

Department of Public Service
Annual One-Call Notification System Report

Enforcement Activity for 2020

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 2020 calendar year.

Violation	Citations Issued
Failure to Notify	203
Improper Notification	4
Failure to Renotify	2
Early Commencement of Excavation	2
Failure to Maintain Mark-Outs	8
Failure to Verify Location	30
Failure to Maintain Clearance	38
Inaccurate Mark-Out	33
Other	18
Total:	338

The following table provides a breakdown of violations resolved in 2020, including the amount collected, and the methods by which enforcement cases were resolved.

Resolution	Number of Cases	Amount Collected (\$)
Commission Orders	28	92,500
Referred to Attorney General	130	27,645
Uncontested Penalties	114	819,000
Consent Orders	70	96,000
Resolved Without Penalty ¹	36	-
Warning Letters	66	-
Totals	444	1,035,145

Some of the enforcement cases resolved in 2020 were based on violations issued in prior years. Likewise, some enforcement cases initiated in 2020 have not yet been resolved. Therefore, the two tables above are not based on synchronized sets of data. It is also worth noting that this data represents primarily only the Pipeline Safety and Reliability Section's enforcement efforts and not that of other utility industry sectors (e.g., electric, telecommunications, etcetera).

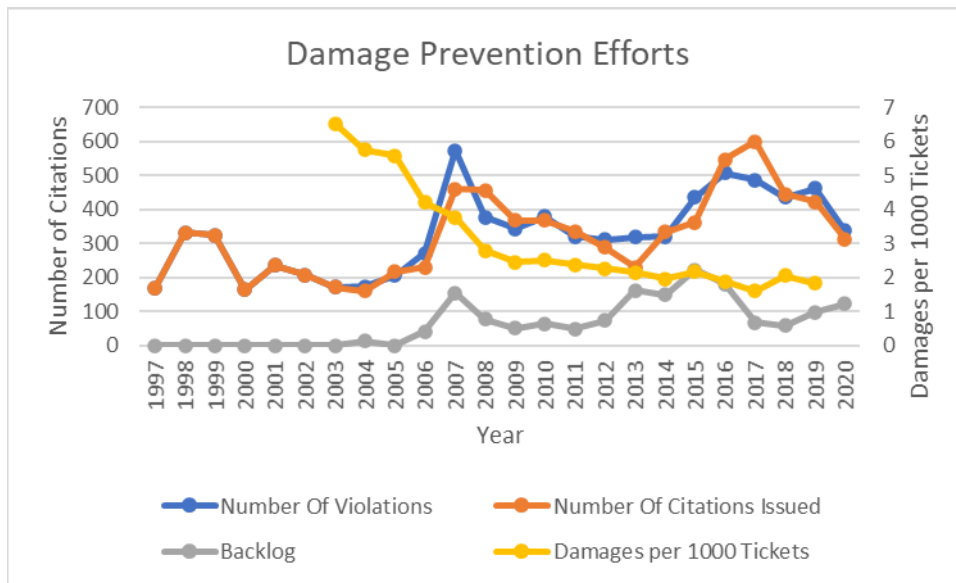
¹ This number includes enforcement actions dropped due to cause, the inability to properly serve the correct entity, or resolved through training alone.

The Pipeline Safety and Reliability Section continued its program of working with the major natural gas local distribution companies (LDCs) whereby enforcement is initiated based on information LDCs 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 10 years are shown below:

<u>Year</u>	<u>Damages per 1,000 Tickets</u>
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	2.05
2019 ²	1.84

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 2020 is not yet available.