

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

In the Matter of Gateway Infrastructure, LLC)
And Spire Missouri Inc d/b/a Spire Concerning) File No. GS-2023-0372
A Natural Gas Incident At 3 Millers Court)
In O’Fallon, Missouri)

GATEWAY INFRASTRUCTURE, LLC RESPONSE TO STAFF’S INCIDENT REPORT

Comes now Gateway Infrastructure, LLC (Gateway Fiber) pursuant to the Missouri Public Service Commission’s May 3, 2023 Order, and files this response:

1. Relating to the incident at 3 Millers Ct. O’Fallon, MO on March 1, 2022, Safety & Engineering Staff of the Missouri Public Service Commission investigated the incident and requested data and information from Gateway Infrastructure, LLC and Spire Missouri.
2. On April 26, 2023, Staff of the Missouri Public Service Commission filed its Incident Report and requested that the Commission open a docket to accept the report and order a response from Gateway Infrastructure, LLC and Spire Missouri.
3. On May 3, 2023 the Commission issued an order accepting Staff’s report.
4. In its report, Staff concluded that Gateway Infrastructure, LLC violated 20 CSR 4240-18.010 and 319.037.2 RSMo.
5. Gateway Infrastructure, LLC disagrees that the company violated provisions of law that are the obligation of those who are contracted to perform the work. Nevertheless, Gateway Infrastructure, LLC had already begun modifying processes and provisions in advance of the investigation and findings of the Missouri Public Service Commission as defined in the Attachment.

Gateway Infrastructure, LLC respectfully requests that the Missouri Public Service Commission accept this response.

Respectfully Submitted,



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ATTACHMENT

Gateway Fiber is in receipt of the incident investigation report issued by the MO PSC on April 24, 2023 relating to the natural gas damage located at 3 Millers Ct. in O'Fallon, MO in March of 2022.

As noted in multiple sections throughout the report (including pages 5, 6, 29, & 30) the MO PSC alleges that Gateway Fiber failed to maintain 12 inches of separation between communications lines and gas lines as well as failed to confirm the horizontal and vertical location of the natural gas main. As mentioned in our response to the MO PSC inquiry, Gateway Fiber contracts with construction companies to install infrastructure throughout our service territory. Those contracts, and Gateway Fiber's expectations, are that those contractors follow all requisite laws, codes, and construction standards. Thus the obligation to maintain that clearance and requirement to expose utilities in accordance with 319.037 is the responsibility of that contractor.

FINDINGS

The MO PSC recommends that Gateway Fiber implement two initiatives in response to the report's findings. Specifically, the recommendations are as follows:

1. *Review, evaluate, and update, as necessary, its contractor procurement and oversight procedures and practices to ensure that telecommunications cables installed on behalf of Gateway are installed in accordance with 20 CSR 4240-18.010 and submit the results of the evaluation and a schedule for modifications to the Commission.*

While Gateway Fiber acknowledges that contractors are the obligated party, we have taken steps to address these matters moving forward. For any newly issued contract for the installation of Gateway Fiber's infrastructure, an explicit provision will be included to require compliance with 20 CSR 4240-18.010 as well as relevant provisions of the NESC. Contractors will be informed of these specific provisions during the onboarding process. Gateway Fiber will also include an assessment of compliance within our standard inspection process.

2. *Evaluate actions that Gateway can take to minimize damages to natural gas pipelines by excavations when installing telecommunications cables. Staff further recommends that Gateway submit the results of the evaluation and a schedule for actions to the Commission.*

Gateway Fiber has already implemented an industry-leading damage prevention process to ensure the safe installation of our infrastructure. In addition to onboarding training delineating laws and expectations, Gateway Fiber contracts with a third party for damage prevention services to assess locate requests for accuracy and compliance. In addition to confirming statuses for all utilities, the third party documents all markings via GPS, confirms and records depth of utilities for all crossings, confirms potholing when necessary, verifies the use of best practices on site during excavation, and works with Gateway Fiber contractors and utilities to facilitate safe excavation by identifying issues and ensuring that they are reported to the relevant parties. These services were implemented in April of 2022 and continue on Gateway Fiber projects today. Moreover, in the Fall of 2022, Gateway Fiber began requiring contractors to vacuum excavate near natural gas lines in certain areas to mitigate the risk of shovel strike damages.

CONCLUSION

We believe that the actions that we have taken since the incident demonstrate Gateway Fiber's commitment to damage prevention and excavation safety.

If you have any additional questions, please contact us.