



**TIM GRIFFIN**  
ATTORNEY GENERAL

January 17, 2024

The Honorable Terry Rice  
The Honorable Jeff Wardlaw  
Arkansas Legislative Council  
One Capitol Mall  
Little Rock, Arkansas 72201

***RE: Quarterly Report – Arkansas Underground Facilities Damage Prevention Act***

Dear Co-Chairs Rice and Wardlaw:

In accordance with Arkansas Code Annotated § 14-271-104(g), I submit this quarterly report for review by the Arkansas Legislative Council. This report covers the period from October 1, 2023, through December 31, 2023.

Act 309 of 2023, which amended the Arkansas Underground Facilities Damage Prevention Act (the “AUFDP”), was enacted with an emergency clause on March 24, 2023. That legislation requires, *inter alia*, that my office report (1) the number of complaints submitted under the AUFDP; (2) the number of the submitted complaints that were settled or prosecuted; and (3) the amount of fines collected during the previous quarter.

In my Third Quarter Report of 2023, I informed the Council about my office’s efforts to raise public awareness about damage to underground facilities and the requirements of the AUFDP. In this quarter, my office has seen progress in its enforcement of the AUFDP. My office mailed out one hundred eleven letters to excavators notifying them that my office had received complaints that they violated the AUFDP. In these letters, I requested that they voluntarily undergo training in underground facilities damage prevention offered by the One Call Center as required by the AUFDP. From October 1, 2023, to December 31, 2023, the One Call Center has confirmed that fifty-eight excavators have completed the training. My office will follow up with the excavators that have not completed the training or that have not responded to the letters. My office continues to work closely with the One Call Center throughout this process.

As stated in my previous quarterly reports, my office has filed one lawsuit.<sup>1</sup> My office resolved that matter on November 20, 2023, after the Defendants agreed to a Consent Judgment. The Defendants agreed to pay a \$20,000.00 civil penalty the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. 4-88-101 *et seq.*

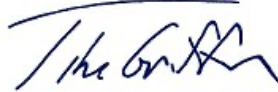
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<sup>1</sup> *State of Arkansas v. Ground Zero Construction, Inc.*, Case No. 04CV-23-1125, filed in the Circuit Court of Benton County, Arkansas on April 27, 2023.

Finally, from October 1, 2023, to December 31, 2023, my office has received seventy-seven complaints against excavators, compared to one hundred three complaints in the prior quarter.<sup>2</sup> We have also received two complaints against operators of underground facilities, which allege that they did not timely mark underground facilities.

If you have questions or concerns, please do not hesitate to contact me at (501) 837-5190. With best regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tim Griffin', with a horizontal line above it.

Tim Griffin

CC: Scott Bowman, Chief Executive Officer, Arkansas One Call Center (811)  
Danni Hoefler, Chief of Staff, Arkansas Public Service Commission  
Michael Marchand, Executive Director, Arkansas Public Service Commission  
Jason Donham, Pipeline Safety Program Manager, Arkansas Public Service Commission

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<sup>2</sup> Cooperative Tech Solutions continues to submit “complaints” against ARKUPS/AT&T with insufficient information and were not actionable pursuant to Act 309, therefore we did not count the eleven “complaints” in our final total above.