

November 14, 2025

Via Electronic Delivery to: enforcement.dig@energysafety.ca.gov

Attn: Anona Bonner
Chief of Investigations
Office of Energy Infrastructure Safety
Underground Safety Board
715 P Street, 15th Floor
Sacramento, CA 95814

**Re: Case No. D230040002
Mediacom, Inc. Response to Notice of Probable Violation**

Dear Anona Bonner,

MCC Telephony Of The West, LLC (“Mediacom”)¹ hereby contests in writing the Underground Safety Board’s (“Board”) October 2, 2025 Notice of Probable Violation (“Notice”) in the above referenced matter, case no. D230040002. As detailed below, Mediacom acknowledges that it did not submit the required electronic positive response for the ticket in question within the designated timeframe.² However, this was inadvertent. To the best of Mediacom’s knowledge, this marks the first instance in its nearly 30-year history of operating in Ridgecrest, California in which it failed to respond to a locate request in a timely manner. Mediacom has since taken corrective measures to address the underlying issues. For these reasons, Mediacom respectfully requests that the penalty in this case be limited to the completion of the Board’s education course and that no financial penalties or other corrective action requirements be imposed.

The Notice concerns an incident on December 23, 2022, at 509 West Bataan Avenue, Ridgecrest, California 93555, involving Frontier Communications and Rancho Paving, Inc. The Notice alleges that

¹ The Notice was addressed to Mediacom, Inc., however, MCC Telephony Of The West, LLC is the correct entity.

² It is evident that the failure to respond under Government Code Section 4216.3(c)(1)(A) was, at most, negligent. Mediacom’s conduct was in no way willful, and importantly, there was no damage to any gas or hazardous liquid pipeline subsurface installation. Gov. Code, § 4216.3.

Mediacom failed to provide an electronic positive response in violation of Government Code Section 4216.3(c)(1)(A). Mediacom began providing cable services in Ridgecrest, California on November 28, 1995. For nearly 30 years, Mediacom maintained a spotless underground safety compliance record, with no history of violations before or after the incident in question. Mediacom remains committed to serving the Ridgecrest community by operating with the highest standards of safety and compliance.

Mediacom is committed to complying with its obligation to provide an electronic positive response prior to the excavation start time. Mediacom received the locate request on December 19, 2022, with a due date of December 23, 2022. Personnel transitions in December 2022 inadvertently led to a missed response deadline on December 23, 2022. At the time the locate request was issued, Tyler Grissom, a Mediacom Maintenance Technician, was responsible for processing locate requests, along with his supervisor, Shawn Bell, and identified point of contact for the locate request at issue. Mr. Grissom's last day at Mediacom was on Wednesday, December 21, 2022, two days after Mediacom received the locate request and two days before the deadline to respond. Due to transitions associated with Mr. Grissom's departure and the impending Christmas holiday, neither he nor his supervisor, Mr. Bell, responded to the locate request on a timely basis. In January, the responsibility for Dig Alert responses was transferred from Mediacom's Maintenance to its Technical Operations group and Mr. Bell was subsequently reassigned and relieved of any responsibility to respond to Dig Alerts. Following this key personnel restructuring, Mediacom is now better equipped to fulfill its underground safety obligations.

In conjunction with personnel restructuring, Mediacom proactively instituted internal corrective measures by updating its Dig Alert procedures to ensure full compliance. The following five step process is now in place for locate requests, which are processed through the Dig Alert portal: (1) Each morning, a Mediacom Senior Technical Operations Manager ("Sr. Tech Ops Manager") and/or a Mediacom Supervisor of Technical Operations ("Tech Ops Supervisor") log into the Dig Alert portal; (2) locate requests are printed and distributed to the relevant technician; (3) the technician completes, dates, and signs the locate request, and returns it to the Sr. Tech Ops Manager or Tech Ops Supervisor; (4) the Sr.

Tech Ops Manager or Tech Ops Supervisor enters the response to the locate request into the system; and
(5) the locate request remains active in the system for management's ongoing review and monitoring until all lines are marked.

Mediacom acknowledges that it did not submit the required electronic positive response for ticket number 2022121902879-000. This oversight was unintentional and the result of transition of personnel and the impending Christmas holidays. Mediacom takes its underground safety compliance obligations seriously and has since assigned responsibility for Dig Alert responses to qualified professionals and enhanced its internal procedure for responding to locate requests. Mediacom has operated in Ridgecrest for nearly 30 years with no other violations of this nature. To further demonstrate its commitment to compliance and continuous improvement, Mediacom agrees to complete the Board's education course. In light of the corrective actions already taken and otherwise exemplar record of longstanding compliance, the imposition of penalties or additional corrective measures are unwarranted. Mediacom respectfully requests that the Board refrain from issuing a monetary fine or pursuing further corrective action. Please let us know if there is any further information Mediacom can provide to support its request.

Sincerely

A handwritten signature in black ink, appearing to read 'David Huang', with a stylized, looping flourish at the end.

David Huang
Davis Wright Tremaine LLP

cc: James McKnight, Mediacom (jmcknight@mediacomcc.com)
Marla Bown, Mediacom (mbowen@mediacomcc.com)
Jenna Comizio, Mediacom (jcomizio@mediacomcc.com)

Enclosures



RESPONSE TO A NOTICE OF PROBABLE VIOLATION

Case Number: D230040002

Name: Mediacom, Inc.

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 exists 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@energysafety.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.

___ 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.