

Johansen, Dale

From: Leonberger, Bob
Sent: Monday, November 02, 2009 3:55 PM
To: Johansen, Dale
Subject: FW: GW-2010-0120, Underground Facility Damage Prevention

Attachments: PSC_AGO_DamagePreventionProgram.pdf



PSC_AGO_Damage
PreventionProgra...

-----Original Message-----

From: Joan Gummels [mailto:Joan.Gummels@ago.mo.gov]
Sent: Friday, October 30, 2009 2:46 PM
To: Leonberger, Bob
Cc: Sundermeyer, Susan
Subject: GW-2010-0120, Underground Facility Damage Prevention

I have attached a letter to be considered with the public comments regarding the proposed revisions to Chapter 31 regarding the Underground Facility Safety and Damage Prevention Act. A hard copy of the letter will follow by mail.

Please do not hesitate to contact me with any questions.

Thanks,

Joan

Joan Gummels
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Assistant Attorney General
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CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
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October 30, 2009

Robert Clayton, Commissioner
Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City MO 65102-0360

Re: File No. GW-2010-0120, Underground Facility Damage Prevention Project

Dear Commissioner Clayton:

On October 21, 2009, the Public Service Commission initiated a Stakeholder Damage Prevention Roundtable to review proposed revisions to Sections 319.010 through 319.050, RSMo, the Underground Facility Safety and Damage Prevention Act.

We understand that the proposed revisions were drafted to reflect nine elements set forth in the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006 (49 U.S.C. 60134), which relates to grants for state programs to improve gas pipeline damage prevention programs. We applaud the stated goal of this effort, to better protect all of the vital underground facilities upon which we rely, whether gas, water, electric or telecommunications.

Among the various revisions, the proposal amends section 34.045, RSMo, to shift enforcement responsibility for civil penalties from the Attorney General's Office to the Public Service Commission, with the participation of an advisory review board appointed by the Governor. As we have previously communicated, we are open to the possibility of sharing concurrent jurisdiction, should the stakeholders find that such a change would serve to strengthen the damage prevention program. We do not, however, believe that completely repealing the enforcement authority of the Attorney General would best serve the citizens of the State.

We look forward to working with the Public Service Commission and the various stakeholders as this issue progresses.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Koster", written over the word "Sincerely,".

CHRIS KOSTER
Attorney General