

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

In the Matter of Summit Natural Gas of )  
Missouri, Inc., and Brightspeed of Missouri, )  
LLC Concerning a Natural Gas Incident at )  
Craig-Hurt Funeral Home Garage in )  
Mountain Grove, Missouri )

File No. GS-2025-0197

**BRIGHTSPEED OF MISSOURI, LLC’S RESPONSE TO  
THE MISSOURI PUBLIC SERVICE COMMISSION STAFF’S INITIAL REPORT**

COMES NOW Brightspeed of Missouri, LLC (“Brightspeed”) and through the undersigned counsel submits the following Response to the Missouri Public Service Commission (“Commission”) Staff’s Initial Report, and in support thereof, states as follows:

1. On January 6, 2025, the Commission Staff filed its Incident Report (“Report”) providing post-incident analysis of a natural gas pipeline leak that led to a fire damaging the Craig-Hurt Funeral Home Garage in Mountain Grove, Missouri.
2. The Report recommended additional safety actions (the “Recommendations”) in response to the Mountain Grove incident to be taken by Summit Natural Gas of Missouri, Inc. (“SNGMO”), a subsidiary of Summit Utilities (“Summit”), as well as Brightspeed of Missouri, LLC (“Brightspeed”).
3. On June 16, 2025, the Commission issued an Order directing, in part, Brightspeed to file its Response to the Staff Recommendations no later than July 1, 2025.
4. Brightspeed appreciates and thanks the Commission and its Staff for the additional time to respond. Brightspeed has reviewed the Staff Recommendations and is implementing them as outlined herein. A more detailed response to the Staff’s Initial Report and Recommendations is attached hereto as **Exhibit A**.

5. In addition, the Commission's Order directs that "Staff shall file a status report" and indicate "whether it intends to file a complaint against SNGMO and/or Brightspeed," as a result of the facts uncovered in its investigation. In weighing this decision, Brightspeed offers the following facts and arguments for the Commission and its Staff's consideration:
6. First, the Report states that, "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." (Report III B 3.1). While true that JDC Utilities Underground ("JDC") did submit the locate tickets, they did not play any role in the events that resulted in the pipeline damage. The Report correctly notes that JDC's identification of the work zone was accurate and timely submitted. Specifically, the Report finds in part that:

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.

(Report III B 3.1). Accordingly, while the entity that submitted the locate ticket (JDC) was not the same entity that performed the excavation (A&A Cable), there is no evidence to suggest that this arrangement caused or contributed to the pipeline strike or resulting property damage.

7. Notwithstanding the above finding, the Staff recommended that the entity performing the excavation work should be the one submitting the locate ticket. Brightspeed has considered this recommendation and will take steps to ensure that its performing subcontractor remains solely responsible and accountable for the submission of the locate tickets corresponding to their work.

8. Second, the Report's root cause analysis finds that the incident was a result of the "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," and a "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." (Report III E 4.1 and 4.2).
9. The Report's factual summary correctly notes that Brightspeed contracted with MasTec Communications Group, Inc. ("MasTec") to install a new fiber optic line in Mountain Grove, Missouri. In turn, MasTec subcontracted a portion of this work to A&A Cable, including placing a two inch conduit along W 4th Street. The Report concluded that "The Excavator [A&A Cable] had not verified the location of the natural gas main at this location by potholing." (Report III A). It is Brightspeed's belief that had the potholing or similar exposure techniques been employed, the separation violations (20 CSR 4240-18.010 and Section 319.037.2, RSMo.) would likely not have occurred.
10. However, it is important to note that Brightspeed places explicit requirements on its contractors related to potholing and A&A Cable's failure to do so was a direct violation of those requirements. As noted in the Initial Report, Brightspeed's contract (MSA Section 3.7(c)), required the contractor (referred to as the "supplier") to pothole/expose existing facilities where required by applicable law." (See Report III E 2).

Supplier will 'Pothole' or expose, where required, to visually locate existing facilities. This action is required to ensure the integrity of [Brightspeed's] existing facility and is required under the Agreement and by applicable law when the facility being placed will parallel an existing facility within a distance of 24" or less on either side of the existing facility.

*Id.* These requirements were placed on both MasTec and its downstream contractors, such as A&A Cable. In this case, Staff's Initial Report finds that A&A Cable failed to pothole while boring. This was a direct violation of Brightspeed's own safety directive and MasTec's Work Description Contract. This was an isolated act, and outside the unambiguous safety standards directed by Brightspeed.

11. A&A Cable's actions resulted in their immediate termination from the project. In addition, both Brightspeed and MasTec have banned the use of A&A Cable as a contractor on any projects in any markets.
12. MasTec subsequently issued a Corrective Action Plan that was reviewed by Brightspeed to ensure not only that similar incidents do not occur, but also that Brightspeed and its contractors operate at the highest levels of safety and compliance standards. This includes additional MasTec personnel on-site (Construction Manager and one Quality Control Inspector); pre-construction walkthroughs on the excavation route; visual validation of locate marks; the "daylight" all utilities along the path that are within 2' of the proposed infrastructure that will be installed; and other requirements to validate that crews are operating with the highest standard of care that exceeds statutory requirements.
13. To reiterate, Brightspeed has reviewed the Staff Recommendations and is implementing them as outlined. These Recommendations are being shared amongst internal Brightspeed teams to ensure that construction, engineering, and procurement decisions reflect these requirements. In addition, our contractors will be expected to take steps to confirm that they are operating within the strictest measures of safety. For these reasons, and in consideration of the details noted above, Brightspeed suggests that no additional complaint is warranted in light of the remedial actions implemented by the parties.

WHEREFORE, Brightspeed requests that the Commission take this Response into consideration during its deliberations and determine that a formal Complaint against Brightspeed is not warranted in light of the evidence and remedial actions implemented by the parties.

Respectfully Submitted,

**/s/ Tim Opitz**

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ATTORNEY FOR BRIGHTSPEED

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 30<sup>th</sup> day of June 2025:

**/s/ Tim Opitz**

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## **Exhibit. A**

### **Brightspeed Reponses to Staff Recommended Actions**

At pages 45-46 of its Initial Report, Staff makes certain recommendations to Brightspeed numbered as paragraphs 7 through 10. Below, are Brightspeed's responses:

**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.**

Brightspeed appreciates this recommendation and is actively ensuring that our contractors adhere to the highest standards of safety and regulatory compliance. We have taken the following steps to address the recommendations:

Our contractors are contractually required to contact the state specific One Call Notification Center (Mo. 811) in accordance with the governing laws and regulations and obtain a location ticket number or other receipt evidencing Supplier's compliance with the governing laws and regulations before performing any excavation, drilling, or boring. This includes all safety and reporting standards, which includes the notification of Mo. 811 following any excavation damage, as required by RSMo Section 319.026 *et seq.*

We will take this recommendation and share it with our Missouri contractor to remind them of their obligations to contact both 811 and 911 in the event that pipeline damage occurs.

**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.**

Brightspeed will require that the contractor performing the excavation, drilling, or boring activity be responsible for submitting the 811 locate tickets associated with their work. While we do not believe that JCE Utilities' submission of the locate ticket in the area associated with the line strike either caused or contributed to the occurrence (concurring with Staff Analysis 3.1), we also recognize that the contractor performing the work is in the best position to mark and identify the work zone. Accordingly, we will require that the excavating contractor submit locate tickets for their own planned work.

**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.**

Brightspeed is committed to ensuring that our telecommunications cable installations meet the safety and quality standards set by 20 CSR 4240-18.010. In furtherance of this goal, we will undertake a comprehensive evaluation of our procurement requirements to ensure that newly

onboarded contractors and downstream subcontractors are held to the strictest compliance standards. We will review and update our Environmental and Safety Requirements to ensure that it fully conveys the applicable local, state, laws and regulations applicable to their scope of work.

**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.**

Brightspeed is committed to continuously minimizing the potential for excavation-related damages during underground facility installations. We recognize that preventing such incidents requires a multifaceted strategy, and we are actively evaluating additional actions to further enhance our safety protocols.

We expect contractors to take a more thorough pre-excavation assessment and provide continued oversight during the excavation process. MasTec's Corrective Action Plan outlined many steps that have been implemented as standard protocol. This plan included adding additional inspectors to ensure pre-excavation quality control and oversight. During preconstruction meetings, field supervisors will walk the entire underground route with the crew to validate all locate marks are visible and that all utilities have been properly located with the valid Locate Ticket on site. These tickets are created and filed by the excavating party. If there are utilities that are not located, the excavators will stand-down until the utilities are properly marked.

MasTec Excavation crews will be required to pothole or otherwise adequately expose all utilities along the path that are within 2' of the proposed infrastructure that will be installed. The crews will identify the depth of the exposed utility by marking the depth next to the pothole with white marking paint/chalk. These exposed utilities should be documented and recorded for quality assurance. The exposed utilities will be verified by the general contractor to ensure that all applicable spacing requirements (i.e. Section 319.037.2, RSMo.) are met and approved before drilling operations commence.

We will also ensure that all contractors are reminded of the importance of immediately calling 911 if any issues are detected, and to ensure that all interested parties to any excavation project have a full list of contact numbers for all other contractors and utilities.