

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

In the Matter of a Repository Docket for)	
Materials Relating to the Underground)	Case No. GW-2010-0120
Facility Damage Prevention Project.)	

**COMMENTS OF AMERENUE
ON POTENTIAL CHANGES TO CHAPTER 319 RSMO**

At the recent Roundtable held in the above-captioned proceeding, the Staff of the Missouri Public Service Commission (Staff) requested that interested participants provide comments regarding potential changes to the provisions of Chapter 319 RSMo. To that end, Union Electric Company, d/b/a AmerenUE (AmerenUE) submits the following comments.

General Comments

AmerenUE is very supportive of the Missouri Public Service Commission (Commission) and Staff desire to improve underground damage prevention efforts in the State of Missouri. AmerenUE is an excavator as well as an underground facility owner and so is directly impacted by and recognizes the importance of having a successful damage prevention program in Missouri. AmerenUE is also appreciative of the opportunity to comment on the draft statutory language provided by Staff.

Comments on Specific Sections

319.015(6) - defines an extended excavation project as one that will not be completed within fifteen working days. AmerenUE believes a more appropriate length of time would be thirty calendar days. The fifteen day timeframe may result in many excavators requesting marks be “refreshed” to ensure they are in compliance with the law, but that will result in an increased cost to the facility owner without an added safety benefit.

319.025 – AmerenUE suggests the Commission consider adding language to this section to require excavators to white-line the area to be excavated. This will reduce locating time by eliminating unnecessary areas to be marked and will allow the locator to concentrate its efforts in the needed area. This concept has been heavily promoted in other states, such as Illinois at their annual contractor education meetings. AmerenUE believes this idea provides benefits for all parties involved.

319.026 – AmerenUE does not support the added requirement that excavators notify the call center when they complete excavation and that the call center issue a notification to the facility owners. This step seems unnecessary and imposes an added cost upon excavators that does not result in improved safety. As an excavator, AmerenUE calls in thousands of location requests a year. This requirement, by definition, would double the number of calls AmerenUE is required to make to the Missouri One Call System.

319.030 – AmerenUE also does not believe it necessary to require facility owners to provide notices of completion of facility marking. As an underground facility owner, AmerenUE processes approximately 300,000 tickets per year. This requirement, while necessarily doubling that number, would not appreciably improve safety. An excavator knows if a facility owner has marked the property because the locate marks provide positive assurance the work was completed.

319.040.1 – AmerenUE encourages the Commission to more clearly define what would constitute failure to respond. The statute should be very clear and should specify exactly what event triggers the presumption of negligence.

319.046 – AmerenUE believes full enforcement of this law is important and necessary for reaching the goal of improving safety of excavations. AmerenUE believes this goal underlies the Commission’s efforts in revising this statute and supports that effort.

319.060 – AmerenUE already has performance standards in contracts with our locating vendors and believe it appropriate for the Commission to ensure that quality assurance standards or metrics are in place. However, AmerenUE believes that it is inappropriate for the Commission to set specifics quality assurance standards and that those decisions are best left to utility management.

319.065 – The Commission should consider more clearly setting forth what the review board will do, what triggers its involvement and how the board interacts with the Commission’s authority to enforce violations of this statute.

319.070 – For security reasons, AmerenUE does not share its mapping information with anyone outside of AmerenUE except for locating vendors. Our mapping systems for electric systems are schematic and not an exact as-built type drawing for use in marking precise locations. New installations for gas lines have tracer wires, but many existing gas mains and services do not. Further, AmerenUE believes that imposing this requirement should not be seen as a panacea which solves all problems with locations of underground facilities. Even with the best mapping and locating technology, locating underground facilities is not an exact science and relies in part on the skills and experience of the locator.

Finally, at the October workshop at least one party mentioned adding a requirement for the underground facility owner to provide information related to the depth of underground facilities. AmerenUE’s policy has been to not provide this information. Even though AmerenUE initially buries its facilities, we have no control over what happens afterward – a

developer or homeowner may cut or fill over our facilities. AmerenUE would never know. This becomes a safety and damage prevention issue if an excavator relies on AmerenUE to guess at the depth of the underground facility. AmerenUE believes this requirement may actually increase underground facilities hits during excavations as the excavator could rely on erroneous information and dig into a facility that they thought was much deeper underground. AmerenUE urges the Commission to not impose this requirement.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

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