

Bin Liang

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November 4, 2025

VIA EMAIL

Anona Bonner
Chief of Investigation
Underground Safety Board
Office of Energy Infrastructure Safety
715 P Street, 15th Floor
Sacramento, CA 95814
enforcement.dig@energysafety.ca.gov

Subject: Response to Notice of Probable Violation (dated Sept. 23, 2025)
Case No. D230040002 (incident date: Jan. 4, 2023)
Location: 509 West Bataan Ave., Ridgecrest, CA 93555

Dear Ms. Bonner:

This is Frontier's response to the Sept. 23, 2025 Notice of Probable Violation ("NOPV") issued by the Underground Safety Board ("USB") of the California Office of Energy Infrastructure Safety in Case No. D230040002. The NOPV concerns a Jan. 4, 2023 copper cable damage incident at 509 West Bataan Ave., Ridgecrest, CA 93555 ("Incident").

The NOPV specifically charges Frontier with violating two separate provisions of California law – namely, Cal. Gov. Code § 4216.3(a)(1)(A), which requires a response to a locate request, and Cal. Code Regs., Tit. 19, § 4151(c), which prohibits obstructing a USB investigation.

The NOPV allegations are incorrect.

First, as confirmed by Dig Safe Ticket No. 2022121902879 ("Ticket"), Frontier's contractor UtiliQuest timely and properly completed the mark-out request. Second, as documented in the USB's July 16, 2025 Investigation Report ("Report"), Frontier fully cooperated with all information requests from the USB investigator, including making Frontier employees available for interviews.

A. UtiliQuest Timely and Properly Completed the Mark-Out.

Section 4126.3(a)(1)(A) generally requires an operator to "locate and field mark" the area where the excavation will occur. The full text of that provision states:

Unless the excavator and operator mutually agree to a later start date and time, or otherwise agree to the sequence and timeframe in which the operator will locate and field mark, an operator shall do one of the following before the legal excavation start date and time:

- (i) Locate and field mark within the area delineated for excavation and, where multiple subsurface installations of the same type are known to exist together, mark the number of subsurface installations.
- (ii) To the extent and degree of accuracy that the information is available, provide information to an excavator where the operator's active or inactive subsurface installations are located.
- (iii) Advise the excavator it operates no subsurface installations in the area delineated for excavation.

The Ticket for the Incident, which is attached hereto, shows that it was received on Dec. 19, 2022 at 1:08 pm. It specified a due date of Dec. 23, 2022 at 7:01 am. (See top right corner of attached Ticket.) The bottom of the Ticket confirms that it was in fact completed and marked on Dec. 20, 2022 at 10:25 am, well before the specified due date.

Accordingly, the allegation that Frontier did not comply with the Ticket is incorrect. Not only did UtiliQuest perform the mark-out on time, it completed that work early. For these reasons, the USB should dismiss Frontier's alleged violation of Cal. Gov. Code § 4216.3(a)(1)(A) in its entirety.

B. Frontier Fully Cooperated with the USB Investigation.

Section 4151(c) prohibits an operator from obstructing a USB investigation. The full text of that provision states that “[a]ny excavator or 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.”

1. Frontier's Documented Cooperation

The NOPV and Report do not identify a single instance in which Frontier failed to provide the USB investigator with any requested Frontier documents or Frontier contact information. Indeed, the record confirms that Frontier provided the investigator with the two key reports that were requested – namely, UtiliQuest's damage investigation report, which Frontier provided on Jan. 23, 2023, and Frontier's own separate property damage report, which Frontier provided on June 5, 2023.

In addition, Frontier provided the USB investigator with contact information of the Frontier technician who was first at the location of the damage and also connected the investigator with appropriate personnel at UtiliQuest.

In short, the dozens of emails between Frontier and the USB investigator over the course of months of communications confirm that Frontier's employees responded to the investigator within a few hours, or mere minutes in some cases, of his email. Frontier's immediate responsiveness to the investigator during such a long investigation belies any allegation that Frontier did not cooperate in this matter. In fact, it conclusively demonstrates Frontier's commitment to assisting in the USB investigation.

2. Interviews of UtiliQuest's Employees

According to the NOPV, the USB investigator requested that UtiliQuest make its own employees available for an interview. UtiliQuest answered by referring to its company policy of responding to such inquiries in writing only: "UtiliQuest cannot provide any documents to a third party, this includes contract and policy information as well as employee interviews." See Report at 6-7.

Frontier believes that the USB investigator attributed UtilityQuest's response concerning interview requests to Frontier and concluded that Frontier was somehow responsible for UtiliQuest's company policy and response (or lack thereof). This is improper as a matter of law.

UtiliQuest is a large national utility locate company that completes millions of locate requests each year across the country. See <https://utiliquest.com>. It is a fully independent contractor, engaged by Frontier (and other utilities) to perform mark-out services.

As an independent contractor, UtiliQuest is solely – and exclusively – responsible for managing, directing, and supervising its own employees. As a matter of law, including under the contract between Frontier and UtiliQuest, Frontier absolutely may not treat the employees of UtiliQuest, or any independent contractor for that matter, as its own. To do so would run afoul of the basic tenets of employment law, such as those concerning co-employment.

In short, Frontier can no more command the employees of UtiliQuest to submit to interviews with the USB investigator than UtiliQuest can direct the employees of Frontier to do the same. As a basic legal matter, UtiliQuest's own company policy of responding to USB questions in writing and not allowing its employees to be interviewed cannot lawfully be attributed to Frontier. To do so would be clear reversible error by the Board.

3. Conclusion

For the foregoing reasons, Frontier did not obstruct the investigation in connection with Case No. D230040002 and therefore did not violate Cal. Code Regs., Tit. 19, § 4151(c).

* * *

For the foregoing reasons, in connection with the Incident, Frontier complied with both Cal. Gov. Code § 4216.3(a)(1)(A) and Cal. Code Regs., Tit. 19, § 4151(c) by timely completing the locate request and by fully cooperating with the USB investigation. As a result, the USB should dismiss the alleged violations in the NOPV.

Sincerely,

Bin Liang

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Enclosures

2022121902879

Received date Dec 19, 2022, 1:08 pm
Due date Dec 23, 2022, 7:01 am

Ticket Identifier: 321797863
Underground Service Alert of Northern & Central California
811 // 800-642-2444
www.usanorth811.org

Please be advised the person below has requested a locate of underground assets in your jurisdiction. You are required to respond within the required time frame and reference the Ticket Number, Sequence Number and the User Reference (where supplied).

[REFERRAL DETAILS]
MESSAGE VERSION NO= 1.0.10
FROM= Underground Service Alert of Northern & Central California
TICKET MEDIUM= CSR
UTILITY ID= 20777
STATION CODE= QFRC3
UTILITY NAME= Frontier a Citizens Communications Company - California
TO= UTI
JOB NO= 56418
TICKET NO= 2022121902879
TICKET REVISION NO= 000
PREVIOUS TICKET NO=
PREVIOUS TICKET REV NO=
SEQUENCE NO= 543307
TRANSMISSION ID= 105
SUBMITTED DATE= 2022-12-19T13:08:49-08:00
WORK BEGIN DATE= 2022-12-23T07:01:00-08:00
LEGAL START DATE= 2022-12-23T07:01:00-08:00
TICKET EXPIRATION= 2023-01-16T23:59:59-08:00
WORK DURATION= Longer than 31 days
EMERGENCY= False
TICKET STATUS= Original
TICKET TYPE= Normal
WORK TYPE= Utilities - Distribution
WORK ACTIVITY= Communications - Install New Facilities
DELINEATED METHOD= White Paint
EXCAVATION METHOD= Microtrenching
PAVEMENT ONLY= false
VACUUM EXCAVATION= false
ANTICIPATED DEPTH= 24 to 48 inches
EXCAVATION SIZE= 32605 Sq Ft
RESPONSE REQUIRED= true
PROJECT OWNER= Land Developer - residential subdivision
PERMIT= unknown
JOB NO/NAME= #5295408
BORING= false
PAVEMENT ONLY= false
EXPLOSIVES= false
STATION LIST= QFRC3, INDIAN, MEDCTV, PGERID, RACTEL, SCEKER, CTYRID

[CALLER DETAILS]
EXCAVATOR ID= 10203
NAME= Luis Acosta-Curley
COMPANY=
STREET ADDRESS= 339 Cypress Ln 339 Cypress Ln
CITY/TOWN/PLACE= El Cajon
STATE= CA
ZIPCODE= 92020
EXCAVATOR TYPE= Contractor
EXCAVATOR INDUSTRY=
PHONE= 858-677-0200
MOBILE= 619-504-2653
EMAIL= luis@ranchopaving.com
LANGUAGE=

[LOCATION DETAILS]
ADDRESS/LOCATION= w bataan ave
CITY/TOWN/PLACE= Ridgecrest
COUNTY= Kern County
STATE= CA
NEARBY CROSS STREET= sierra view st
STREET/SIDEWALK= true
SUBDIVISION/LOT=
ONSITE CONTACT NAME= Luis
ONSITE CONTACT PHONE= 6195042653
ZIPCODE= 93555
LATITUDE= 35.604402
LONGITUDE= -117.681325
EXCAVATOR REMARKS= on the n side of w bataan ave from the w side of the intersection of sierra view st go e to the e side of the intersection of s no rma st
TICKET EDIT REASON=

Please DO NOT REPLY TO THIS EMAIL as it has been automatically generated and replies are not monitored. Should you wish to advise Underground Service Alert of Northern & Central California of any issues with the attached ticket information, please email info@usanorth811.org

Client	Status	Qty Marked	When Closed	High Profile Closed	Assigned To	Plat Number
QFRC3	Marked	3	12/20/2022 10:25 am	"	b 214.Craig Dixon	
SCEKER	Marked	1	12/20/2022 10:25 am	"	b 214.Craig Dixon	

Note Entered: 12/20/2022 10:25:42 AM
marked ftr and sce.



RESPONSE TO A NOTICE OF PROBABLE VIOLATION

Case Number: D230040002

Name: Frontier Communications

The provisions of California Code of Regulations, Title 19, Division 4, Chapter 3, governs the Notice of Probable Violation (Notice) proceeding before the California Underground Safety Board (Board). Specifically, 19 CCR section 4252 provides your response options upon the receipt of a Notice.

Be advised that all material submitted by you in response to a Notice are subject to public disclosure.

Please select from one of the response options listed below. You have 30 business days to submit your written response to the Underground Safety Board. Failure to submit a written response will be considered by the Board as a "No Contest" response. Please attach this form with your selection to your response. If you choose "Contest in Writing" or "Contest in Writing and Request Informal Hearing," please also include your written explanation and documents that may be referenced in your written explanation or informal hearing. For all options, Board investigators may present the basis for your probable violation on the date of the public meeting as provided in your Notice, and the Board will review your case and vote to determine whether a probable violation exist and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the meeting.

Response Options

___ No Contest

You do not contest the violations or the penalty. If you choose to not contest the violations or the penalty, you will waive your right to request the Board to reconsider its decision or recommendation issued.

___ Contest in Writing

You wish to contest either the violation, the penalty, or both by providing the Board with written explanations and other records supporting the explanation. You will submit the written explanations and records, if any, with your written response within 30 business days of receiving this Notice. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to enforcement.dig@energy.safety.ca.gov. You may

request an extension to the page limit by submitting a request to the Board staff within 5 days of receiving this Notice. The Board staff will notify you of its determination with respect to the page limit extension request within 10 days of you submitting the request. The Board will review and vote on your case on the date of the public meeting provided in the Notice.

X Contest in Writing and Request Informal Hearing

You wish to contest either the violation, the penalty, or both with oral argument at an informal hearing during a public Board meeting. You will submit with your written response, written explanations, information, or other materials you wish to reference in your oral hearing. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below, or submit one (1) copy electronically to enforcement.dig@energysafety.ca.gov.

Your hearing would be during the public meeting noted in the Notice, on November 17, 2025, at 1:00 p.m., and the location of the meeting will be in Sacramento, California.

California Natural Resources Agency Building
Auditorium – First Floor
715 P Street
Sacramento, California 95814

Please note that your oral hearing may not start exactly at the time provided as there may be multiple hearing during one Board meeting. You may request to reschedule your hearing no later than 15 business days from your hearing date. Your request to reschedule a hearing may be granted no more than once and only for good cause.

You may participate in person or through a virtual meeting platform. You will have 15 minutes to present your reasons for contesting the allegation or reasons that may support a modification or elimination of the penalty or corrective action. During your hearing, conducted pursuant to Section 4253 of Title 19 of the California Code of Regulations, board investigators may present the basis for your Notice of probable violation. You will be granted up to 15 minutes to respond to the Notice and up to 5 minutes to respond to any Board staff rebuttal. You may arrange, at your expense, for a stenographer or court reporter to transcribe the informal hearing. You must provide a copy of any transcription to the Board.

The Board will issue a decision at,

- The informal hearing;
- Thereafter within 45 business days of the informal hearing; or

- At a subsequent Board public meeting where a quorum of the Board is present.

The Board will adopt the issued written decision at the hearing or a subsequent public meeting. The Board's decision is effective upon the adoption of the written decision.

— Reservation of Rights to Contest Violation with the Enforcement Agency

You contest the violation, the penalty, or both, but do not wish to present your comments to the Board. You request that the Board refer the case to the appropriate state or local agency that would conduct the enforcement of the probable violation pursuant to Government Code section 4216.6(c) (Enforcement Agency), and you will reserve the right to contest the violation, the penalty, or both before the Enforcement Agency. The Board will review and vote on your case to determine whether a probable violation exist and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the public meeting noted in your Notice. Should the Board determine a probable violation exist, the Board will refer your case to the Enforcement Agency.

Board Contact Information:

Please direct all formal correspondence, including your written response to the Notice, to the Board either via email at enforcement.dig@energysafety.ca.gov or via mail to the following address:

Office of Energy Infrastructure Safety
Underground Safety Board
715 P St., 15th Floor
Sacramento, CA 95814

Please provide your written response within 30 business days of receiving this Notice. If a response is provided via mail, the mailed response must be received by the Board within 30 business day.

Penalties

Any penalties, including corrective actions, are only proposals by Board staff, and do not require any current corrective action or payment at this time. Your Enforcement Agency will provide the final determination to and instructions for any penalty. Please do not include any proof of compliance with proposed corrective actions or payment of a proposed penalty with your written response.

ADA Compliance

The California Underground Safety Board complies with the Americans with Disabilities Act ("ADA") by ensuring that the facilities are accessible to persons with disabilities, and providing this Notice and information given to the members of the California Underground Safety Board in appropriate alternate formats when requested. If you need further assistance, including disability-related modifications or accommodations, you may contact the Underground Safety

Board no later than seven (7) calendar days before a scheduled hearing at (916) 902-6000.
California Relay Service is available by dialing 711.