

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Docket No. DRM 08-091

Re-adoption, with Amendment, of Puc 800
Rules for Underground Utility Damage Prevention Program

COMMENTS OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

In response to the New Hampshire Public Utility Commission's ("Commission") solicitation of public comment on the re-adoption, with amendment, of portions of existing Puc 800, Rules for Underground Utility Damage Prevention Program, Public Service Company of New Hampshire submits the following comments:

1. Proposed Rule Puc 804.03(a) regarding training of locators provides that "Locators shall be trained in accordance with National Utility Locating Contractors Association (NULCA) standards or equivalent." PSNH strongly supports proper training of locators, but is concerned that the proposed language implies or may require a very specific kind or frequency of training, especially with respect to experienced, currently employed locators.

PSNH suggests that this rule be modified to clearly indicate that similar training is allowed and that previously trained auditors do not need to be immediately retrained to meet the requirement. PSNH suggests adding the following additional sentences to the proposed rule: "Locator training to NULCA or similar standards may be conducted by locator companies, utilities, municipalities or other appropriate entities. Experienced, previously trained locators do not need to be retrained to NULCA or similar standards."

This suggested modification makes it clear that additional training is not required for experienced locators to continue to perform their work and that companies with existing training programs can continue to operate such programs provided their curriculum is appropriate.

In the absence of such modification, PSNH requests that the Commission clarify the intention of the proposed regulation with respect to currently employed, experienced locators, and indicate if the language “or equivalent” is intended to allow similar internal training programs.

2. Proposed rule Puc 806.03(b) requires that the function of the underground facility be marked via a fairly elaborate marking system using letters to identify the type of facility with specificity. Puc 806.02(e) currently requires identification of the function of the underground facility by color. Electric facilities are identified in red; gas, oil, steam and chemical facilities are identified in yellow; telephone, cable TV, traffic control and fire alarm facilities are identified in orange; water facilities are identified in blue; reclaimed water facilities are identified in purple; and sewer, storm sewer and storm drain facilities are identified in green. Thus, identification of the relative danger and the general class of facilities is addressed by the current marking system.

The need for providing additional information regarding the underground facility is not clear. PSNH is unaware of any instances in which the additional information required by the proposed change would have avoided damage to an underground facility. The current marking system is adequate, simple to mark and easily understood. Adding additional information to the site will require modification of Dig Safe materials, modification of and additional excavator training and has the potential to make facility markings more confusing.

It is possible that providing the additional information could result in increased issues with respect to underground facilities. Providing additional information may encourage faulty logic along the lines of “It’s only cable TV, not traffic control, so no big deal if we make a mistake” or “It’s only a storm drain, not a sewer.” Excavators need to exercise reasonable care to protect underground facilities from damage and are required to excavate within the tolerance zone by hand digging, pot holding, soft digging, vacuum

excavation or other approved measures in accordance with Puc 805.02 regardless of the type of facility.

Finally, many residents dislike the marking or “graffiti” on their property, as it can take a long time to weather away on driveways, walkways, sidewalks and other impacted areas and is difficult to remove. Adding additional, unnecessary graffiti adds to this problem.

PSNH recommends the current language for Rule Puc 806.03(a) and (b) with no insertion of additional requirements.

3. New proposed rule Puc 806.05 requires the remarking of newly installed facilities if there is an excavator notification outstanding. PSNH agrees it is theoretically possible for an underground facility to be installed without an excavator’s knowledge during the 30 day notification period. However, in practice, most excavators commence excavation immediately after the excavation site has been marked by the locator. Only in occasional instances does a notification remain outstanding for the full 30 days. Furthermore, on most construction sites where new facilities are likely to be installed, the excavator is on site and aware of any new installations.

It is PSNH’s understanding that this requirement is in response to one or more incidents where an excavator dug into an unmarked facility that was installed during the thirty day excavation notification period. However, despite repeated requests for details regarding such instances, no such details have been forthcoming. PSNH strongly suggests confirmation of a problem with the current regulations before adding this new requirement. Confirmation and review of the causes of any such incidents may result in a better solution than the solution recommended in the proposed rule.

The proposed rule will make it necessary for all underground installation crews to either determine if there is an outstanding excavator notification with respect to their job and to mark the installation as applicable, or to mark all underground installations. This

constitutes an additional procedure which must be added to job requirements and procedures and results in the need for increased training and increased record keeping and reporting.

PSNH does not object to such requirements if they are necessary, but is very concerned that the need for such requirements has not been demonstrated in this instance. If an issue has occurred only under limited circumstances, it is quite possible that the intent of the proposed rule can be addressed by other, less labor intensive means, such as through excavator safety training and modifications to the excavator manual.

Respectfully submitted,
Public Service Company of New Hampshire

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