been previously surveyed and marked, and our crew used standard safe practices and delineation methods.
- The ignition occurred due to the uncontrolled leak and unavoidable ignition sources. No one was injured.
- We have already strengthened our internal protocols to prevent any repeat occurrence.

**Impact on Our Small Business**

As a small business, we bore the full cost of equipment loss and paid for the gas loss. We absorbed significant financial impact in good faith and did not attempt to shift blame or costs onto SDG&E or the public.

**Request for Consideration**

Given these facts, we respectfully request the Board consider:

- Waiving or significantly reducing any proposed financial penalty,
- Accepting our commitment to complete the Board's education course as corrective action,
- Acknowledging our good faith response, prompt emergency actions, and cooperation with this investigation.

We take excavation safety seriously and remain committed to supporting California's safe digging laws. We appreciate the Board's fair review of our explanation and look forward to presenting our position at the informal hearing.

**Attachments:**

FK Design & Construction Inc. previously submitted all relevant photos, incident reports, DigAlert records, and supporting communications to the Board as part of the investigative process. We respectfully reference those materials as part of this response and will make them available again upon request.

Sincerely,

Francisco Kelly  
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