

- BEFORE THE UNDERGROUND FACILITIES DAMAGE DISPUTE BOARD -

Request of KCI Inc. for Arbitration	<u>DOCKET NO. 25-999-13</u> <u>NOTICE REGARDING REQUEST FOR</u> <u>ARBITRATION</u>
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ISSUED: May 14, 2025

On May 14, 2025, the Public Service Commission (PSC) received the attached request for arbitration from Mr. Aaron Kinikini on behalf of KCI Inc. Mr. Kinikini requests arbitration related to damaged underground facility of Enbridge Gas Utah. This request for arbitration is governed by Utah Code Ann. § 54-8a-13, which is available at this link: https://le.utah.gov/xcode/Title54/Chapter8A/54-8a-S13.html?v=C54-8a-S13_1800010118000101

The PSC provides administrative support to the Underground Facilities Damage Dispute Board ("Board"). Pursuant to that role, any interested party may provide additional information regarding this dispute, including whether the disputing parties agree to arbitration as required by Utah Code Ann. § 54-8a-13(5), to the PSC by **Tuesday, June 3, 2025** at psc@utah.gov. The PSC will forward that information to the Board and provide administrative support for the next steps pursuant to the governing statute.

This notice is being sent to the email address of Mr. Kinikini, the email addresses the PSC has on file for Enbridge Gas Utah, and the mailing address provided on the internet website of Blue Stakes of Utah 811 (PO Box 95988, South Jordan, UT 84095-0988).

DOCKET NO. 25-999-13

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DATED at Salt Lake City, Utah, May 14, 2025.

/s/ Gary L. Widerburg
PSC Secretary
DW#339786

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ATTACHMENT

DOCKET NO. 25-999-13

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5/14/25, 12:09 PM

State of Utah Mail - KCI INC is requesting Arbitration under Utah Code 54-8a-13



PublicService Commission <psc@utah.gov>

KCI INC is requesting Arbitration under Utah Code 54-8a-13

1 message

Reporting Server <noreply@bluestakes.org>
To: psc@utah.gov
Cc: aaron.kinikini@learlaw.com

Wed, May 14, 2025 at 11:28 AM

An Underground Facilities Damage Dispute Board has been established according to Utah state law [54-8a-13](#).

This board is created to arbitrate a dispute arising from a facility owner's or an excavator's violation of Title 54, Chapter 8a - Damage to Underground Utility Facilities in the Utah State Code, familiarly known as "The Blue Stakes Law".

The following information was submitted regarding this written request for Arbitration:

Requester's
Full Name: **Aaron Kinikini**

Requester's
Company: **KCI INC**

Requester's
Phone
Number: **8015385004**

Requester's
E-mail
Address: **aaron.kinikini@learlaw.com**

Date Of
Incident: **02/06/2023**

Blue Stakes
Ticket
Number(s): **C30250780**

Company(s)
in Dispute: **Enbridge Gas**

Dispute
Explanation: **On or about February 7, 2023, KCI INC was excavating at approximately [8274 S Pine Springs Cove, Sandy, Utah](#) and struck an underground facility owned by Enbridge Gas, resulting in damages of approximately \$4702.54. KCI INC complied with the notice to operator requirements contained in UCA 54-8a-4. Nonetheless, Enbridge Gas failed comply with its marking obligations set forth at UCA 54-8a-5, by failing to mark its underground facilities in the area of excavation. As such, Enbridge Gas should bear the cost of repairs to its underground facilites resulting from its failure to mark. However, Enbridge Gas is presently seeking to recover those costs in a lawsuit against KCI INC, filed in Utah State Court (3rd District Court, Case No. 259912597). KCI INC requests arbitration with Enbridge Gas in order to resolve this issue.**

User IP
Address: **69.27.11.114**

CERTIFICATE OF SERVICE

I CERTIFY that on May 14, 2025, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By USPS:

Blue Stakes of Utah 811
PO Box 95988
South Jordan, UT 84095-0988

By Email:

Aaron Kinikini (aaron.kinikini@learlaw.com)
KCI Inc.

Jenniffer Nelson Clark (jenniffer.clark@dominionenergy.com)
Kelly Mendenhall (kelly.mendenhall@dominionenergy.com)
Enbridge Gas Utah

Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

/s/ Fred Nass _____
Administrative Assistant