

# MISSOURI PUBLIC SERVICE COMMISSION

## STAFF'S INCIDENT REPORT

**Craig-Hurt Funeral Home Garage  
Mountain Grove, Missouri  
June 26, 2023**



**Summit Natural Gas of Missouri  
and  
Brightspeed of Missouri, LLC**

*Industry Analysis Division  
Safety Engineering Department  
January 6, 2025 - Jefferson City, Missouri*

**TABLE OF CONTENTS OF  
STAFF’S INCIDENT REPORT  
CRAIG-HURTT FUNERAL HOME GARAGE  
MOUNTAIN GROVE, MISSOURI  
JUNE 26, 2023**

I.	Executive Summary.....	1
A.	Violations of Statutes, Rules or Orders .....	2
II.	Purpose and Scope of Staff’s Investigation.....	3
III.	Staff Analysis of Incident.....	4
A.	Incident Description and Emergency Response .....	4
B.	Excavator Notification and Reporting of Pipeline Damages.....	10
C.	Incident Reporting Requirements .....	13
D.	Summit’s Damage Prevention Program .....	20
E.	Brightspeed’s Damage Prevention Program and Installation Practices.....	28
F.	Summit’s Distribution Integrity Management Program (“DIMP”).....	36
IV.	Staff’s Findings .....	42
V.	Staff’s Recommendations.....	43
A.	Staff Recommendations to SNGMO .....	43
B.	Staff Recommendations to Brightspeed: .....	45
VI.	Staff’s Requests to the Commission.....	46

**STAFF’S INCIDENT REPORT**  
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**MOUNTAIN GROVE, MISSOURI**  
**JUNE 26, 2023**

**I. Executive Summary**

On June 26, 2023, A&A Cable Contractors, Inc. (“A&A Cable” or “The Excavator”) was boring along W 4<sup>th</sup> Street in Mountain Grove to place a two-inch conduit<sup>1</sup> for Brightspeed of Missouri, LLC (“Brightspeed”).<sup>2</sup> The Excavator had requested marking of buried utility facility locations through Missouri 811.<sup>3</sup> The locations of the natural gas facilities in the area of planned excavation had been marked prior to the incident.

Natural gas is provided in Mountain Grove by Summit Natural Gas of Missouri, Inc. (“SNGMO”), a subsidiary of Summit Utilities (“Summit”). The Excavator’s intended bore path was east to west along W 4<sup>th</sup> Street, parallel to and south of a buried 2-inch diameter plastic SNGMO natural gas main, and crossing an additional buried 2-inch diameter SNGMO natural gas main. The Excavator had not verified the location or determined the depth of the natural gas main that it intended to cross by physically exposing the main prior to excavation.

At approximately 5:35 p.m. on June 26, 2023, the Excavator reported a pipeline damage to local SNGMO staff. SNGMO personnel began arriving on site at approximately 5:45 p.m. and began monitoring for natural gas migration into nearby structures. The Mountain Grove Fire Department (“MGFD”) arrived on scene at approximately 5:51 p.m. Additional details regarding the emergency response efforts are provided in *Section III.A. Incident Description and Emergency Response* and *Appendix A, Facts Reviewed by Utilities* of this report.

Natural gas escaping from the damaged 2-inch diameter PE gas main exited at a pressure of approximately 38 pounds per square inch gauge (“psig”). Since natural gas is lighter than air<sup>4</sup> it tends to migrate along paths of least resistance through the soil and upward into the

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<sup>1</sup> Confidential Attachment V to Summit’s response to Staff’s First Information Request.

<sup>2</sup> Staff notes that in response to Staff’s Information Request 1, Brightspeed provided its full legal name as Connect Holding II LLC d/b/a Brightspeed, and stated that the specific subsidiary that operators in the location of the occurrence is Brightspeed of Missouri. Since the parent company is not certificated or recognized with the Commission, Staff is using the name Brightspeed of Missouri, LLC in the report text, but has kept the name as provided by the Company in Appendix A – Facts Reviewed by Utilities.

<sup>3</sup> Missouri 811 refers to the Missouri One Call System.

<sup>4</sup> Natural gas has a specific gravity of 0.6 relative to air with a specific gravity of 1.0.

atmosphere. The location where the bore head hit the natural gas main was paved at the surface. The Excavator had not exposed the main, so there was not a direct path for the gas to escape from the location of damage into the atmosphere. The natural gas migrated belowground into a detached two-car garage at the Craig-Hurt Funeral Home and ignited. The source of ignition is believed to be a ventless propane wall heater with a standing pilot light.<sup>5</sup> Details regarding additional structures in which gas was detected are provided in *Section III.A. Incident Description and Emergency Response* and *Appendix A, Facts Reviewed by Utilities* of this report.

Between 5:51 and 5:57 p.m., the natural gas that had migrated into the garage ignited. There were no injuries or fatalities reported as a result of this incident. Property damages including the garage structure and two vehicles parked inside at the time of the fire was estimated to be \$250,000.

SNGMO personnel closed an isolation valve to stop the flow of gas to the damaged pipeline segment, making the scene safe at approximately 6:32 p.m. Repairs to the pipeline were completed the following day, June 27, 2023, at approximately 7:37 p.m.

**A. Violations of Statutes, Rules or Orders**

As a result of its investigation, Staff found that sufficient facts and information<sup>6</sup> exist to assert the following violations:

**SNGMO:**

1. Failure to develop and monitor performance measures for the number of hazardous leaks either eliminated or repaired as required by 20 CSR 4240-40.030(14)(C)1., categorized by material, was a violation of 20 CSR 4240-40.030(17)(D)5.A.(V). (See *Section III.F., Summit's Distribution Integrity Management Program ("DIMP")* of this report for details).

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<sup>5</sup> A standing pilot light refers to a continuously burning flame near the main burner used to ignite the main burner whenever the appliance is turned on.

<sup>6</sup> Prior to finalizing this report, Staff provided a copy of the factual basis for its analysis to SNGMO and Brightspeed respectively to provide an opportunity to correct any factual inaccuracies and to identify confidential content. A copy of information edited as directed by SNGMO and Brightspeed respectively is provided in Appendix A.

2. Failure to conduct a complete distribution integrity management program re-evaluation at least every five (5) years was a violation of 20 CSR 4240-40.030(17)(D)6. (See *Section III.F., Summit's Distribution Integrity Management Program ("DIMP")* of this report for details).

**Brightspeed:**

1. Failure to maintain a minimum of 12 inches of separation between communications facilities and gas lines was a violation of 20 CSR 4240-18.010. (See *Section III.E., Brightspeed's Damage Prevention Program and Installation Practices* of this report for details).
2. Failure to first confirm the horizontal and vertical location of the natural gas main in the vicinity of the proposed excavation through an appropriate method was a violation of §319.037.2, RSMo. (See *Section III.E., Brightspeed's Damage Prevention Program and Installation Practices* of this report for details).

## **II. Purpose and Scope of Staff's Investigation**

The purpose and scope of Staff's investigation was to:

- Identify the probable cause(s) of the incident;
- Investigate, analyze, and determine if there have been violations of Commission rules related to:
  - Incident Reporting Requirements in 20 CSR 4240-40.020; and
  - Missouri Pipeline Safety Standards in 20 CSR 4240-40.030, including but not limited to the operator's<sup>7</sup> emergency response and failure investigation.
- Investigate, analyze, and determine if there have been violations of Commission rule 20 CSR 4240-18.010 prescribing minimum safety standards relating to the operation of electric utilities, telecommunication companies, and rural electric cooperatives; and,

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<sup>7</sup> "Operator" is defined at 20 CSR 4240-40.030(1)(B)26. as "a person who engages in the transportation of gas." "Person" is defined at 20 CSR 4240-40.030(1)(B)27. as "any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them." Transportation of gas" is defined at 20 CSR 4240-40.030(1)(B)41. as "the gathering, transmission, or distribution of gas by pipeline or the storage of gas in Missouri."

- Make recommendations, as applicable, to Summit and Brightspeed with an objective of minimizing the possibility of recurrence.

### **III. Staff Analysis of Incident**

#### **A. Incident Description and Emergency Response**

Brightspeed contracted with MasTec Communications Group, Inc. (“MasTec” or “General Contractor”) to install a new fiber optic line in Mountain Grove, Missouri.<sup>8</sup> A&A Cable was subcontracted by MasTec to perform part of this work,<sup>9</sup> including placing a two-inch conduit for Brightspeed in Mountain Grove, Missouri along W 4<sup>th</sup> Street, west of N Main St.<sup>10</sup> The natural gas service provider in Mountain Grove is SNGMO, which is a subsidiary of Summit Utilities.

On June 26, 2023, the Excavator was boring along W 4th Street when the bore head struck a SNGMO buried natural gas main, resulting in a federally reportable gas incident.<sup>11</sup> The general location where the incident occurred is shown on Figure 1 of Appendix B of this report. The intended path of the bore head was east to west along W 4<sup>th</sup> Street, parallel to and south of a 2-inch diameter plastic SNGMO natural gas distribution main, and crossing an additional 2-inch diameter plastic SNGMO natural gas main installed from north to south. The bore head struck the 2-inch diameter plastic SNGMO natural gas distribution main running north and south in an alley west of N Main Street. Figure 2 of Appendix B of this Report shows the location of the pipeline damage relative to the incident location. Figure 3 of Appendix B of this Report shows the general location of natural gas distribution mains in the vicinity of the damage. The Excavator had not verified the location of the natural gas main at this location by potholing.<sup>12</sup>

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<sup>8</sup> Brightspeed’s response to Staff Information Request items 1 and 4.

<sup>9</sup> Brightspeed’s response to Staff Information Request item 4.

<sup>10</sup> Confidential Attachment V to Summit’s response to Staff’s First Information Request.

<sup>11</sup> The definition of a Federal Incident is provided at 20 CSR 4240-40.020(2)(D). This incident met the criteria because the estimated property damage exceeded \$129,300.

<sup>12</sup> Potholing refers to a to the excavation of small test holes from the surface to a buried utility line to expose its location.

The damage was to a 2-inch diameter polyethylene (“PE”) natural gas main, operating at approximately 38 psig<sup>13</sup> at the location and time of the damage (Figures 4 and 5 in Appendix B shows the damage to the pipeline).

At 5:35 p.m., the Excavator reported the damage to local SNGMO staff and was advised by SNGMO to call Summit Dispatch.<sup>14</sup> Summit Dispatch documented receiving the report of a natural gas pipeline damage at 5:50 p.m.<sup>15</sup> The subsequent ignition was reported to SNGMO at 5:57 p.m. by the Excavator.<sup>16</sup>

On June 26, 2023, at 5:45 p.m., SNGMO personnel arrived on scene and began a leak investigation. At approximately 5:51 p.m. the Mountain Grove Fire Department (“MGFD”) arrived on the scene. Shortly thereafter, ignition occurred in the garage located on the parking lot of the Craig-Hurt Funeral Home property at 315 N Main Street. MGFD and SNGMO personnel began to evacuate the occupants in buildings adjacent to the incident.

SNGMO personnel, including an Operations Supervisor, Operations Manager, and Technicians, were dispatched in response to the report of ignition, and arrived at the incident location between 6:00 p.m. and 6:15 p.m. In coordination with the MGFD, SNGMO personnel monitored the area for sub-surface gas migration. SNGMO personnel closed an isolation valve to stop the flow of gas to the damaged pipeline segment, making the scene safe at approximately 6:32 p.m. SNGMO technicians investigated the insides of nearby structures for the presence of natural gas with Combustible Gas Indicators (“CGIs”).<sup>17</sup>

SNGMO’s operations procedures in effect at the time of the incident were the June 26, 2023, revision of the *Summit Utilities, Inc. Operations & Maintenance Manual* (“O&M Manual”). Section 4.12 Exposure to Hazardous Concentration of Combustible Gas of the O&M Manual states:

\*\* [REDACTED]

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<sup>13</sup> SNGMO’s response to Staff Information Request 3 item 32 (PHMSA F 7100.1 incident report) submitted July 20, 2023.

<sup>14</sup> SNGMO’s response to Staff Information Request 1 item 11.

<sup>15</sup> <sup>15</sup> SNGMO’s response to Staff Information Request 3 item 32 (PHMSA F 7100.1 incident report) submitted July 20, 2023.

<sup>16</sup> SNGMO’s response to Staff Information Request 1 item 11.

<sup>17</sup> Combustible Gas Indicators, also referred to as explosimeters, measure the volume of flammable gas in a gas-air mixture.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] \*\*.

MGFD's report noted that SNGMO personnel obtained a reading of 4.9% of LEL<sup>18</sup> in the bathroom of the funeral home, and 23% of LEL in the basement of the funeral home. Readings of up to 27% of LEL were found in nearby structures. A total of six individuals were evacuated from structures as a result of this incident.<sup>19</sup> Summit ventilated these structures and continued to monitor until gas concentrations within the structures posed no hazard.

No deaths or injuries were reported as a result of this incident. Property damages include a two-car garage and two vehicles. Summit estimated that the property damage from the incident to be \$254,500, including \$250,000 cost of non-operator public and private property damage and \$4,500 of operator property. Emergency response costs were estimated at \$15,000 and \$1,600 was estimated for the cost of natural gas lost.<sup>20</sup> On the following day, June 27, 2023, at 4:15 p.m., the Excavator notified Missouri 811 of the damage (Ticket No. 231783976).<sup>21</sup>

The natural gas escaping from the damaged 2-inch diameter PE gas main exited at a pressure of approximately 38 psig. Since natural gas is lighter than air, it will tend to migrate along paths of least resistance through the soil and upward into the atmosphere. Because the Excavator had not exposed the main at this location, there was no break in the pavement for gas to vent at the damage location. The natural gas migrated through the soil and is assumed to have either entered the sewer line or followed the annular space around the sewer lines, then entered the buildings through drains in the garage that connected to the sewer line. The two-car garage had a ventless propane wall heater with a standing pilot light.<sup>22</sup> The pilot light from this heater is the assumed ignition source for the natural gas migrating into the garage.

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<sup>18</sup> LEL refers to the Lower Explosive Limit of natural gas, which is between 4.5% and 5% gas-in-air, depending on the exact composition of the gas.

<sup>19</sup> Summit's Incident Report – Gas Distribution System Form PHMSA F 7100.1 submitted July 20, 2023.

<sup>20</sup> SNGMO's response to Staff Information Request 1 item 11.

<sup>21</sup> SNGMO's response to Staff Information Request 1 item 7.

<sup>22</sup> A standing pilot light refers to a small, continuously burning flame located near the main burner. The purpose is to ignite the main burner whenever the appliance is turned on.

TABLE 1: SUMMARY OF EVENTS (Day 1)		
Date	Time	Activity
06/26/23	5:35 P.M.	Excavator reported the damage to SNGMO staff.
	5:45 P.M.	SNGMO service technicians arrived on site and monitored the area of damage for possible sub-surface gas migration.
		SNGMO Technicians investigated nearby homes / businesses with CGI's and evacuated all structures that contained natural gas.
	5:50 P.M.	Summit Dispatch received report from Excavator on line strike.
	5:51 P.M.	MGFD arrived on scene to evaluate situation and witnessed the building ignition.
	5:51 – 5:57 P.M.	Approximate time of ignition within garage.
	5:57 P.M.	Excavator reported the ignition to SNGMO.
	6:00 - 6:15 P.M.	SNGMO personnel arrived on scene and coordinated with the MGFD.
	6:32 P.M.	SNGMO shut off main line valve and isolated damaged section <sup>23</sup> .
	7:14 P.M.	SNGMO called in an emergency locate request (Ticket No. 231774715).

TABLE 2: SUMMARY OF EVENTS (Day 2)		
Date	Time	Activity
06/27/23	9:00 A.M.	SNGMO personnel pigged <sup>24</sup> the 2-inch PE line to remove mud, dirt, & debris.
	9:00 A.M. - 6:05 P.M.	Summit repaired the 2-inch main via plastic fusion replacing the damage portions.
		Completed pressure and soap tests.
	7:37 P.M.	Gas was restored to all the main lines and services that were interrupted.

*1. Regulatory Requirements:*

The Commission's Safety Standards – Transportation of Gas by Pipeline, requires in 20 CSR 4240-40.030(12)(J) that each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for:

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<sup>23</sup> SNGMO noted in its October 23, 2024, email to Staff that from this point on, SNGMO worked diligently with local emergency officials to secure the scene, evacuate affected residents and businesses, and monitored gas levels inside structures.

<sup>24</sup> Pigging is utilizing a device to clean debris and accumulated liquids, to conduct inspections, or to remove residual product from the pipeline between product transfer operations.

- A. Receiving, identifying, and classifying notices of events which require immediate response by the operator;
  - B. Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials;
  - C. Responding promptly and effectively to a notice of each type of emergency, including the following:
    - i. Gas detected inside or near a building;
    - ii. Fire located near or directly involving a pipeline facility;
    - iii. Explosion occurring near or directly involving a pipeline facility; and,
    - iv. Natural disaster;
  - D. Making available personnel, equipment, tools, and materials, as needed at the scene of an emergency;
  - E. Taking actions directed toward protecting people first and then property;
  - F. Causing an emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property;
  - G. Making safe any actual or potential hazard to life or property;
  - H. Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency;
  - I. Safely restoring any service outage;
  - J. Beginning action under subsection (12)(L), if applicable, as soon after the end of the emergency as possible; and,
  - K. Actions required to be taken by a controller during an emergency in accordance with subsection (12)(T).
2. Summit's Actions to Comply with 20 CSR 4240-40.030(12)(J):

Summit provided a copy of its applicable emergency procedure *Summit Utilities, Inc. Emergency Response Program*. ("ERP"), revised May 31, 2023, which was in effect at the time of the incident.

3. Staff Analysis:

Staff reviewed Summit's ERP and found that it met the minimum requirements of 20 CSR 4240-40.030(12)(J) for emergency plans.

SNGMO's actions to comply with the Commission's requirements in 20 CSR 4240-40.030(12)(J) and its ERP were as follows:

- A. Within minutes of receiving notification of the damage, Summit dispatched its first staff to assess the scene, coordinate with emergency responders, and begin checking for gas migration;
- B. The written accounts from Summit and the MGFD indicate that throughout the events leading up to and following this incident Summit maintained adequate communications with appropriate responders and public officials;
- C. In coordination with the emergency responders, SNGMO personnel took appropriate actions to monitor for gas migration inside of nearby buildings and to evacuate residents;
- D. Summit made appropriate personnel, equipment, and tools available to respond to the emergency;
- E. In coordination with the emergency responders, SNGMO took appropriate actions to protect people first, then property;
- F. By taking actions shutting off the isolation valve to the main, monitoring adjacent building for gas migration, ventilating buildings with indications of natural gas, and performing appropriate repairs to the system, SNGMO personnel took actions to minimize hazards and restore safety;
- G. Summit took actions to make safe any actual or potential hazard to life or property;
- H. Summit notified appropriate fire, police, and other public officials of the gas pipeline emergency and coordinated with them both planned responses and actual responses during an emergency;
- I. Following the incident, Summit took actions to restore the service outage; and,
- J. Summit began incident investigation shortly after the emergency.
- K. N/A (*No actions were required to be taken by a controller during this emergency in accordance with subsection (12)(T).*)

Summit's Actions were consistent with its ERP and Commission rules in 20 CSR 4240-40.030(12)(J).

4. Violations:

Staff did not find violations of Commission rules with respect to SNGMO's emergency response.

5. Staff Recommendations:

Staff does not have any recommendations with respect to SNGMO's emergency response.

**B. Excavator Notification and Reporting of Pipeline Damages**

1. Regulatory Requirements:

Section 319.026.1, RSMo., requires that an excavator shall serve notice of intent to excavate to the notification center by toll-free telephone number operated on a twenty-four (24) hour per-day, seven (7) day per-week basis or by facsimile or by completing notice via the internet at least two (2) working days, but not more than ten (10) working days, before the expected date of commencing the excavation activity. The notification center receiving such notice shall inform the excavator of all notification center participants to whom such notice will be transmitted and shall promptly transmit all details of such notice provided under subsection 2 of this section to every notification center participant in the area of excavation.

Section 319.026.8, RSMo., requires that in the event of any damage, dislocation, or disturbance of any underground facility in connection with any excavation, the person responsible for the excavation operations shall notify the notification center. This subsection shall be deemed to require reporting of any damage, dislocation, or disturbance to trace wires, encasements, cathode protection, permanent above-ground stakes, or other such items utilized for protection of the underground facility. The excavator shall immediately contact 911 when any damage or contact with a pipeline results in a release from the pipeline of hazardous liquid or gas to occur.

2. Brightspeed's Actions to Comply with Regulatory Requirements:

2.1 Brightspeed's Actions Related to RSMo 319.026.1.

JDC Utilities Underground submitted a locate request (Ticket No. 231690282) to Missouri 811 (formerly Missouri One-Call) on June 18, 2023 at 3:14 p.m. with an excavation start date of June 22, 2023. The locate ticket included the information required by RSMo 319.026.2. Based on Staff's investigation of this incident, it appears that the only service JDC Utilities Underground provided for the optic fiber installation along W 4<sup>th</sup> Street was to submit locate requests for the project.

2.2 Brightspeed's Actions Related to RSMo 319.026.8.

Brightspeed stated that it first learned that a gas leak had occurred after being notified by the Mountain Grove City Administrator on June 26, 2023 that a building was on fire. Brightspeed stated that it has no knowledge of when any contractor notified Missouri One-Call (now Missouri 811) of damage to the natural gas pipeline.<sup>25</sup> Using the Missouri One-Call locate ticket number lookup, Staff was able to find a dig up<sup>26</sup> ticket (Ticket No. 231783976) submitted on June 27, 2023, at 4:09 p.m. by JDC Utilities Underground. The dig up ticket included that work was being done for Brightspeed, that the equipment being used was a directional bore machine and an excavator, and that the damage was at 320 N Maple Avenue between W 4<sup>th</sup> Street and W 3<sup>rd</sup> Street in Mountain Grove.

Brightspeed did not contact 911 regarding the damage to the natural gas pipeline that resulted in the release of gas, and Brightspeed has no information as to when any contractor contacted 911.<sup>27</sup> Summit stated that it did not have any information regarding when or if the Excavator contacted 911.<sup>28</sup>

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<sup>25</sup> Brightspeed's response to Staff Information Request to Brightspeed, item 21.

<sup>26</sup> Specific type of locate ticket to document excavation damages.

<sup>27</sup> Brightspeed's response to Staff Information Request to Brightspeed, item 21.

<sup>28</sup> Summit's response to Staff Information Request to Summit, item 38.

3. Staff Analysis:

3.1 Brightspeed's Compliance with Section 319.026.1, RSMo.

It is unclear to Staff why JDC Utilities Underground was the party submitting the locate request when A&A Cable appears to be the party carrying out the excavation activities. However, a locate request was submitted at least two days prior to the planned excavation that resulted in this incident. The latitude and longitude coordinates included with the locate request, as well as the polygon shown on the map included with the locate ticket, covered the area in which the pipeline damage took place. Therefore, based on the information available to Staff, contractors working on behalf of Brightspeed appear to have complied with the requirements of Section 319.026.1, RSMo.

3.2 Brightspeed's Compliance with RSMo 319.026.8.

Section 319.026.8, RSMo., does not specify a time frame for which excavators must notify the notification center of excavation damages. However, Staff believes that the intention of this requirement is so that the notification center can immediately notify the owner of the damaged facility. It is unclear to Staff why it took nearly 23 hours between the time of the pipeline damage (approximately 5:30 p.m. on June 26, 2023) until the dig up ticket was submitted (4:09 p.m. on June 27, 2023). It is also unclear to Staff why JDC Utilities Underground was the party submitting the dig up ticket, when A&A Cable appears to be the party carrying out the excavation activities.

Section 319.026.8, RSMo., also requires an excavator to immediately contact 911 when a damage causes a release of gas from a pipeline. Brightspeed has not provided any evidence that it or any of its contractors notified 911 of the damage to the pipeline that resulted in the release of gas. Summit also did not have any information regarding the Excavator notifying 911 of damage to the pipeline that resulted in the release of gas. Therefore, Staff has not determined if any of the contractors working on Brightspeed's behalf notified 911 to comply with the requirements of Section 319.026.8, RSMo. Staff has a recommendation related to Brightspeed ensuring that contractors provide the necessary notifications to comply with the requirements of Section 319.026.8, RSMo.

4. Violations:

Staff has not identified any violations of the notification and reporting of pipeline damages requirements of Sections 319.026.1 and 319.026.8, RSMo. However, Staff has recommendations for improvement of the notification and reporting of pipeline damages for contractors working on behalf of Brightspeed.

5. Staff Recommendations:

1. Staff recommends that Brightspeed take steps to ensure that contractors working on Brightspeed's behalf notify:
  - a. 911 immediately when a pipeline has been damaged, resulting in a release of gas, and,
  - b. The Missouri 811 notification center in a timely manner following any excavation damage subject to Section 319.026.8, RSMo.
2. Staff recommends that Brightspeed require that contractors performing excavation on Brightspeed's behalf complete the locate request and dig up ticket for the work they complete, rather than a separate party that is not performing the excavation activities.
3. Staff requests Commission authorization to submit a redacted (public) copy of this investigation report to the Missouri Attorney General's Office ("AGO") as information that may be used in the event the AGO wishes to take further action as provided in Section 319.045, RSMo.

**C. Incident Reporting Requirements**

1. Regulatory Requirements:

20 CSR 4240-40.020(3)(A) requires that at the earliest practicable moment following discovery, but no later than one (1) hour after confirmed discovery,<sup>29</sup> each operator shall give notice of each federal incident<sup>30</sup> in accordance with 20 CSR 4240-40.020(3)(B).

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<sup>29</sup> As defined at 20 CSR 4240-40.020(2)(C), confirmed discovery means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

<sup>30</sup> A federal incident is defined at 20 CSR 4240-40.020(2)(D).

20 CSR 4240-40.020(3)(B) requires that each notice required by 20 CSR 4240-40.020(3)(A) must be made to the National Response Center (“NRC”) either by telephone or electronically.<sup>31</sup>

20 CSR 4240-40.020(3)(C) requires that within forty-eight (48) hours after the confirmed discovery of an incident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in 20 CSR 4240-40.020(3)(B) with an estimate of the amount of gas released, an estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report.

20 CSR 4240-40.020(4)(A) requires the immediate notice of Missouri incidents, including an event that is reported as a Federal incident under 20 CSR 4240-40.020(3),<sup>32</sup> to designated commission personnel<sup>33</sup> by telephone within two hours following discovery by the operator, or as soon thereafter as practicable if emergency efforts to protect life and property would be hindered.

20 CSR 4240-40.020(5)(A) requires that an operator must submit each report required by 20 CSR 4240-40.020(6) electronically to the Pipeline and Hazardous Materials Safety Administration (“PHMSA”),<sup>34</sup> and that a copy of each online submission to PHMSA must also be submitted concurrently to designated commission personnel.<sup>35</sup>

20 CSR 4240-40.020(6)(A) requires that each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under 20 CSR 4240-40.020(3).

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<sup>31</sup> The notice must include the following information: 1. Names of operator and person making report and their telephone numbers; 2. Location of the incident; 3. Time of the incident; 4. Number of fatalities and personal injuries, if any; and 5. All other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages.

<sup>32</sup> 20 CSR 4240-40.020(4)(A) lists events that operators must provide notification to designated commission personnel. A Federal incident is included in the list at 20 CSR 4240-40.020(4)(A)3.

<sup>33</sup> As defined at 20 CSR 4240-40.020(2)(B), designated commission personnel means the Pipeline Safety Program Manager.

<sup>34</sup> 20 CSR 4240-40.020(5)(A)1.

<sup>35</sup> 20 CSR 4240-40.020(5)(A)2.

20 CSR 4240-40.020(6)(B) requires that when additional relevant information is obtained after the report is submitted under subsection (6)(A), the operator shall make supplementary reports, as deemed necessary, with a clear reference by date and subject to the original report.

2. Summit's Actions to Comply with Reporting Requirements:

2.1 Summit's Actions Related to 20 CSR 4240-40.020(3)(A)

Summit provided a notification to the National Response Center ("NRC") via telephone at 5:37 p.m. on June 27, 2023, under report number 1371439. Staff was able to verify Summit's initial notification by reviewing the NRC's report data and reviewing NRC notifications through the PHMSA Portal.

2.2 Summit's Actions Related to 20 CSR 4240-40.020(3)(B)

Summit's initial notification to the NRC, report number 1371439, included the name of the operator (Summit), the name of the person making the report, the phone number of the person making the report, the location of the incident, the time of the incident, that there were no injuries or fatalities, and additional facts known at the time by Summit.

2.3 Summit's Actions Related to 20 CSR 4240-40.020(3)(C)

Summit stated that it confirmed its initial notification to the NRC at 4:37 p.m. CST on June 28, 2023. Staff was unable to verify that this 48-hour notification was made through NRC data or the PHMSA Portal.

2.4 Summit's Actions Related to 20 CSR 4240-40.020(4)(A)

Summit stated that it first provided telephonic notification of a potential reportable incident to the Missouri Pipeline Safety Program. Manager at 6:00 p.m. CST on June 26, 2023.

2.5 Summit's Actions Related to 20 CSR 4240-40.020(5)(A)

Summit submitted a completed Form PHMSA F 7100.1 ("incident report") for this incident to PHMSA on July 20, 2023. Summit submitted a copy of the initial incident report

submitted to PHMSA to designated commission personnel on July 21, 2023.<sup>36</sup> Summit submitted a supplemental incident report to PHMSA and designated commission personnel on August 18, 2023. Summit submitted an additional supplemental incident report to PHMSA and designated commission personnel on August 25, 2023.

#### 2.6 Summit's Actions Related to 20 CSR 4240-40.020(6)(A)

Summit submitted the initial incident report to PHMSA on July 20, 2023, and to designated commission personnel on July 21, 2023.<sup>37</sup>

#### 2.7 Summit's Actions Related to 20 CSR 4240-40.020(6)(B)

Summit submitted supplemental incident reports to PHMSA and designated commission personnel on August 18, 2023, and August 25, 2023.

### 3. Staff Analysis:

#### 3.1 Summit's Compliance with 20 CSR 4240-40.020(3)(A)

Staff requested the date and approximate time that Summit determined that this incident met the Federal Incident<sup>38</sup> criteria to verify that Summit provided notification to the NRC within one hour of confirmed discovery. Summit's response on August 14, 2023, stated that it had not yet confirmed the dollar amount of the damages but reported as a "courtesy statement"<sup>39</sup> to the NRC.<sup>40</sup> Staff requested a further response regarding the date and approximate time that Summit had information to reasonably determine, even if based on a preliminary evaluation, that a Federal Incident had occurred. Summit's response on January 11, 2024, referenced question

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<sup>36</sup> Staff notes that it received a copy of the report from SNGMO by an email with time and date of 7/21/2023 7:46 AM, however SNGMO stated in its comments provided to Staff by email on October 23, 2024, that the information was sent on the 20<sup>th</sup> of July, not the 21<sup>st</sup>.

<sup>37</sup> Staff notes that it received a copy of the report from SNGMO by an email with time and date of 7/21/2023 7:46 AM, however SNGMO stated in its comments provided to Staff by email on October 23, 2024, that the information was sent on the 20<sup>th</sup> of July, not the 21<sup>st</sup>.

<sup>38</sup> Defined at 20 CSR 4240-40.020(2)(D).

<sup>39</sup> Staff notes that notifications to the NRC are either an initial notification that an incident has occurred, or a confirmation or revision of the initial report to the NRC. Staff further notes that notifications sent to the NRC do not include "courtesy statements". If a Federal Incident has occurred, a notification to the NRC is required. If a Federal Incident has not occurred, a notification to the NRC is not necessary.

<sup>40</sup> Summit's response to Staff's Information Request to Summit, item 21.

18 of the supplemental incident report<sup>41</sup> dated August 18, 2023, and additionally included a date and time of June 27, 2023, at 5:35 p.m.<sup>42</sup>

Staff requested copies of all of Summit's plans, procedures, policies, and documents pertaining to incident reporting. Summit provided copies of its O&M Manual and ERP.<sup>43</sup> The term "confirmed discovery" was not defined in either of the documents, which could have contributed to Summit referring to its initial notification to the NRC as a "courtesy statement".

Staff reviewed Summit's initial and supplemental incident reports and it appears to Staff that the time that Summit determined that a Federal Incident occurred was 5:30 p.m. on June 27, 2023.<sup>44</sup> Summit provided its initial notification to the NRC at 5:35 p.m. on June 27, 2023, which was within one hour of Summit's determination that a Federal Incident had occurred. Therefore, Summit appears to have complied with the requirements of 20 CSR 4240-40.020(3)(A). However, Staff is concerned that Summit referenced its initial notification to the NRC as a "courtesy statement" even though Summit was required to provide a notification to the NRC to comply with 20 CSR 4240-40.020(3)(A). While in this instance Summit provided its notification to the NRC within the required timeframe, Staff has a recommendation to help ensure that Summit provides notifications to the NRC within one (1) hour of confirmed discovery that a Federal Incident has occurred.

### 3.2 Summit's Compliance with 20 CSR 4240-40.020(3)(B)

Summit's initial notification to the NRC included the information required by 20 CSR 4240-40.020(3)(B).

### 3.3 Summit's Compliance with 20 CSR 4240-40.020(3)(C)

Staff asked if Summit had revised or confirmed its initial notification to the NRC, and requested that Summit provide a copy of the revised or confirmed report. Summit provided the date and time that it confirmed its initial "courtesy" notification to the NRC, but stated that they could not provide a written report since the confirmation was made via telephone.<sup>45</sup>

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<sup>41</sup> Line 18 under Part A – Key Report Information of the incident report includes the "Local time (24-hr clock) and date of initial operator report to the National Response Center".

<sup>42</sup> Summit's response to Staff's Information Request to Summit, item 26.

<sup>43</sup> Summit's response to Staff's Information Request to Summit, item 29.

<sup>44</sup> Line 4 under Part A – Key Report Information of the incident report includes the "Earliest local time (24-hour clock) and date an incident reporting criteria was met".

<sup>45</sup> Summit's response to Staff's Information Request to Summit, item 24.

Staff notes that typically a second NRC report with a different report number is created to document the revision or confirmation of the initial notification to the NRC. Staff was unable to locate a second NRC report through NRC's data or through the PHMSA Portal.

Staff's experience in all previous instances that an operator has made the second notification to the NRC to comply with the requirements of 20 CSR 4240-030(3)(C) is that the NRC assigns a new unique identification number to the second report of notification. Staff has access to the PHMSA database containing all NRC notifications, and has searched this database for any evidence of a second notification regarding this incident. However, Staff has been unable to find a second NRC report.

Staff contacted PHMSA Accident Investigation Division ("AID") personnel to inquire under what circumstances an operator could have contacted the NRC to provide the 48-hour follow up notification that would not result in an additional NRC report being created. PHMSA personnel were unable to determine why a second NRC report number was not created for the confirmation of the initial notification to the NRC with respect to this incident. PHMSA personnel indicated that possible sources of error could have been NRC personnel, NRC software, or operator personnel. PHMSA personnel advised that operator personnel should be aware that a second NRC report number will be provided when updates are provided to the NRC and that the additional NRC report number(s) should be documented and entered into line 19a. of the 30-day incident report required under 20 CSR 4240-40.020(6)(A).

Summit has not provided documentation, and Staff has been unable to independently verify, that Summit confirmed its initial notification to the NRC within 48 hours. Therefore, Staff cannot determine if Summit complied with the requirements of 20 CSR 4240-40.020(3)(C). Staff has a recommendation related to Summit's documentation of incident reporting actions to help prevent recurrence of the issue.

#### 3.4 Summit's Compliance with 20 CSR 4240-40.020(4)(A)

The ignition of gas in the funeral home's garage occurred at approximately 5:57 p.m. on June 26, 2023. The time that Summit stated that it notified Staff (6:00 p.m. on June 26, 2023) and the time included in Staff's incident notification notes (7:17 p.m. on June 26, 2023) were both within two hours of the incident occurring. Staff recalls that SNGMO personnel contacted Staff several times on June 26, 2023, regarding events in Mountain Grove, and believes the differences in times recorded for the incident notification is likely a result of lack of clarity in

the earlier call that SNGMO was in fact providing notification of a reportable incident as opposed to a “courtesy” notification regarding events.

3.5 Summit’s Compliance with 20 CSR 4240-40.020(5)(A)

Summit submitted the initial 30-day incident report to PHMSA on July 20, 2023, within 30 days of the incident occurrence. Summit submitted a copy of the initial incident report to designated commission personnel on July 21, 2023. Summit submitted supplemental incident reports to PHMSA on August 18, 2023, and August 25, 2023.

3.6 Summit’s Compliance with 20 CSR 4240-40.020(6)(A)

Summit’s submissions of the initial incident report to PHMSA on July 20, 2023, and to Staff on July 21, 2023, were within 30 days of the incident that occurred on June 26, 2023, in accordance with the requirements of 20 CSR 4240-40.020(6)(A).

3.7 Summit’s Compliance with 20 CSR 4240-40.020(6)(B)

Summit submitted supplemental incident reports on August 18, 2023, and August 25, 2023, in accordance with the requirements of 20 CSR 4240-40.020(6)(B).

4. Violations:

Staff has not identified any violations of the Commission’s pipeline safety rules by Summit. However, Staff has recommendations for improvement of Summit’s incident reporting process and documentation of incident reporting actions.

5. Staff Recommendations:

1. Staff recommends that Summit revise its incident reporting procedures to clarify how it determines when a reportable incident (Missouri and Federal Incidents) has occurred, including at a minimum the inclusion of the definition of “confirmed discovery”.
2. Staff recommends that Summit take actions to ensure that copies of initial and supplemental incident reports submitted electronically to PHMSA are submitted concurrently to designated commission personnel.
3. Staff recommends that Summit take actions to ensure that all incident reporting done by Summit is sufficiently documented with supporting information. Staff further recommends that Summit ensure that the following is documented at a minimum:

- a) The approximate date and time that Summit determines that a reportable incident (Missouri and Federal Incidents) has occurred;
- b) The date and time that Summit provides notification to the NRC, including the NRC report number, when a Federal Incident has occurred;
- c) The date and time that Summit provides telephonic notice to designated commission personnel after Summit has determined that a reportable incident (Missouri and Federal Incidents) has occurred;
- d) The date and time that Summit confirms or revises its notification to the NRC, including the additional NRC report number, when a Federal Incident has occurred;
- e) The date that Summit submits the initial incident report to PHMSA, along with documentation that a copy of initial incident report was provided concurrently to designated commission personnel, when a Federal Incident has occurred;
- f) The date that Summit submits the initial incident report to designated commission personnel when a Missouri Incident has occurred;
- g) The date(s) that Summit submits supplemental incident reports to PHMSA, along with documentation that copies of supplemental incident reports were provided concurrently to designated commission personnel, when a Federal Incident has occurred; and,
- h) The date(s) that Summit submits supplemental incident reports to designated commission personnel when a Missouri Incident has occurred.

**D. Summit's Damage Prevention Program**

*1. Regulatory Requirements:*

Commission rule 20 CSR 4240-40.030(12)(I)1. requires each operator of buried pipelines to have and carry out a written program to prevent pipeline damage by excavation activities in accordance with subsection 20 CSR 4240-40.030(12)(I)1.

Commission rule 20 CSR 4240-40.030(12)(I)3.A. requires that the operator's damage prevention program required by paragraph (1)(I)1 must, at a minimum, include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which

the pipeline is located. A listing of persons involved in excavation activities shall be maintained and updated at least once each calendar year with intervals not exceeding fifteen (15) months.<sup>46</sup>

Commission rule 20 CSR 4240-40.030(12)(I)3.B. requires that an operator provide for at least a semiannual general notification of the public in the vicinity of the pipeline.<sup>47</sup> Mailings to excavators shall include a copy of the applicable sections of Chapter 319, RSMo, or a summary of the provisions of Chapter 319, RSMo approved by designated commission personnel,<sup>48</sup> concerning underground facility safety and damage prevention pertaining to excavators.<sup>49</sup>

Commission rule 20 CSR 4240-40.030(12)(I)3.E. requires maintenance of records for subparagraphs (12)(I)3.B.-D. as follows:

- (I) Copies of the two most recent annual notifications sent to excavators;
- (II) Copies of notifications required in subparagraph (12)(I)3.D.; and,
- (III) Copies of notification records required by Chapter 319, RSMo.

Section 319.030 RSMo of the “Underground Facility Safety and Damage Prevention Act” requires that every person owning or operating an underground facility to whom notice of intent to excavate is required to be given, upon receipt of such notice as provided in this section from a person intending to commence an excavation, inform the excavator as promptly as practical, but not in excess of two working days, unless the excavator agrees to extend the start date and time provided in the locate request through methods established by the notification center, of the approximate location of underground facilities in or near the area of the excavation so as to enable the person engaged in the excavation work to locate the facilities in advance of

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<sup>46</sup> 20 CSR 4240-40.030(12)(I)3.A. provides that if an operator chooses to participate in an excavator education program of a one-call notification center, as provided for in subparagraphs (12)(I)3.B and C., then such updated listing shall be provided to the one-call notification center within the one-call notification center participation renewal period.

<sup>47</sup> The operator must provide for actual notification of the persons identified in subparagraph (12)(I)3.A., at least once each calendar year at intervals not exceeding fifteen (15) months by registered or certified mail, or notification through participation in an excavator education program of a one-call notification center meeting the requirements of subparagraph (12)(I)3.C.

<sup>48</sup> 20 CSR 4240-40.030(1)(B) defines designated commission personnel to mean the Pipeline Safety Program Manager.

<sup>49</sup> The operator’s public notifications and excavator notifications shall include information concerning the existence and purpose of the operator’s damage prevention program, as well as information on how to learn the location of underground pipelines before excavation activities are begun.

and during the excavation work, provided that no excavation shall begin earlier than the scheduled excavation date provided on the locate request unless the excavator has confirmed that all underground facilities have been located. The utility owner or operator shall provide the approximate location of its underground facilities by the use of markings as designated in Section 319.015, RSMo.

Section 319.015(1), RSMo defines “Approximate location” to mean a strip of land not wider than the width of the underground facility plus two feet on either side thereof. In situations where reinforced concrete, multiplicity of adjacent facilities or other unusual specified conditions interfere with location attempts, the owner or operator shall designate to the best of his or her ability an approximate location of greater width.

2. Summit’s Actions to Comply

2.1 20 CSR 4240-40.030(12)(I)1.

Summit identified Section 8: Damage Prevention & Public Education, revised February 2, 2024, Effective March 4, 2024, of the Summit Utilities, Inc. O&M Manual<sup>50</sup> as the written program to prevent damage by excavation activities (“Damage Prevention Plan”), and provided a copy to Staff.

2.2 20 CSR 4240-40.030(12)(I)3.A.

SNGMO provided its listing of persons involved in excavation activities to Missouri 811 on January 13, 2023.

Staff notes that Summit did not have MasTec Communications Group, Inc., JDC Utilities Underground, or A & A Cable Contractors, Inc. on its list of excavators<sup>51</sup> to receive educational material at the time of Summit’s July 29, 2022, annual mailings of Damage Prevention educational material. Summit stated “Summit did not identify the above contractors on their excavation mail out list. The excavator mail out was done on July 29, 2022.”<sup>52</sup>

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<sup>50</sup> Provided as \*\* [REDACTED] \*\*

<sup>51</sup> Provided by Summit in \*\* [REDACTED] \*\* in response to Staff’s 3<sup>rd</sup> Information Request.

<sup>52</sup> Provided quote in document SNGMO West 4th St. Mtn Grove Incident – 3<sup>rd</sup> Request Response 3.28.2024.pdf as a response to Staff question 48(b) in response to Staff Information Request 3.

In regard to compliance with Sections 319.030 and 319.015, RSMo., of the “Underground Facility Safety and Damage Prevention Act”, Summit provided a copy of all contemporaneous documentation regarding locates in the area. Summit provided a copy of the original Missouri One Call Locate Request<sup>53</sup> and photos<sup>54</sup> of the scene where locates were done to show that locates had been completed accurately leading up to the incident.

In regard to compliance with 20 CSR 4240-40.030(12)(I)3.A., SNGMO provided a listing<sup>55</sup> of the identities of persons involved in excavation, construction, or operation of heavy equipment near a pipeline.

2.3 20 CSR 4240-40.030(12)(I)3.B.

Summit stated: “Summit partners with MO811 to educate excavators in addition to Summit initiated mailings to excavators.”<sup>56</sup> Summit provided the annual public awareness excavator brochure<sup>57</sup> and quarterly MO811 educational mailer<sup>58</sup> sent out to Excavators and Contractors for compliance.

2.4 20 CSR 4240-40.030(12)(I)3.E.

Summit provided a copy of Summit’s annual mailer<sup>59</sup> sent to excavators on July 29, 2022,<sup>60</sup> and a copy of Missouri 811’s quarterly mailer<sup>61</sup> sent to excavators on April 14, 2023,<sup>62</sup> as evidence of compliance with document retention requirements.

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<sup>53</sup> Provided as Attachment A – Routine Ticket in Summit’s Response to Staff Information Request 1.

<sup>54</sup> Photographs of locate accuracy are located in Appendix B – Figures 6 and 7. Original photographs were provided as (Attachment 42(A) and Attachment H through L.pdf) in Summit’s Response to Staff Information Request 3.

<sup>55</sup> Provided as \*\* [REDACTED] \*\* in Summit’s Response to Staff Information Request 3.

<sup>56</sup> Provided quote in document SNGMO West 4<sup>th</sup> St. Mtn Grove Incident – 3<sup>rd</sup> Request Response 3.28.2024.pdf as a response to Staff question 49 in response to Staff Information Request 3.

<sup>57</sup> Provided as Attachment 49(A) Summit PA Excavator Brochure 2022 in Summit’s Response to Staff Information Request 3.

<sup>58</sup> Provided as Attachment 49(B) MO811 in Summit’s Response to Staff Information Request 3.

<sup>59</sup> Provided as Attachment 49(A) Summit PA Excavator Brochure 2022 in Summit’s response to Staff Information Request 3.

<sup>60</sup> Provided in Summit’s Response to Staff Data Request 0004 in document SNGMO Response to 4th info request – West 4th St. Mountain Grove Incident 6.28.2024 “The excavator mail out was done on 7-29-2022...”.

<sup>61</sup> Provided as Attachment 49(B) MO811 in Summit’s Response to Staff Information Request 3.

<sup>62</sup> Provided in Summit’s Response to Staff Data Request 0004 in document SNGMO Response to 4th info request – West 4th St. Mountain Grove Incident 6.28.2024 “The MO811 Spring Newsletter was mailed April 14, 2024, per Missouri 811’s Marketing Manager.”

In regard to compliance with the requirement of 20 CSR 4240-40.030(12)(I)3.E.(III) to address Chapter 319, RSMo, Summit provided a copy of educational material sent out through Summit’s participation in an excavator education program of a one-call notification center.<sup>63</sup> Staff reviewed this educational material, and found it contained a summary of the provisions of Chapter 319, RSMo, in the Spring 2023 section on pages 25-30.<sup>64</sup>

## 2.5 RSMo 319.030

A notification of intent to excavate in the city of Mountain Grove, between N Greene Ave and E 5T St was requested to Missouri 811 on June 18, 2023, at 3:14 p.m.<sup>65</sup> SNGMO provided markings on the street surface above the SNGMO facilities within the area shown on the locate request, and updated the ticket status as marked at 9:10 p.m. on June 21, 2023.

## 2.6 RSMo 319.015(1)

In response to notification of intent to excavate between N Greene Ave and E 5T St, SNGMO provided Approximate Location<sup>66</sup> markings<sup>67</sup> on the street surface above Summit facilities.

# 3. Staff Analysis

## 3.1 20 CSR 4240-40.030(12)(I)1.

Staff reviewed Summit’s Section 8: Damage Prevention & Public Education, revised February 2, 2024, Effective March 4, 2024, of the Summit Utilities, Inc. O&M Manual and found that with one exception, it met the minimum requirements of 20 CSR 4240-40.030(12)(I)1. Specifically, 20 CSR 4240-40.030(12)(I)3.B. requires at least

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<sup>63</sup> Provided as Attachment 49(B) MO811 in Summit’s Response to Staff Information Request 3.

<sup>64</sup> Missouri 811 provided a draft of the Spring 2023 mailer to designated commission personnel on March 29, 2023. Designated commission personnel provided comments to Missouri 811, which were addressed in the Spring Mailer.

<sup>65</sup> Missouri 811 Ticket No. 231690282 was submitted by JDC Utilities Underground, indicating work being done for Brightspeed.

<sup>66</sup> “Approximate Location” is defined by 319.015(1) as a strip of land not wider than the width of the underground facility plus two feet on either side thereof.

<sup>67</sup> Photos of locate markings by SNGMO substantiating “Approximate location” were provided in (Attachment H-L & Attachment 42(A).pdf) in response to Staff Information Request 3. These photos can be found in Appendix B – Figures 6 and 7.

semi-annual notifications to the public in the vicinity of the pipeline, however, \*\* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] \*\*.

Based on past Staff inspections of SNGMO's public awareness effectiveness, it is Staff's opinion that \*\* [REDACTED] 68

[REDACTED] \*\*. Staff therefore does not see this as a violation of Commission rules, but does have a recommendation to Summit regarding updating its Damage Prevention Plan to accurately address the rule requirement.

### 3.2 20 CSR 4240-40.030(12)(I)3.A

SNGMO provided its listing of persons who normally engage in excavation activities in the area in which its pipelines are located on January 13, 2023. Although SNGMO did not identify the Excavator involved in this incident in that listing, Staff has not found any evidence that this Excavator was involved in excavation activities in the area in which SNGMO's pipelines are located at the time SNGMO provided its listing.

Staff also notes that SNGMO provides additional quarterly mailings to persons involved in excavation activities through Missouri 811's one-call notification center. Staff notes \*\* [REDACTED] \*\* MasTec Communications Group, Inc., JDC Utilities Underground, or A & A Cable Contractors, Inc. in the Wright and Texas counties for all educational material mailings that took place prior to the incident on June 26, 2023. For locate tickets in Wright county, the first time MasTec

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<sup>68</sup> On December 15, 2021, Staff conducted a Public Awareness Program and Effectiveness Inspection (PAPEI) of Summit's Public Awareness Program, titled "Summit Utilities Inc, Public Awareness Program", revision date August 12, 2021. On January 6, 2022, Staff sent a letter detailing its inspection findings with Summit. \*\* [REDACTED]

[REDACTED] \*\*. As a result, Summit provided a revised Public Awareness Program Plan, revision date June 1, 2022 \*\* [REDACTED]

[REDACTED] \*\*.

Communications Group, Inc. appears to have made a request to locate facilities using Missouri 811's website was on June 19, 2023,<sup>69</sup> and the first time JDC Utilities Underground appears on to have made a request to locate facilities using Missouri 811's website for locate tickets in Wright county is June 7, 2023.<sup>70</sup> It therefore seems reasonable to Staff that SNGMO's knowledge of these persons involved in excavation activities in Wright county took place after Missouri 811's Spring 2023 Educational Material mailings, which occurred on April 14, 2023.<sup>71</sup>

Staff notes Summit provides a general notification to the public in the vicinity of the pipeline. \*\* [REDACTED]

[REDACTED] \*\*. Staff reviews compliance with this requirement<sup>72</sup> during routine safety inspections. This was most recently reviewed for the Mountain Grove Service Areas during Staff's September 2022 inspection; no issues were noted.

### 3.3 20 CSR 4240-40.030(12)(I)3.B.

To demonstrate compliance with Commission rule 20 CSR 4240-40.030(12)(I)3.B., Summit provided the information and education material sent to excavators through the Missouri 811 system. This information and educational material include a summary of the provisions of Chapter 319 under the 811 Spring 2023 information section. Missouri 811 provided a draft of the Spring 2023 mailer to designated commission personnel on March 29, 2023.<sup>73</sup> Designated commission personnel provided comments to Missouri 811, which were addressed in the Spring Mailer. This Spring 2023 mailer was sent out by 811 on April 14, 2023.<sup>74</sup> Staff notes that the Spring 2023 mailer contained information on potholing,

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<sup>69</sup> Missouri 811 Ticket No. 231700251

<sup>70</sup> Missouri 811 Ticket No. 231583128

<sup>71</sup> Provided in Summit's Response to Staff Data Request 4 in document SNGMO Response to 4th info request – West 4th St. Mountain Grove Incident 6.28.2024 “The MO811 Spring Newsletter was mailed April 14, 2024 per Missouri 811's Marketing Manager.”.

<sup>72</sup> 20 CSR 4240-40.030(12)(I)3.B requires semiannual general notification of the public in the vicinity of the pipeline.

<sup>73</sup> Provided as Attachment 49(B) MO811 in Summit's Response to Staff Information Request 3.

<sup>74</sup> Provided in Summit's Response to Staff Data Request 4 in document SNGMO Response to 4th info request – West 4th St. Mountain Grove Incident 6.28.2024 “The MO811 Spring Newsletter was mailed April 14, 2024 per Missouri 811's Marketing Manager.”.

hand digging, and a summary of Chapter 319, RSMo, approved by designated commission personnel.

Staff's review of SNGMO's educational mailings to excavators in the vicinity of its pipelines found the educational mailings addressed the minimum requirements of 20 CSR 4240-40.030(12)(I)3.B.

3.4 20 CSR 4240-40.030(12)(I)3.E.

Staff received copies from SNGMO of the two most recent annual notifications sent to excavators, copies of notifications required in subparagraph (12)(I)3.D., and copies of notification records required by Chapter 319, RSMo in response to recordkeeping requirements.

3.5 Section 319.030, RSMo.

SNGMO responded to a notice of intent to excavate on June 21, 2023, at 9:10 p.m. for a ticket placed on June 18, 2023, at 3:14 p.m. This time elapsed is greater than two days, but the ticket itself said work began on June 22, 2023, at 8 a.m., so SNGMO was on time with respect to a "mutually" agreed start.

3.6 Section 319.015(1), RSMo.

The locate markings on the street surface above the natural gas main at the damage location were within tolerance of the "approximate location" as required by Section 319.030, RSMo. Figures 6 and 7 of Appendix B of this report are photographs provided by SNGMO to substantiate the accuracy of locate markings where damage to the pipeline occurred.

4. Violations

Staff did not find violations of Commission rules with respect to SNGMO's Damage Prevention Program.

5. Staff Recommendations

Staff recommends that Summit amend its Damage Prevention Plan, *Section 8: Damage Prevention & Public Education*, of the Summit Utilities, Inc. O&M Manual, to require

providing a general notification to the public in the vicinity of the pipeline of the requirements to use Missouri 811 prior to excavating at least semiannually.

## **E. Brightspeed's Damage Prevention Program and Installation Practices**

### *1. Regulatory Requirements:*

Commission rule 20 CSR 4240-18.010 – provides the Safety Standards for Electrical Corporations, Telecommunications Companies, and Rural Electric Cooperatives.

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code* (“NESC”), 2023 Edition, as approved by the American National Standards Institute on August 1, 2022, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. The NESC is composed of four different parts and four sections, each of which pertain to different aspects of the electric and telecommunications industries.

- Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations,
- Part 2 pertains to safety rules for overhead electric and communication lines,
- Part 3 contains safety rules for underground electric and communication lines,
- Section 1 is an introduction to the NESC,
- Section 2 defines special terms, and,
- Section 9 requires certain grounding methods for electric and communications facilities.

The full text of this material is available at the Industry Analysis Division – Engineering Analysis Department of the Public Service Commission, Suite 700, 200 Madison Street, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

(2) Electrical corporations, telecommunications companies, and rural electric cooperatives subject to regulation by this commission pursuant to Chapters 386, 392–394, RSMo., shall comply with the safety standards established by this rule for new installations and extensions as described in the NESC.

(3) Incident reporting requirements for electrical corporations and rural electric cooperatives are found in 20 CSR 4240-3.190(4).

(4) Those who excavate near underground facilities or conduct activities within ten (10) feet of overhead power lines are required to notify area utilities prior to engaging in such action, pursuant to the Underground Facility Safety and Damage Prevention Act, section 319.010, RSMo, and the Overhead Power Line Safety Act, section 319.075, RSMo.

Part 3, Section 32 of the NESC applies to telecommunication cables installed in an underground conduit system and Rule 320B5 for conduit systems requires providing for at least 12 inches of separation between communications facilities and gas lines unless there is an agreement to less separation by all involved utilities.

Missouri Revised Statute Sections 319.010 through 319.050, RSMo are known as the “Underground Facility Safety and Damage Prevention Act”. Sections 319.026.1 and .8, RSMo., prescribes the requirements for excavator notifications:

1. Requires an excavator shall serve notice of intent to excavate to the notification center by toll-free telephone number operated on a twenty-four (24) hour per-day, seven (7) day per-week basis or by facsimile or by completing notice via the internet at least two (2) working days, but not more than ten (10) working days, before the expected date of commencing the excavation activity. The notification center receiving such notice shall inform the excavator of all notification center participants to whom such notice will be transmitted and shall promptly transmit all details of such notice provided under subsection 2 of this section to every notification center participant in the area of excavation.

\* \* \*

8. Requires that in the event of any damage, dislocation, or disturbance of any underground facility in connection with any excavation, the person responsible for the excavation operations shall notify the notification center. This subsection shall be deemed to require reporting of any damage, dislocation, or disturbance to trace wires, encasements, cathode protection, permanent above-ground stakes, or other such items utilized for protection of the underground facility. The excavator shall immediately contact 911 when any damage or contact with a pipeline results in a release from the pipeline of hazardous liquid or gas to occur.

Sections 319.037.1 and .2, RSMo., includes requirements for excavation sites, and equipment prohibited at such sites.

1. Notwithstanding any other provision of law to the contrary, the procedures and requirements set forth in this section shall apply on the site of any excavation involving trenchless excavation, including directional drilling, where the approximate location of underground facilities has been marked in compliance with section 319.030 and where any part of the walls of the intended bore are within the marked approximate location of the underground facility.
2. The excavator shall not use power-driven equipment for trenchless excavation, including directional drilling, within the marked approximate location of such underground facilities until the excavator has made careful and prudent efforts to confirm the horizontal and vertical location thereof in the vicinity of the proposed excavation through methods appropriate to the geologic and weather conditions, and the nature of the facility, such as the use of electronic locating devices, hand digging, pot holing when practical, soft digging, vacuum methods, use of pressurized air or water, pneumatic hand tools or other noninvasive methods as such methods are developed. Such methods of confirming location shall not violate established safety practices. Nothing in this subsection shall authorize any person other than the owner or operator of a facility to attach an electronic locating device to any underground facility. For excavations paralleling the underground facility, such efforts to confirm the location of the facility shall be made at careful and prudent intervals. The

excavator shall also make careful and prudent efforts by such means as are appropriate to the geologic and weather conditions and the nature of the facility, to confirm the horizontal and vertical location of the boring device during boring operations. Notwithstanding the foregoing, the excavator shall not be required to confirm the horizontal or vertical location of the underground facilities if the excavator, using the methods described in this section, excavates a hole over the underground facilities to a depth two feet or more below the planned boring path and then carefully and prudently monitors the horizontal and vertical location of the boring device in a manner calculated to enable the device to be visually observed by the excavator as it crosses the entire width of the marked approximate location of the underground facilities.

## **2. Brightspeed Actions to Comply with Applicable Rules and Statutes**

Brightspeed contracted<sup>75</sup> with MasTec as its general contractor to install fiber optic cable in the City of Mountain Grove, Missouri. According to Brightspeed, MasTec contracted with A&A Cable to install the fiber optic cable along W 4<sup>th</sup> Street.<sup>76</sup>

On June 26, 2023, A&A Cable was performing work under Missouri One Call Ticket No. 231690282 in Mountain Grove, Missouri, and had requested a routine<sup>77</sup> locate on June 18, 2023, with a start date of June 22, 2023. The “Type of Work” field was entered on this ticket as: “Install Fiber Optic” and the field for Equipment Used was entered as: “Directional Bore Machine.” Additionally, the ticket field for the Excavator Name was entered as: “JDC Utilities Underground” and the ticket field for Work Being Done For was entered as: “Brightspeed.” The Location of work was completed on the ticket as: “FROM N GREENE AVE GO E ON E 4TH ST FOR 80FT. MARK 20FT OFF THE S SIDE OF E 4TH ST W FOR 600FT”.

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<sup>75</sup> In response to Staff’s Information Request 4., part d., Brightspeed responded that “Lumen Technologies Service Group, LLC signed a contracted titled, “Construction Master Services Agreement Between Lumen Technologies Service Group, LLC and MasTec North America, Inc.” (hereinafter, “MSA”). The MSA was assigned from Lumen to Brightspeed on October 1, 2022 following the sale of certain Lumen assets and operations to Brightspeed. The specific subsidiary that operates in the location of the occurrence is Brightspeed of Missouri.

<sup>76</sup> Information obtained from Brightspeed’s August 14, 2023, response to Staff Information Request 4, part c. dated July 27, 2023.

<sup>77</sup> Missouri 811 defines a routine locate ticket as a regular locate request. Utilities must respond within 3 working days.

A day following the incident, on June 27, 2023, at 4:09 p.m. CST, JDC Utilities Underground submitted a Dig Up ticket. The Dig Up locate ticket stated that work was being done for Brightspeed, that the equipment being used was a directional bore machine and an excavator, and that the damage was at 320 N Maple Avenue between W 4<sup>th</sup> Street and W 3<sup>rd</sup> Street in Mountain Grove.

According to Brightspeed, the fiber optic line was being installed in an underground conduit system along W 4th Street in Mountain Gove, Missouri, on June 26, 2023.<sup>78</sup> The applicable installation standard is found in Part 3, Section 32 of the NESC.

Brightspeed's contract with MasTec requires underground fiber optic cable installations by contractors or subcontractors to comply with the NESC.<sup>79</sup>

Brightspeed stated that it contracted with MasTec as an engineering and construction firm to employ on-site inspectors for its work and that of its subcontractor, A&A.<sup>80</sup>

According to Brightspeed, no written information about excavating near underground facilities such as natural gas lines was provided to its contractors or subcontractors for the fiber optic cable installation along W 4<sup>th</sup> Street between N Maple Ave and N Main Ave in Mountain Grove, Missouri. However, Brightspeed stated that:

"...Pursuant to \*\*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\*\*<sup>81</sup>

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<sup>78</sup> Information obtained from Brightspeed's August 14, 2023, response to Staff Information Request 12 dated July 27, 2023.

<sup>79</sup> Brightspeed's August 14, 2023, response to Staff Information Request 11 dated July 27, 2023.

<sup>80</sup> Information obtained from Brightspeed's August 14, 2023, response to Staff Information Request 14., part b. dated July 27, 2023.

<sup>81</sup> Brightspeed's August 14, 2023, response to Staff Information Request 8, part c. and Staff Information Request 15 dated July 27, 2023.

In addition, MasTec is an “independent contractor” and is responsible for controlling all “means and methods” of the work being performed, including responses to any suspected natural gas facility damage.<sup>82</sup> \*\* [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] \*\*. <sup>83</sup>

According to Brightspeed, no written instructions were given to its contractors or subcontractors about how to respond if they suspect a natural gas facility is damaged during excavation activities including the fiber optic cable installation along W 4<sup>th</sup> Street between N Maple Ave and N Main Ave in Mountain Grove, Missouri.<sup>84</sup> However, Brightspeed stated that:

“... MasTec is an “independent contractor” and is responsible for controlling all “means and methods” of the work being performed, including responses to any suspected natural gas facility damage. \*\* [REDACTED] \*\*.”

Brightspeed provided information describing any changes and enhancements it has made to its damage prevention program following the June 26, 2023, incident in Mountain Grove, Missouri:

“Brightspeed employed independent contractors on the subject project (in this case, MasTec) that controlled all aspects of construction, including all “damage prevention programs.” See \*\* [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>82</sup> Information obtained from Brightspeed’s August 14, 2023, response to Staff Information Request 16 dated July 27, 2023.

<sup>83</sup> Brightspeed’s August 14, 2023, response to Staff Information Request 15 dated July 27, 2023.

<sup>84</sup> Information obtained from Brightspeed’s August 14, 2023, response to Staff Information Request 0016 dated July 27, 2023.

[REDACTED]  
[REDACTED] \*\*.

In addition to changes and enhancements made by Brightspeed to its damage prevention program following the June 26, 2023, incident in Mountain Grove, Missouri, Brightspeed provided a copy of the \*\* [REDACTED] \*\* which included MasTec's \*\* [REDACTED] [REDACTED] \*\* as a result of this incident. As part of this report, the following preventive and additional actions were taken by MasTec.

\*\* [REDACTED]

- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

- [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] \*\*.

### 3. Staff Analysis

Prior to the June 26, 2023, incident, Brightspeed relied on MasTec and its subcontractor, A&A Cable, to comply with applicable laws and regulations including the Missouri Public Service Commission’s safety standards in 20 CSR 4240-18.010 and Section 319.030, RSMo of the “Underground Facility Safety and Damage Prevention Act.” Based on Staff’s investigation of this incident, it appears that the service JDC Utilities Underground provided for the optic fiber installation along W 4<sup>th</sup> Street, was to submit locate requests for the project.

Since the incident, Brightspeed stated that it has “...employed independent contractors on the subject project (in this case, MasTec) that controlled all aspects of construction, including all ‘damage prevention programs...’”.

Staff notes that in addition to actions already taken by Brightspeed subsequent to the incident, Brightspeed should ensure that its telecommunication cables are installed in accordance with 20 CSR 4240-18.010.

### 4. Violations

1. Failure to maintain a minimum of 12 inches of separation between communications facilities and gas lines was a violation of 20 CSR 4240-18.010.

2. Failure to first confirm the confirm the horizontal and vertical location of the natural gas main in the vicinity of the proposed excavation through an appropriate method was a violation of Section 319.037.2, RSMo.

5. Staff Recommendations

Following the incident, Brightspeed has proactively taken several actions described above to improve its damage prevention performance. In addition to those actions, Staff also recommends the following.

1. Staff recommends that Brightspeed evaluate and modify its contractor procurement and oversight procedures and practices to ensure that telecommunications cables installed on behalf of Brightspeed are installed in accordance with 20 CSR 4240-18.010.
2. Staff recommends that Brightspeed evaluate additional actions that Brightspeed can take to minimize damages to natural gas pipelines by excavations when installing telecommunication cables.

Staff requests Commission authorization to submit a redacted (public) copy of this investigation report to the Missouri Attorney General’s Office (“AGO”) One Call Unit<sup>85</sup> as information that may be used in the event the AGO wishes to take further action as provided in Section 319.045, RSMo.

**F. Summit’s Distribution Integrity Management Program (“DIMP”)**

1. Regulatory Requirements:

Section 17 of 20 CSR 4240-40.030 prescribes the minimum integrity management program requirements for any gas distribution pipeline covered under this rule. The rule requires that each gas distribution operator:

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<sup>85</sup> Information related to the Missouri Attorney General’s Utility and Digging Safety (One Call Law), including procedures for reporting suspected violations is available at; <https://ago.mo.gov/get-help/programs-services-from-a-z/pipeline-safety/>.

- Develop and implement a written integrity management program;<sup>86</sup>
- Demonstrate an understanding of its gas distribution system based on reasonably available information;
- Identify threats to each gas distribution pipeline, including excavation damage;
- Evaluate and rank the risks of identified threats;
- Identify and implement measures to address risks;
- Measure performance, monitor results, and evaluate effectiveness; and,
- Re-evaluate threats and risks on its entire pipeline at least every five years.

2. Summit's Actions to Comply with 20 CSR 4240-40.030(17):

Staff's initial inspection for compliance with the Distribution Integrity Management Program ("DIMP") requirements for the natural gas distribution system in Mountain Grove, Missouri was conducted in May 2012, and was for a DIMP Plan dated August 2, 2011, developed by Southern Missouri Natural Gas Company, L.P., the distribution system operator before SNGMO. Staff's feedback on the inspection was provided to SNGMO on June 4, 2012.

Summit subsequently modified its DIMP Plan for Missouri, combining the historical Southern Missouri Natural Gas Company, L.P., and Missouri Gas Utility (also acquired by Summit) into a combined plan dated January 15, 2013. Staff provided feedback to Summit in a March 6, 2013, letter, including a comment related to the omission in the 2013 plan of measures that had been included in the previous plan to reduce the risk of damages by third parties. Specifically, \*\* [REDACTED]

[REDACTED] \*\*.

In April 2017, Staff again conducted a DIMP inspection of Summit's Missouri operating areas, which was intended to include an evaluation of the program implementation. As noted in Staff's April 25, 2017, letter to Summit, the then current version of the SNGMO DIMP, dated December 21, 2016, \*\* [REDACTED]

[REDACTED] \*\*. For these reasons Staff was unable to conduct an

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<sup>86</sup> 20 CSR 4240-40.030(17)(C) requires that this be implemented no later than August 2, 2011.

implementation evaluation, and instead limited the 2017 inspection to the new DIMP Plan. Staff's comments included citations to rule requirements to develop baselines to evaluate performance measures,<sup>87</sup> and to collect data for each performance measure,<sup>88</sup> actions which Summit did not appear to have carried over from the prior written programs. SNGMO provided a revised DIMP Plan with effective date of June 26, 2017, and a listing of baselines to be used for monitoring of future performance.

On February 22-24, 2022, Staff conducted an inspection of Summit's DIMP, including Summit's DIMP Plan effective June 26, 2017, and identified two Areas of Probable Violation ("APVs").<sup>89</sup> \*\* [REDACTED]

[REDACTED]

[REDACTED] 90 [REDACTED]

[REDACTED]

[REDACTED] \*\*.<sup>91</sup>

Summit created a comprehensive DIMP Plan, effective date May 1, 2023, that covers all of Summit's operating companies,<sup>92</sup> and was the DIMP Plan in effect at the time of the incident. Staff requested that Summit provide the performance measure baselines required by 20 CSR 4240-40.030(17)(D)5.A., and Summit provided graphs showing data from 2018-2022 for the number of excavation damages (categorized by root cause), hazardous leaks by material (PE and Steel – Bare), leaks on mains by cause, total leaks, leaks on services by cause, and one call tickets completed, and a graph showing leak performance by leak cause.<sup>93</sup>

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<sup>87</sup> 20 CSR 4240-40.030(17)(D)4.

<sup>88</sup> 20 CSR 4240-40.030(17)(D)5.

<sup>89</sup> An Area of Probable Violation means that based on inspection findings, there has been a probable violation of a pipeline safety regulation or a document provision that is incorporated by reference in the pipeline safety regulations, or information that is specifically required to be included in a plan or procedure has been omitted.

<sup>90</sup> 20 CSR 4240-40.030(17)(D)5.A. requires that an operator must develop and monitor performance measures from an established baseline to evaluate the effectiveness of its IM program. 20 CSR 4240-40.030(17)(D)5.A.(V) lists the number of hazardous leaks either eliminated or repaired as required by paragraph (14)(C)1. (or total number of leaks if all leaks are repaired when found), categorized by material as a required performance measure.

<sup>91</sup> 20 CSR 4240-40.030(17)(D)6. requires that an operator must re-evaluate threats and risks on its entire pipeline and consider the relevance of threats in one (1) location to other areas. Each operator must determine the appropriate period for conducting complete program evaluations based on the complexity of its system and changes in factors affecting the risk of failure. An operator must conduct a complete program re-evaluation at least every five years. The operator must consider the results of the performance monitoring in these evaluations.

<sup>92</sup> The comprehensive DIMP Plan covers Summit's operating companies in Missouri, Arkansas, Colorado, Oklahoma, and Maine.

<sup>93</sup> Summit's response to Staff's Information Request to Summit, item 45.

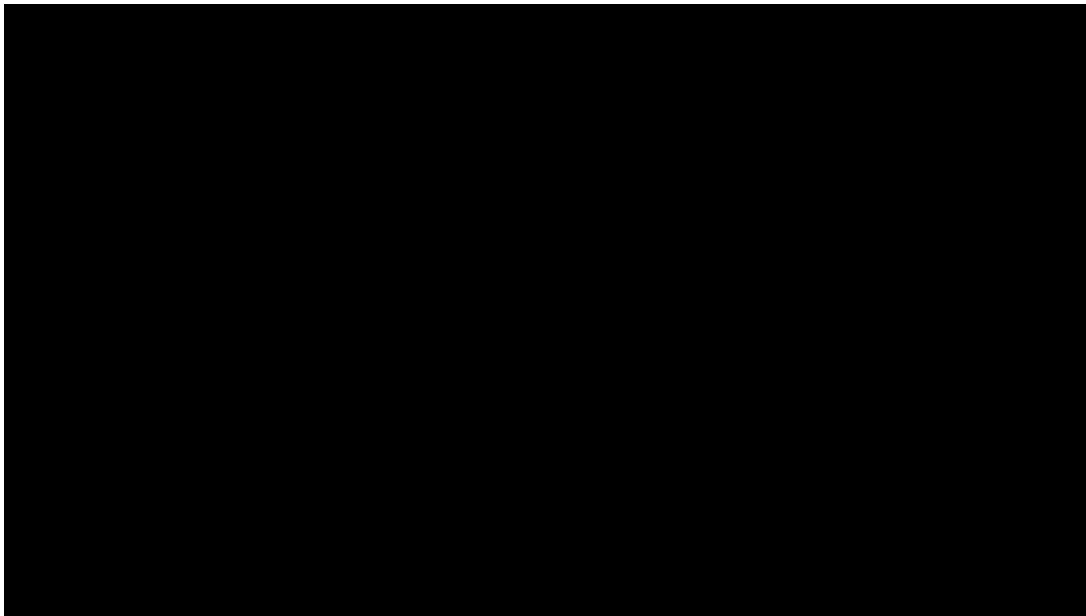
3. Staff Analysis:

SNGMO provided the following baselines for annual excavation damages with its 2017 DIMP revisions:

- \*\* [REDACTED] \*\* excavation damages, and
- \*\* [REDACTED] \*\* damages per 1,000 tickets.

Staff reviewed the number of excavation damages and excavation tickets that SNGMO has reported each year since the baselines were established in 2017 and found that for each year 2018-2023, the total number of excavation damages exceeded the baseline each year, but the excavation damages per 1,000 tickets did not exceed the baselines:

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Despite exceeding the baseline established for excavation damages each of these years, there is no evidence that Summit took additional actions to reduce the risks associated with excavation damages during this time, or completed a re-evaluation of its DIMP.

In response to a Staff information request during this investigation, Summit stated that excavation damage is the largest threat based on the interim risk model currently in place for

Summit’s Missouri operations.<sup>94</sup> In its interim risk model, Summit has one threat related to excavation damages and does not differentiate between the root causes of the damages (for example if the damage occurred because no request was made to locate, facility wasn’t located accurately, or it was located accurately but damaged due to excavation practices). Section 7 of Summit’s May 1, 2023, DIMP Plan covers threat identification and describes how threats and sub-threats are to be identified, including example graphs, but does not specifically list the threats identified for Summit’s Missouri operations. Section 7.5 of Summit’s May 1, 2023, DIMP Plan states that threat identification shall be documented in Integrity Compliance Activity Manager (“ICAM”). The risk model provided from ICAM only lists the general threat categories in 20 CSR 4240-40.030(17)(D)2., so it does not appear that Summit has identified any sub-threats for its Missouri operations.

Summit provided a list of excavation damages that occurred in the Mountain Grove area in 2023.<sup>95</sup> The list of excavation damages included a root cause of the damage (e.g., excavation or locate issue). However, Staff notes that the root causes do not appear to be treated as separate sub-threats in Summit’s interim risk model.<sup>96</sup>

Staff requested a list of all accelerated actions in Summit’s DIMP related to the Mountain Grove area, excavation damages, directional boring, or certain excavators. Summit provided copies of:

- Newspaper ads run in the Mountain Grove area that contained information about submitting a locate request before digging;
- Confirmation that Summit submitted reports within the Common Ground Alliance (“CGA”) Damage Information Reporting Tool (“DIRT”) for 2023;
- Summit’s Gold Shovel Certificate that demonstrates that Summit has committed to upholding safe excavation practices around underground facilities;

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<sup>94</sup> Summit’s response to Staff’s Information Request to Summit, item 43.

<sup>95</sup> Summit’s response to Staff’s Information Request to Summit, item 43.

<sup>96</sup> In its October 23, 2024 email response to Staff, SNGMO stated that: \*\*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] \*\*.

- Summit’s geofencing summary which shows the number of impressions, clicks, unique persons reached, and impressions per person related to Summit’s digital ads regarding contacting 811 before digging;
- Summit’s public awareness application report for the Mountain Grove area which summarizes communication with stakeholders related to public awareness education; and,
- Summit’s cross bore summary for Missouri operations regarding additional cross bore specific outreach.

Summit additionally stated that it is expanding the use of Vivax locating equipment to allow location of plastic pipe even when tracer wire damage occurs.<sup>97</sup>

Summit’s accelerated actions do not include seeking any type of enforcement against excavators who have damaged accurately marked SNGMO facilities. In response to a Staff Information Request, Summit stated that the excavator identified on the locate request to Missouri 811, JDC Utilities Underground, had damaged a SNGMO pipeline prior to this incident. Staff searched for other “Dig Up” (utility damage) tickets in Wright County on Missouri 811’s website in the 12 months preceding this incident, and found an instance where MasTec, the general contractor on this project had damaged a SNGMO gas line.<sup>98</sup> While it cannot be known in retrospect, it is possible that if SNGMO had reported earlier instances of damages to the AGO for investigation and enforcement, appropriate actions may have been taken by the excavators that would have prevented this incident.

#### 4. Violations:

1. Failure to develop and monitor the number of hazardous leaks either eliminated or repaired as required by 20 CSR 4240-40.030(14)(C)1., categorized by material, was a violation of 20 CSR 4240-40.030(17)(D)5.A.(V).
2. Failure to conduct a complete distribution integrity management program re-evaluation at least every five years was a violation of 20 CSR 4240-40.030(17)(D)6.

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<sup>97</sup> Summit’s response to Staff’s Information Request to Summit, item 43 stated that Summit is expanding the use of Vivax locating equipment to allow location of plastic pipe even when tracer wire damage occurs. Vivax refers to the company Vivax-Metrotech, a company that develops and manufactures products for buried utility locating in addition to other products.

<sup>98</sup> Missouri 811 ticket 231731863, on June 22, 2023

5. Staff Recommendations:

1. Staff recommends that Summit add excavation damage sub-threats to its DIMP. At a minimum, Summit should consider adding the excavation damage root causes of failure to notify one-call, locating practices not sufficient, and excavation practices not sufficient as sub-threats for the general excavation damage threat category.
2. Staff recommends that Summit add reporting of excavators who damage accurately marked SNGMO facilities to the Missouri Attorney General's Office as an additional accelerated action in its DIMP to address excavation damages caused by the root cause of excavation practices not sufficient.

**IV. Staff's Findings**

As a result of its investigation, Staff found that sufficient facts and information<sup>99</sup> exist to assert the following violations:

**SNGMO:**

1. Failure to develop and monitor performance measures for the number of hazardous leaks either eliminated or repaired as required by 20 CSR 4240-40.030(14)(C)1., categorized by material, was a violation of 20 CSR 4240-40.030(17)(D)5.A.(V). (See *Section III.F., Summit's Distribution Integrity Management Program ("DIMP")* of this report for details)
2. Failure to conduct a complete distribution integrity management program re-evaluation at least every five years was a violation of 20 CSR 4240-40.030(17)(D)6. (See *Section III.F., Summit's Distribution Integrity Management Program ("DIMP")* of this report for details)

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<sup>99</sup> Prior to finalizing this report, Staff provided a copy of the factual basis for its analysis to SNGMO and Brightspeed respectively to provide an opportunity to correct any factual inaccuracies and to identify confidential content. A copy of information edited as directed by SNGMO and Brightspeed respectively is provided in Appendix A.

**Brightspeed:**

1. Failure to maintain a minimum of 12 inches of separation between communications facilities and gas lines was a violation of 20 CSR 4240-18.010. (See *Section III.E., Brightspeed's Damage Prevention Program and Installation Practices* of this report for details).
2. Failure to first confirm the horizontal and vertical location of the natural gas main in the vicinity of the proposed excavation through an appropriate method was a violation of Section 319.037.2, RSMo. (See *Section III.E., Brightspeed's Damage Prevention Program and Installation Practices* of this report for details).

**V. Staff's Recommendations**

**A. Staff Recommendations to SNGMO**

1. Staff recommends that Summit revise its incident reporting procedures to clarify how it determines when a reportable incident (Missouri and Federal Incidents) has occurred, including at a minimum the inclusion of the definition of "confirmed discovery".

(See *Section III.C Incident Reporting Requirements* of this report for Staff's analysis in support of this recommendation).

2. Staff recommends that Summit take actions to ensure that copies of initial and supplemental incident reports submitted electronically to PHMSA are submitted concurrently to designated commission personnel.

(See *Section III.C Incident Reporting Requirements* of this report for Staff's analysis in support of this recommendation).

3. Staff recommends that Summit take actions to ensure that all incident reporting done by Summit is sufficiently documented with supporting information. Staff further recommends that Summit ensure that the following is documented at a minimum:
  - a) The approximate date and time that Summit determines that a reportable incident (Missouri and Federal Incidents) has occurred;

- b) The date and time that Summit provides notification to the NRC, including the NRC report number, when a Federal Incident has occurred;
- c) The date and time that Summit provides telephonic notice to designated commission personnel after Summit has determined that a reportable incident (Missouri and Federal Incidents) has occurred;
- d) The date and time that Summit confirms or revises its notification to the NRC, including the additional NRC report number, when a Federal Incident has occurred;
- e) The date that Summit submits the initial incident report to PHMSA, along with documentation that a copy of initial incident report was provided concurrently to designated commission personnel, when a Federal Incident has occurred;
- f) The date that Summit submits the initial incident report to designated commission personnel when a Missouri Incident has occurred;
- g) The date(s) that Summit submits supplemental incident reports to PHMSA, along with documentation that copies of supplemental incident reports were provided concurrently to designated commission personnel, when a Federal Incident has occurred; and,
- h) The date(s) that Summit submits supplemental incident reports to designated commission personnel when a Missouri Incident has occurred.

(See *Section III.C Incident Reporting Requirements* of this report for Staff's analysis in support of this recommendation).

4. Staff recommends that Summit amend its Damage Prevention Plan, *Section 8: Damage Prevention & Public Education*, of the Summit Utilities, Inc. O&M Manual, to require providing a general notification to the public in the vicinity of the pipeline of the requirements to use Missouri 811 prior to excavating at least semiannually.

(See *Section III.D Summit's Damage Prevention Program* of this report for Staff's analysis in support of this recommendation).

5. Staff recommends that Summit add excavation damage sub-threats to its DIMP. At a minimum, Summit should consider adding the excavation damage root causes of failure

to notify one-call, locating practices not sufficient and excavation practices not sufficient as sub-threats for the general excavation damage threat category.

(See *Section III.F Summit's Distribution Integrity Management Program ("DIMP")* of this report for Staff's analysis in support of this recommendation).

6. Staff recommends that Summit add reporting of excavators who damage accurately marked SNGMO facilities to the Missouri Attorney General's Office as an additional accelerated action in its DIMP to address excavation damages caused by the root cause of excavation practices not sufficient.

(See *Section III.F Summit's Distribution Integrity Management Program ("DIMP")* of this report for Staff's analysis in support of this recommendation).

**B. Staff Recommendations to Brightspeed:**

7. Staff recommends that Brightspeed take steps to ensure that contractors working on Brightspeed's behalf notify:
  - a) The Missouri 811 notification center in a timely manner following any excavation damage subject to Section 319.026.8, RSMo.; and
  - b) 911 immediately when a pipeline has been damaged, resulting in a release of gas.

(See *Section III.B. Excavator Notifications and Reporting of Pipeline Damages* of this report for Staff's analysis in support of this recommendation).

8. Staff recommends that Brightspeed require that contractors performing excavation on Brightspeed's behalf complete the locate request and dig up ticket for the work they complete, rather than a separate party that is not performing the excavation activities.

(See *Section III.B. Excavator Notifications and Reporting of Pipeline Damages* of this report for Staff's analysis in support of this recommendation).

9. Staff recommends that Brightspeed evaluate and modify its contractor procurement and oversight procedures and practices to ensure that telecommunications cables installed on behalf of Brightspeed are installed in accordance with 20 CSR 4240-18.010.

(See *Section III.E, Brightspeed's Damage Prevention Program and Installation Practices* of this report for Staff's analysis in support of this recommendation).

10. Staff recommends that Brightspeed evaluate additional actions that Brightspeed can take to minimize damages to natural gas pipelines by excavations when installing telecommunication cables.

(See *Section III.E, Brightspeed's Damage Prevention Program and Installation Practices* of this for Staff's analysis in support of this recommendation).

## **VI. Staff's Requests to the Commission**

1. Staff requests Commission authorization to submit a redacted (public) copy of this investigation report to the Missouri Attorney General's Office as information that may be used in the event the AGO wishes to take further action as provided in Section 319.045, RSMo.<sup>100</sup>

(See *Section III.B. Excavator Notifications and Reporting of Pipeline Damages* of this report for the reasons for this request).

2. With the recent expansion of broadband services in Missouri, the circumstances around this incident are not an isolated occurrence. Staff is requesting the Commission's approval for Staff to distribute an Advisory Notice to telecommunications companies providing service in Missouri regarding the potential dangers of unsafe excavation practices. Staff has provided a draft Advisory Notice as Appendix C of the report. If the Commission approves, Staff proposes to distribute the Advisory Notice by email to the Official Representatives of the telecommunications companies labeled as ILECs, CLECs, IXC's and CLECs/IXC's as well as all companies registered to provide IVoIP service and video service within the Missouri PSC's EFIS system. (See *Staff Incident Report* Filed on April 26, 2023, with Staff's Motion to Open Case in Case No. GS-2023-0372 for investigation with similar circumstances).

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<sup>100</sup> Information related to the Missouri Attorney General's Utility and Digging Safety (One Call Law), including procedures for reporting suspected violations is available at; <https://ago.mo.gov/get-help/programs-services-from-a-z/pipeline-safety/>

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Summit Natural Gas of	)	
Missouri, Inc. and Brightspeed of	)	<u>Case No. GS-2025-XXXX</u>
Missouri, LLC Concerning a Natural	)	
Gas Incident at Craig-Hurt Funeral	)	
Home Garage in Mountain Grove,	)	
Missouri	)	

**AFFIDAVIT OF KATHLEEN A. MCNELIS, PE**

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF COLE     )

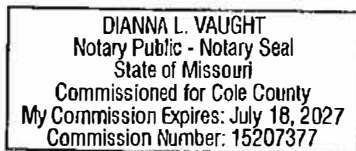
**COMES NOW KATHLEEN A. MCNELIS, PE**, and on her oath states that she is of sound mind and lawful age; that she contributed to the foregoing *Staff Report*; and that the same is true and correct according to her best knowledge and belief.

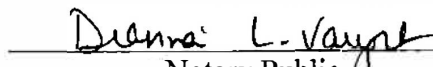
Further the Affiant sayeth not.

  
\_\_\_\_\_  
KATHLEEN A. MCNELIS, PE

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Jefferson City, on this 31<sup>st</sup> day of December 2024.



  
\_\_\_\_\_  
Notary Public

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Summit Natural Gas of	)	
Missouri, Inc. and Brightspeed of	)	<u>Case No. GS-2025-XXXX</u>
Missouri, LLC Concerning a Natural	)	
Gas Incident at Craig-Hurt Funeral	)	
Home Garage in Mountain Grove,	)	
Missouri	)	

**AFFIDAVIT OF NICHOLAS D. O'NEAL**

STATE OF MISSOURI       )  
                                      ) ss  
COUNTY OF COLE        )


**COMES NOW NICHOLAS D. O'NEAL**, and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Report*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

  
\_\_\_\_\_  
NICHOLAS D. O'NEAL

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Jefferson City, on this 2nd day of January 2025.

  
\_\_\_\_\_  
Notary Public



**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Summit Natural Gas of	)	
Missouri, Inc. and Brightspeed of	)	<u>Case No. GS-2025-XXXX</u>
Missouri, LLC Concerning a Natural	)	
Gas Incident at Craig-Hurt Funeral	)	
Home Garage in Mountain Grove,	)	
Missouri	)	

**AFFIDAVIT OF TREVOR RUCKER**

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF COLE     )

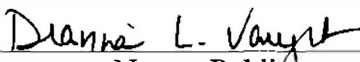
**COMES NOW TREVOR RUCKER**, and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Report*; and that the same is true and correct according to his best knowledge and belief.

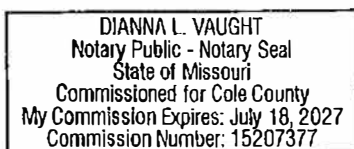
Further the Affiant sayeth not.

  
\_\_\_\_\_  
**TREVOR RUCKER**

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Jefferson City, on this 31<sup>st</sup> day of December 2024.

  
\_\_\_\_\_  
Notary Public



**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Summit Natural Gas of	)	
Missouri, Inc. and Brightspeed of	)	<u>Case No. GS-2025-XXXX</u>
Missouri, LLC Concerning a Natural	)	
Gas Incident at Craig-Hurt Funeral	)	
Home Garage in Mountain Grove,	)	
Missouri	)	

**AFFIDAVIT OF GREG A. WILLIAMS**

STATE OF MISSOURI       )  
                                      ) ss  
COUNTY OF COLE        )

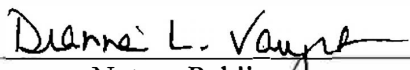
**COMES NOW GREG A. WILLIAMS**, and on his oath states that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Report*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

  
\_\_\_\_\_  
**GREG A. WILLIAMS**

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Jefferson City, on this 2nd day of January 2025.

  
\_\_\_\_\_  
Notary Public

