

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

In the Matter of a Repository Docket for)
Materials Relating to the Underground)
Facility Damage Prevention Project)

Case No. GW-2010-0120

**COMMENTS OF MISSOURI GAS ENERGY
ON POTENTIAL CHANGES TO CHAPTER 319 RSMO**

At the October 21, 2009 roundtable held in the above-captioned proceeding, the Staff of the Missouri Public Service Commission requested comments regarding potential changes to the provisions of Chapter 319 RSMO. In response to the Staff's request, Missouri Gas Energy ("MGE") submits the following comments.

MGE is a natural gas local distribution company which serves over 500,000 customers in approximately 155 municipalities in Missouri. As one of the largest natural gas companies in Missouri with extensive underground facilities, MGE has a particular interest in any changes to the Underground Facility Safety and Damage Prevention Act. Excavation related damages pose a significant threat to public safety and MGE's service to its customers. These damages are costly and dangerous, but are often preventable when proper safety protocols and notification procedures are followed. Accordingly, MGE greatly appreciates the Public Service Commission's and its Staff's efforts to review and strengthen Chapter 319, as many of the changes would serve to clarify and toughen these critical statutes. MGE believes, however, that some of the proposed changes should be either rejected or given further analysis and review.

MGE would refer Staff to the joint filing by several Missouri utilities (including Laclede Gas Company, Empire District Electric Company, Kansas City Power & Light Company, and Kansas City Power & Light Greater Missouri Operations Company, collectively "Missouri Utilities") as those comments reflect MGE's views on most of the potential changes to Chapter 319. MGE, like the Missouri Utilities in their filing, has been an active participant in damage

prevention programs for several years, owns extensive underground facilities, and also conducts a significant amount of excavation in its service area.

MGE's concerns and comments are identical to the Missouri Utilities in its joint filing regarding the proposed changes to 319.015 (ticket life), 319.026 (excavator notification that project is complete), 319.032 (identification and location of sewer laterals), 319.040 (rebuttable presumption of negligence), 319.046 (assumption of enforcement authority by the Commission), 319.060 (locate service quality assurance review and criteria), 319.065 (creation of an underground facility damage prevention review board), and 319.070 (need for all new facilities installed to be locatable). MGE also agrees with the suggested addition of a mandatory "hand-dig" requirement as a provision that will likely prevent or minimize excavation damages.

MGE's has similar comments as the Missouri Utilities in its joint filing regarding 319.055 (need for miscellaneous damage related data), except to note that it concurs with Laclede's and Empire's comment that instead of crafting special rules and data collection requirements, that the Commission can and should use data that has already been developed with the Common Ground Alliance's Damage Information Reporting Tool (DIRT).

Respectfully submitted,

Missouri Gas Energy,
a division of Southern Union Company

By:

A handwritten signature in black ink, appearing to read "T. J. Jacobs", is written over a horizontal line.

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