

10- R -1370

(Do Not Write Above This Line)

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

**AA RESOLUTION TO AUTHORIZE
THE MAYOR OR HIS DESIGNEE
TO ENTER INTO A CONSENT
AGREEMENT WITH THE PUBLIC
SERVICE COMMISSION, STATE
OF GEORGIA AND TO
AUTHORIZE PAYMENT
PURSUANT TO THE CONSENT
AGREEMENT IN THE AMOUNT OF
~~XX~~ THOUSAND DOLLARS AND NO
CENTS (~~\$XX,000.00~~); AND FOR
OTHER PURPOSES.**

substitute **ADOPTED BY
AUG 16 2010
COUNCIL**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee City Utilities
 Date July 27, 2010
 Chair Chalmer Archibald
 Action
 Fav, Adv, Hold (see rev. side) _____
 Other ON substitute
 Members
[Signature]
[Signature]
[Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION

- 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 AUG 16 2010
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 AUG 16 2010
Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 AUG 14 2010
[Signature]
 MAYOR



A SUBSTITUTE RESOLUTION BY

CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONSENT AGREEMENT WITH THE PUBLIC SERVICE COMMISSION, STATE OF GEORGIA AND TO AUTHORIZE PAYMENT PURSUANT TO THE CONSENT AGREEMENT IN THE AMOUNT OF TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is responsible for operating and maintaining the City's drinking water and wastewater system (the "System"); and

WHEREAS, the City is a municipal corporation, subject to the jurisdiction of the Georgia Utility Facility Protection Act, O.C.G.A. § 25-9-1 *et seq.* (the "Act"); and

WHEREAS, the Act imposes various requirements upon the City to locate and mark facilities and to contact the Utility Protection Center before excavating and to avoid damaging facilities of other utilities while excavating among other things; and

WHEREAS, the Georgia Public Service Commission (the "Commission") is authorized to enforce provisions of the Act; and

WHEREAS, the Commission received notices of probable violation alleging the City violated the Act in twenty-two (22) incidents between January 2009 and May 2010 because it failed to properly locate its facility within 48 hours, failed to contact the Utilities Protection Center before excavating or damaged another utility's marked facility, among other allegations; and

WHEREAS, the Commission has proposed a Consent Agreement attached herewith as "Exhibit A" ("Proposed Consent Agreement") to resolve these alleged violations; and

WHEREAS, the Proposed Consent Agreement shall not constitute a finding or adjudication of violations of any State law nor does the City, by its consent, agree to any violation of state law or admit any liability; and



WHEREAS, the City and the Commission desire to resolve the matter of the alleged violation;
and

WHEREAS, it is in the City's best interest to enter the Proposed Consent Agreement.

NOW, THEREFORE, IT IS HEREBY REOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, , that the Mayor or his designee is authorized to execute the Proposed Consent Agreement and to pay the amount of Twenty Thousand Dollars and No Cents (\$20,000.00) to the Commission to resolve alleged violations of the Act as set forth in the Proposed Consent Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer of the City is authorized to issue a check in an amount of Twenty Thousand Dollars and No Cents (\$20,000.00) to the Commission pursuant to the Proposed Consent Agreement.

AND FINALLY BE IT RESOLVED, that said payment will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water and Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

A true copy,

Rhonda Daughia Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

AUG 16, 2010
AUG 24, 2010

COMMISSIONERS:

LAUREN "BUBBA" McDONALD, JR., CHAIRMAN
STAN WISE
ROBERT B. BAKER, JR.
CHUCK EATON
H. DOUG EVERETT



DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

DANNY L. MCGRUFF
PIPELINE/FACILITIES SAFETY DIRECTOR

Georgia Public Service Commission

(404) 463-6526
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
www.psc.state.ga.us

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION STATE OF GEORGIA

IN THE MATTER OF:

City of Atlanta Water Shed Department
Respondent

CASE NUMBER: PSC 10-01377, 10-01374, 10-01378, 10-01379, 10-01380, 10-01382, 10-01385, 10-01386, 10-01387, 10-01388, 10-01389, 10-01390, 10-01391, 10-01392, 10-01393, 10-01394, 10-01395, 10-01396, 10-01828, 10-01829, 10-02433 and 10-02435

CONSENT AGREEMENT

City of Atlanta Water Shed Department, (Respondent"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Utility Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on various dates, Respondent violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent hereby agrees that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent agrees that it will abide by the terms of this Consent Agreement.

2.

Respondent agrees that it will comply with all applicable provisions of the Act.

EXHIBIT A



3.

~~\$ 550,000.00~~
\$ 20,000.00

Respondent agrees that it will pay to the Commission a penalty of ~~\$ 550,000.00~~ within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Attention: Mr. Gary Mason, GUFPA Case Manager
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds.

4.

Respondent understands that failure to comply with the terms of this Consent Agreement could subject it to additional penalties.

5.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent enters into this Consent Agreement without admission of fault or liability.

6.

The undersigned authorized representative of the Respondent acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____ 2010.

Consented to:

(Sign, date and mail or fax)

On behalf of: City of Atlanta Water Shed Department

PSC 10-01377, 10-01374, 10-01378, 10-01379, 10-01380, 10-01382, 10-01385, 10-01386, 10-01387, 10-01388, 10-01389, 10-01390, 10-01391, 10-01392, 10-01393, 10-01394, 10-01395, 10-01396, 10-01828, 10-01829, 10-02433 and 10-02435

RCS# 487
8/16/10
3:14 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1338,10-R-1416

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	B Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	B Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		08-16-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 10-O-1422	38. 10-R-1381	
2. 10-O-0603	39. 10-R-1382	
3. 10-O-1279	40. 10-R-1383	
4. 10-O-1345	41. 10-R-1384	
5. 10-O-1421	42. 10-R-1385	
6. 10-O-1276	43. 10-R-1386	
7. 10-O-1417	44. 10-R-1387	
8. 10-O-1272	45. 10-R-1388	
9. 10-R-1368	46. 10-R-1389	
10. 10-R-1369	47. 10-R-1390	
11. 10-R-1370	48. 10-R-1391	
12. 10-R-1372	49. 10-R-1392	
13. 10-R-1409	50. 10-R-1393	
14. 10-R-1411		
15. 10-R-1412		
16. 10-R-1413		
17. 10-R-1414		
18. 10-R-1415		
19. 10-R-1423		
20. 10-R-1424		
21. 10-R-1425		
22. 10-R-0727		
23. 10-R-1394		
24. 10-R-1401		
25. 10-R-1402		
26. 10-R-1403		
27. 10-R-1404		
28. 10-R-1405		
29. 10-R-1406		
30. 10-R-1426		
31. 10-R-1427		
32. 10-R-1375		
33. 10-R-1376		
34. 10-R-1377		
35. 10-R-1378		
36. 10-R-1379		
37. 10-R-1380		