

California Underground Facilities Safe Excavation Board

In the Matter of
Phase 3 Communications, Inc.,
Respondent

Case No. C241500002

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On July 14, 2025, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. C241500002. The Board issued a Notice of Probable Violation (NOPV) to Phase 3 Communications, Inc. (Respondent) on May 19, 2025. Respondent submitted a written response and appeared at the meeting to make a statement to the Board for its consideration.

Board members Clausen, Johns, Johnson, Muñoz, and Simonian participated in the decision.

FINDINGS

Having considered the investigation report, the written report, and Respondent's comments at the meeting, the Board finds that violations of the Government (Gov.) Code sections 4216.2, subsection (b), and California Code of Regulations (CCR), title 19, section 4151, subsection (c) occurred.

VIOLATION SUMMARY

Government Code § 4216.2(b): Failure to notify the regional notification center of intent to excavate prior to starting excavation. Gov. Code 4216.2, subsection (b) requires an excavator planning to conduct an excavation to 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 unless it is an emergency.

California Code of Regulations (CCR), title 19, section 4151, subsection (c): Failure to cooperate with the investigation. California Code of Regulations, title 19, section 4151(c) provides that an excavator or operator who obstructs an investigation by taking actions that were known or reasonably should have been known to prevent, hinder, or impede the investigation is subject to sanctions.

JURISDICTION

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the CONTRACTORS STATE LICENSE BOARD which may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the CONTRACTORS STATE LICENSE BOARD order Respondent to take the Board's education course and pay a penalty of \$1,000.

The following factors were considered relevant to this sanction determination:

- Respondent's violations were serious.
- Respondent failed to notify 811 before excavating.
- Respondent was excavating in the vicinity of a 12-inch natural gas line.
- Respondent did not cooperate with investigators during the investigation.

/s/ William Johns
William Johns, Chair

Date: August 8, 2025