

**UNDERGROUND TECHNICAL COMMITTEE - UTC (ORC 3781.34)**

UTC CONSISTS OF 4 COMMERCIAL EXCAVATORS INDUSTRY STAKEHOLDERS, & 1 EACH FROM THE FOLLOWING: NATURAL GAS TRANSMISSION PIPELINE, NATURAL GAS DISTRIBUTION, ELECTRIC UTILITIES, ELECTRIC COOPERATIVES, OIL & GAS PRODUCERS, TELEPHONE INDUSTRY, CABLE SERVICE PROVIDERS, LOCATING INDUSTRY, MUNICIPAL CORP'S, DOT, GENERAL PUBLIC, HAZARDOUS LIQUIDS PIPELINE, DESIGNER/DEVELOPER/SURVEYOR. MEMBERS ARE APPOINTED BY GOVERNOR & LEGISLATIVE LEADERS.

AN AGGRIEVED PERSON FILES A REQUEST FOR INQUIRY WITH THE PUCO WITHIN 90 DAYS OF DISCOVERING THE COMPLIANCE FAILURE (ORC 4913.05)

PUCO NOTIFIES PERSON RESPONSIBLE WITHIN 10 BUSINESS DAYS OF RECEIVING REQUEST FOR INQUIRY (ORC 4913.05)

PERSON RESPONSIBLE FOR ALLEGED COMPLIANCE FAILURE MAY, WITHIN 30 DAYS OF RECEIVING NOTICE, RESPOND BY PROVIDING ANY INFORMATION RELEVANT TO THE REQUEST FOR INQUIRY, INCLUDING ADMISSION (ORC 4913.07)

PUCO CONDUCTS AN INQUIRY TO DETERMINE IF THERE WAS A COMPLIANCE FAILURE & SUBMITS REPORT TO UTC (ORC 4913.09 & 4913.13)

UTC WILL REVIEW EVERY REPORT SUBMITTED TO IT BY PUCO, WITHIN 90 DAYS (ORC 4913.15)

UTC RECOMMENDS FINE OR NON-MONETARY PENALTY AND REPORTS TO PUCO THAT THE PERSON IS A PERSISTENT NONCOMPLIER (ORC 4913.17)

**1<sup>ST</sup> COMPLIANCE FAILURE:**  
UTC MAY RECOMMEND TRAINING/EDUCATION REQUIREMENT, FINE UP TO \$2,500 OR COMBO

**SUBSEQUENT COMPLIANCE FAILURE:**  
TRAINING/EDUCATION REQUIREMENT, FINE UP TO \$5,000 OR COMBO (ORC 4913.151)

UTC RECOMMENDS FINE OR NON-MONETARY PENALTY IN CONSIDERATION OF PERSONS DEMONSTRATED HISTORY OF ONE-CALL & EXCAVATION PRACTICES, NATURE/GRAVITY OF COMPLIANCE FAILURE ETC. (ORC 4913.20)

UTC DETERMINES NO ENFORCEMENT ACTION SHOULD BE TAKEN (ORC 4913.15)

UTC FAILS TO TAKE ACTION WITH IN 90 DAYS (ORC 4913.16)

PUCO RECOMMENDS FINE OR NON-MONETARY PENALTY & SUBMITS AMENDED REPORT TO UTC. UPON RESUBMISSION, UTC HAS 30 DAYS TO RESPOND

PUCO MAY IMPOSE A FINE OF UP TO \$10,000, IN ADDITION TO FINES RECOMMENDED BY UTC (ORC 4913.171)

PUCO SHALL NOTIFY THE AGGRIEVED PERSON & ALLEGED RESPONSIBLE PARTY OF ANY PENALTY OR NON-MONETARY FINE, OR OF A DISMISSAL. PERSON SUBJECT TO FINE SHALL PAY WITHIN 60 DAYS OF NOTICE; PERSON SUBJECT TO NON-MONETARY PENALTY SHALL BEGIN COMPLIANCE WITHIN 30 DAYS OF NOTICE (ORC 4913.22)

UTC FAILS TO TAKE ACTION WITHIN 30 DAYS

UTC DETERMINES NO ENFORCEMENT ACTION SHOULD BE TAKEN

UTC RECOMMENDS FINE OR PENALTY

PUCO IMPOSES ITS RECOMMENDED FINE OR PENALTY

WITHIN 30 DAYS OF NOTICE, THE AGGRIEVED PERSON OR ALLEGED RESPONSIBLE PARTY MAY FILE AN APPLICATION FOR RECONSIDERATION WITH PUCO. FAILURE TO FILE FOR RECONSIDERATION WILL MAKE ANY FINDINGS FINAL & ENFORCEABLE (ORC 4913.25)

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# SENATE BILL 378 ENFORCEMENT PROCESS FLOW

DISCLAIMER: This document is for informational purposes only. For further information, seek legal counsel.