

**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 CITY UTILITIES OF SPRINGFIELD,
MISSOURI ON POTENTIAL CHANGES TO CHAPTER 319 RSMO**

At the March 9, 2010 roundtable held in the above-captioned proceeding, the Missouri Public Service Commission requested that interested participants provide comments regarding the Commission's proposed changes to Chapter 319 RSMo; provide comments or suggestions on matters not addressed by the Commission; and to provide comments or ideas regarding the structure and form of enforcement. City Utilities of Springfield, Missouri ("CU" or "City Utilities") submits the following comments and suggestions.

319.015 (Ticket life and sewer system definitions)

In its original comments to the Commission, City Utilities supported 30 days for the life of a ticket. CU believes this is the most common and reasonable ticket life since a large majority of the excavation projects can be completed within this time.

CU supports the Commission in its efforts to eliminate the cross-bore damage issue of sewer system owners and operators. CU believes that sewer system owners and operators should be responsible for locating their connections. However, CU does not support allowing sewer operators to avoid liability for damages when they do not know where their connections are.

319.015(6) (Mandatory marking standards)

City Utilities of Springfield believes good communication between the excavator and member utility is essential in avoiding damages. CU has adopted the Common Ground Marking Standards and the Missouri Common Ground Steering Team Addendums. In 2007, CU experienced a major ice storm that caused widespread damage to its electric system and these marking standards were put to the test. CU only experienced one excavation-related damage in over 500 emergency locate requests. CU had electric crews from all over the nation restoring service to its customers. Every one of those electric crews was familiar with the color codes and locate marks used by CU.

319.030.3 (Trenchless Technology)

This subsection should be amended to make it clear that the excavator is still liable for damaging an underground facility even if the depth of the facility is different than stated by the facility owner. It is impossible for the facility owner to know the exact depth of an underground facility because nature and other people can change the depth without the knowledge of the facility owner. For example, builders will often grade yards of homes and either remove or increase cover over an underground line. Also, erosion from flooding or heavy rains can significantly change the depth of cover over an underground line. CU suggests adding the following language to the end of this subsection:

If the depth of the underground facility is different than that stated by the facility owner, it shall not relieve the excavator of liability for damage to the underground facility so long as the facility owner has notified the excavator of the approximate location of the underground facility as required by Section 319.030.

319.030.8 (Notice of completion of facility marking)

As stated in the current statute, if the underground facility owner fails to comply with the provisions of subsection 1 or subsection 6, the excavator may give the facility owner a second notice stating that there has been "no response." The facility owner then has two hours to mark the underground facility. If the notice is given after 2:00 p.m., the facility owner has until 10:00 a.m. on the next working day to mark the underground facility. Often, locate marks will fade or be obliterated and the excavator needs them to be remarked. Sometimes, the excavator will falsely claim that there was a "no response" in order to force the facility owner to remark the facilities by 2 p.m. or 10 a.m. the following day, rather than wait the normal 48 hours. City Utilities of Springfield proposes that if the excavator falsely claims there was "no response," then the excavator should be required to pay the reasonable costs of remarking, plus a \$100 civil penalty.

319.032 (Regarding sewer lateral connections)

City Utilities supports the Commission's effort to require marking of the approximate location of sewer connections and laterals. However, CU does not support allowing sewer system owners to avoid liability for damages when they do not know where their connections are. The sewer system owner should be required to mark the approximate location of sewer laterals and connections. Otherwise, there is no way to avoid damage to the sewer laterals.

319.037.2 (Clarify trenchless excavation)

After the excavator has made a careful and prudent effort to confirm the horizontal and vertical location of the underground facility, the hole(s) should remain open during the boring process until the bore safely crosses the underground facility.

319.046 (Enforcement authority issue)

City Utilities of Springfield supports any and all enforcement that aids in damage prevention. Excavators who dig without locate requests should be held accountable.

319.050 (Emergency locate request)

Not all emergency repairs need to be done within two hours. For example, if a car hits a pole and breaks it at 5:00 p.m., the pole can sometimes be repaired temporarily by attaching the boom from a bucket truck to the pole. In that event, no excavation would be necessary until the following day when the pole is replaced. City Utilities of Springfield recommends that there be three different priority levels for emergencies: Priority Level 1, the facility owner must notify the excavator of the approximate location of the underground facility within two hours of the notice; Priority Level Two, the facility owner must notify the excavator of the approximate location of the underground facility by 8:00 a.m. the day following the notice; and Priority Level Three, the facility owner must notify the excavator of the approximate location of the underground facility by 8:00 a.m. the second day following the notice. The Priority Level would be determined by the excavator. However, if the emergency is not an emergency the excavator should be subject to a \$100 dollar civil penalty.

319.055 (Reporting damage data and real-time reporting)

Since City Utilities of Springfield reports all of its damages in the Common Ground Alliance Damage Information Reporting Tool ("DIRT"), CU is uniquely qualified to comment on real-time reporting. All of CU's damages are added into the DIRT reporting tool within 48-hours of the damage. CU finds the system to be very easy to use. However, CU recommends that Commission Staff develop, along with CGA, a unique DIRT report for the State of Missouri. CU recommends that the Commission meet with the MOCS Board of Directors to develop reports that could be used by MOCS and the Commission.

319.060 (Locate service measures and quality assurance review and criteria)

City Utilities recommends the establishment of locating measurements for locating companies and member utilities. The quality of the locate does make a difference in damage prevention and construction productivity. However, CU believes this section needs to be further defined as to what exactly the performance measures will be.

319.065 (Damage prevention review board)

City Utilities recommends that all members of the review board who are facility owners or operators, be required to be members of Missouri One Call.

319.070 (Need for all new facilities to be locatable)

As stated in earlier comments, CU believes all new facilities need to be locatable through electronic locating equipment, measurement, or state plane coordinates.

General comments of depth of underground facilities

Based on comments at the roundtable, several excavators would like to require utilities to state the depth of their underground facilities or have some type of depth requirements. There are already depth standards for natural gas, electric, water and telecommunications facilities. The Public Service Commission has established depth standards for the installation of natural gas facilities. The National Electric Safety Code has established depth standards for the installation of electric and telecommunications facilities. The American Water Works Association has established depth standards for the installation of water facilities. It would create confusion and inconsistency if a separate set of installation standards were created under these provisions.

The problem is that excavators assume that the underground facility will remain buried at the depth at which it is installed. Once a facility is installed, a facility owner can not guarantee that facility will remain at its original depth. Cover may be added or removed without the facility owner's knowledge. Once it is buried, there is no way to determine the depth of an underground facility without exposing it.