

**DIRECT TESTIMONY**

**Of**

**ANTHONY VOSS**

Contract Management Supervisor and Quality Assessor

Nicor Gas Company

On Behalf of the  
Illinois Commerce Commission

**Illinois Commerce Commission vs. Wheatland Contractors, Inc.**

Docket No. 08-0507

October 8, 2008

1 **Q. Please state your name and business address.**

2 A. Anthony Voss, 408 S. River St., Aurora IL 60506

3

4 **Q. By whom are you employed and what are your current duties?**

5 A. I am currently a Contract Management Supervisor for Nicor Gas Company ("Nicor  
6 Gas" or "Company"). When I was a Location Quality Assessor, my duties required  
7 that I investigate main damages and report damages to the Illinois Commerce  
8 Commission ("Commission") when Nicor Gas suspected that an excavator willfully  
9 violated the JULIE law.

10

11 **Q. Please state your work history.**

12 A. Prior to becoming a Contract Management Supervisor, I was a Locating Quality  
13 Assessor for the Nicor Gas Locating Department from February 2002 through  
14 January 2006. My duties required that I perform quality checks on contract  
15 locators, provide safety training to excavators, investigate damages and  
16 administrate all reports for the Locating Department. This included the reporting of  
17 main damages to the Commission when Nicor Gas suspected that an excavator  
18 willfully violated the JULIE law.

19

20 **Q. On whose behalf are you testifying?**

21 A. I am testifying on behalf of the Staff of the Commission ("Staff").

22

23 **Q. What is the purpose of your testimony?**

24 A. My testimony will describe the events of which I have knowledge and contacts I  
25 have had with Wheatland Contractors, Inc. with respect to the January 10, 2005  
26 incident described in the Initiating Order in this docket.

27

28 **Q. Did Wheatland Contractors, Inc. provide notice to Nicor Gas of excavation it  
29 was to perform at 137 Willowood Drive, Oswego, Illinois, on January 10,  
30 2005?**

31 A. No.

32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62

**Q. Please describe the underground facilities that Nicor Gas operates at 137 Willowwood Drive, Oswego, Illinois.**

A. Nicor Gas operates a 2” P.E. gas main operating at a pressure of 60 p.s.i. This facility was buried at a depth of 32”.

**Q. What are the potential consequences of causing damage to these facilities?**

A. There are many potential consequences of causing damage to natural gas facilities. The ramifications of damaged equipment and interrupted service are serious. Loss of natural gas service can leave communities without heat, hot water and cooking for homes as well as interrupt manufacturing and production by businesses. In addition, natural gas is a volatile substance which can ignite or create an explosive atmosphere when in an uncontrolled state.

**Q. Please describe the incident that resulted in the damage to Nicor Gas’ facility at 137 Willowwood Drive, Oswego, Illinois on January 10, 2005.**

A. It was reported to me by the Nicor Gas repair crew, on that date, that an employee of Wheatland Contractors, Inc. operating a trenching machine on the east side of Willowwood Drive struck Nicor Gas’ 2” P.E. main with his machine while digging a hole. The strike to the main damaged the pipe and caused an escape of natural gas.

**Q. How was Nicor Gas notified of this incident?**

A. According to Nicor Gas records, Nicor Gas received a call from Wheatland Contractors, Inc. on January 10, 2005, at 08:52 a.m. stating that Nicor Gas’ 2” main at 137 Willowwood Drive in Oswego, Illinois was hit.

**Q. Was the gas service to any of Nicor Gas’ customers interrupted as a result of this excavation?**

A. No.

63

64 **Q. Has the damage been repaired?**

65 A. Yes. Nicor Gas repaired the main on January 10, 2005, at a cost of \$5,477.09.

66

67 **Q. Did Wheatland Contractors, Inc. pay for any of the cost of repair?**

68 A. Wheatland Contractors, Inc. paid Nicor Gas \$3,000 on September 7, 2006.

69

70 **Q. Was there any determination whether Nicor Gas' facility at the location was**  
71 **properly marked?**

72 A. No determination was made, which would be expected since there is no record of  
73 a JULIE call for that location.

74

75 **Q. Did Nicor Gas file an incident report with the Commission regarding this**  
76 **incident?**

77 A. Yes.

78

79 **Q. Was the report prepared in the ordinary course of business?**

80 A. Yes.

81

82 **Q. What did the incident report state?**

83 A. A copy of the report is attached as Exhibit A.

84

85 **Q. Has Nicor Gas had any similar incidents in which Wheatland Contractors, Inc.**  
86 **failed to call JULIE?**

87 A. No.

88

89 **Q. Does this complete your direct testimony?**

90 A. Yes.

**ILLINOIS COMMERCE COMMISSION**  
 Illinois Underground Utility Facilities Damage Prevention Act  
 Incident Report From WEB - Case Number 0013-05

**Mail or Fax To:**  
 Manager, JULIE Enforcement  
 Illinois Commerce Commission  
 527 E. Capitol Avenue  
 Springfield, IL 62701  
 Fax (217) 524-5516  
 Questions (217) 782-5911

**Provide the following information and include copies of any relevant photos, drawings, damage reports, etc.**

<b>INCIDENT DATE &amp; TIME:</b>		<b>REPORT DATE:</b>	
Date: 1/10/05	Time: 8:52	02/04/2005	
<b>REPORTER:</b> Jan Modaff	Company: Nicor Gas	Address: 1947 Bethany Drive	City: Sycamore
State: IL	Zip Code: 60178	Work No.: 8157543342	Fax No.: 8158952382
<b>EXCAVATOR:</b> Wheatland Contractors		E-Mail: jmodaff@nicor.com	
Contact Person: Clyde Myer	Address: 31W300 Schoger Drive	Work No.: 6308988744	Fax No.:
City: Naperville	State: IL	E-Mail:	Zip Code: 60564
<b>UTILITY OPERATOR:</b> Nicor Gas			
<b>LOCATE COMPANY:</b> Nicor Gas			
<b>INCIDENT LOCATION:</b>		<b>Please Check One:</b>	<b>Please Check One:</b>
Address: 137 Willowood Drive	City/Town: Oswego	Public Property: <input checked="" type="checkbox"/>	State ROW*: <input type="checkbox"/>
County: Kendall		Private Property: <input type="checkbox"/>	City ROW: <input checked="" type="checkbox"/>
			County ROW: <input type="checkbox"/>
			*Right of Way

**INCIDENT DESCRIPTION:**

Provide a detailed explanation of the circumstances and cause of the incident:

Wheatland Contractors failed to call JULIE for a locate request for work being done at 137 Willowood Drive in Oswego. As a result, the contractor damaged an unmarked 2" PE Main.

If the incident was a result of the owner's/operator's failure to mark properly the location of underground facilities, provide a detailed sketch and/or picture of the incident area and the damaged facilities that includes (a) the underground utilities, roads, fixed landmarks, etc., (b) the point of damage using distances to the landmarks, (c) the actual position of each paint mark or flag placed by the operator for the facility, and (c) the actual distances between the facilities and the paint or flags.

JULIE Dig Number(s):

Mechanical Equipment/Hand Tool Involved:

Nature of Excavation or Demolition (Trenching/Plowing/Drilling/Boring/etc.):

Direction of Excavation relative to the facility: Parallel  Perpendicular

**INCIDENT IMPACT:**

No. Customers Affected:  Repair Cost:

Injury - No. of Outpatient Care:  Injury - No. of Inpatient Care:  Fatalities:

Fire Department Response: Yes  No  Police Department Response: Yes  No

Other Property Impacted:

Other Property Repair Cost:

**FACILITIES INVOLVED:**

Type of facility (check one):

Gas  Water  Electric  CATV  Telecommunications  Sewer  Common Carrier Pipeline

Material Type (check one):

Steel  Plastic  Cast Iron  Copper  Fiber Optic  Concrete Other:

Facility Size: Pipe:  inches diameter

Operating Pressure:  psig / inches water

Voltage:  Volts / Kv

Other:

Facility Function (check one):

Service  Main  Primary  Secondary  Transmission  Trunk Other:

Depth of Facility:  inches