

Department of Public Service
Annual One-Call Notification System Report

Enforcement Activity for 2019

The following table shows the number of New York State Code Rule 753 (16 NYCRR Part 753) probable violations issued by the Department of Public Service, Pipeline Safety Section which occurred during the 2019 calendar year.

Violation	Citations Issued
Failure to Notify	265
Improper Notification	10
Failure to Renotify	4
Early Commencement of Excavation	15
Failure to Maintain Mark-Outs	7
Failure to Verify Location	26
Failure to Maintain Clearance	42
Inaccurate Mark-Out	68
Other	26
Total:	463

The following table provides a breakdown of violations resolved in 2019, including the amount collected, and the methods by which enforcement cases were resolved.

Resolution	Number of Cases	Amount Collected (\$)
Commission Orders	34	100,000
Referred to Attorney General	58	91,081
Uncontested Penalties	103	632,500
Consent Orders	118	146,150
Resolved Without Penalty ¹	52	-
Warning Letters	16	-
Totals	381	969,731

Some of the enforcement cases resolved in 2019 were based on violations issued in prior years. Likewise, some enforcement cases initiated in 2019 have not yet been resolved. Therefore, the two tables above are not based on synchronized sets of data. It's also worth noting that this data represents primarily only the Pipeline Safety Section's enforcement efforts and not that of other utility industry sectors (e.g., electric, telecommunications, etcetera).

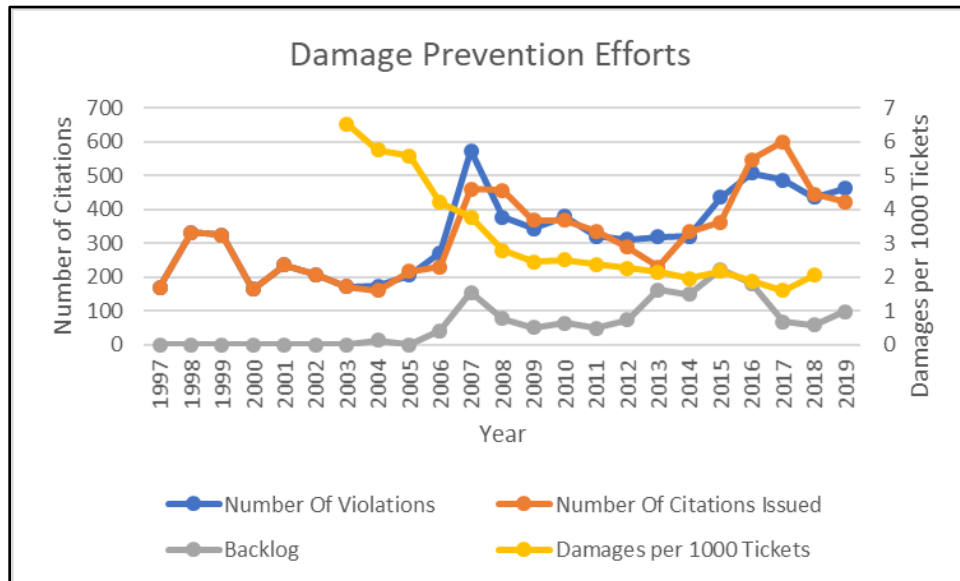
¹ This number includes enforcement actions dropped due to cause, the inability to properly serve the correct entity, or resolved through training alone.

The Pipeline Safety Section continued its program of working with the major natural gas local distribution companies (LDCs) whereby we initiate the enforcement process based on information they provide on damages caused by lack of a one-call notice. This accounts for the high percentage of violations having been issued for failure to notify, as indicated above.

We believe that this enforcement activity, in conjunction with the numerous other activities undertaken by the one-call systems and LDCs, continue to have a positive effect in reducing damages to underground natural gas facilities. Since 2003, the Pipeline Safety Section has been tracking a state-wide metric for damages per 1,000 one-call tickets of the LDCs under Public Service Commission jurisdiction. The results for the past 12 years are shown below:

<u>Year</u>	<u>Damages per 1,000 Tickets</u>
2007	3.78
2008	2.80
2009	2.46
2010	2.51
2011	2.38
2012	2.26
2013	2.15
2014	1.96
2015	2.18
2016	1.89
2017	1.60
2018 ²	2.05

The chart below depicts enforcement actions taken by the New York State Public Service Commission since it took over enforcement of the Protection of Underground Facilities law. The chart displays the number of violations occurring in a given year, the number of citations issued in a given year, the backlog of citations requiring review, as well as the trend line of damages to natural gas pipeline facilities per 1,000 notifications since 2003. The spike in 2007 was due to the initiation of voluntary reporting by LDCs of no-call damages to natural gas pipelines.



² The data for calendar year 2019 is not yet available.