

BEFORE THE  
THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DRM 08 – 091

COMMENTS OF COMCAST OF MAINE/NEW HAMPSHIRE, INC.  
ON PROPOSED CHANGES TO PUC 800 RULES ON UNDERGROUND DAMAGE  
PREVENTION PROGRAM

Comcast of Maine/New Hampshire, Inc. and its affiliates (“Comcast”) provide video, high-speed Internet and Digital Voice services via overhead and underground facilities to residential and business customers in 105 communities in New Hampshire. Comcast supports the goals of the Dig Safe program and submits the existing PUC 800 Rules for Underground Utility Damage Prevention Program have functioned well. The Commission has proposed to readopt the existing PUC 800 Rules with certain amendments.

Pursuant to the Commission’s Order of Notice dated August 7, 2008, Comcast submits the following brief comments on the Commission’s proposed readoption, with amendment, of the PUC 800 Rules for Underground Utility Damage Prevention Program:

PUC 806.03 Identification - The Commission has proposed to amend PUC 806.03(a) to add new sections (a)(2) and (a)(3) that would require an operator marking an underground facility to indicate the specific owner or operator of the facility and the function of the underground facility. The Commission also proposes a new section 806.03(b) that would require operators to mark underground facilities with one or more of 14 specific markings according to the function of the facilities. The Commission proposes to readopt existing subsection (b) as subsection (c).

Comment. There is no need to change the current rule which works well. Under the current rules, operators and locators use color-coded markings following national standards, and also use markings identifying the operator by company name. Adding additional markings will only result in confusion on the part of persons performing the marking and excavations. Comcast's underground facilities transmit multiple services, including cable television, high-speed Internet and, in many locations Comcast Digital Voice services as well. Comcast's facilities also transmit communications to alarm companies. Requiring multiple markings for a single underground facility is unnecessary and would be confusing. Comcast urges the Commission to retain the current language in Rule 806.03 (a) and (b).

#### PUC 806.05 Marking Newly Installed Underground Facilities

The Commission proposes to add a new section, PUC 806.05, that would require an operator, in an area subject to excavator notification and pre-marking, to make reasonable efforts to communicate the existence of newly installed facilities if they are covered with soil or other material that impairs their visibility. The proposed rule identifies three actions that would be deemed included as "reasonable efforts" in subsections (b) (1 – 3).

Comment. Comcast urges the Commission to consider carefully whether this new section is necessary. Comcast updates Dig Safe weekly with any new underground facility additions, so the risk of not locating an underground facility because it is new is very low. Further, it is standard practice that if painted locate marks cannot be used then flags or stakes are used instead to mark facilities. From that point on it, is the responsibility of the excavator to "maintain the marks" and if the marks become illegible then the excavator is required to call into to Dig-Safe to request a "remark". The proposed change would place a greater burden on the operator and reduce the burden of the excavator to maintain marks or

markers at recently-disturbed job sites. Comcast recommends continued emphasis on excavator training and education as a means of dealing with newly-constructed facilities.

September 30, 2008