

**DM 04-119**

**DESIGNATION OF COMMISSION STAFF RELATIVE TO  
UNDERGROUND UTILITIES DAMAGE PREVENTION PROGRAM ENFORCEMENT**

**Order Designating Director of the Safety Division Relative To  
Underground Utilities Damage Prevention Program Enforcement**

**ORDER NO. 24,347**

**July 9, 2004**

The Underground Utility Damage Prevention Program, RSA 374:48-56, more commonly called the Dig Safe Program, applies to all excavations and protects the public from hazards associated with damaged underground facilities. The New Hampshire Public Utilities Commission (Commission) is responsible for enforcing compliance with RSA 374:48-56. Pursuant to RSA 374:55, VII, “[t]he commission or any commission employee, involved in the Dig Safe Program and designated by the commission, may enforce violations of this subdivision.” By Order No. 20,942 (August 24, 1993), the Commission appointed Richard G. Marini, P.E., Administrator of the Commission’s Safety Division, as the Commission’s designated Staff member responsible for enforcing violations of the Dig Safe Program. *See, Re Appointment of Commission Staff to Administer Underground Utilities Damage Prevention Program*, Order No. 20,942, 78 N.H. PUC 469 (1993). In that Order, the Commission recognized the importance of the Dig Safe Program and found it advisable to appoint a Commission employee to bring and resolve complaints against alleged violators of the Dig Safe Program. The Commission’s Administrative Rules, Chapter Puc 800, guide enforcement of the Dig Safe program and require the Commission to provide notice of violations, as well as afford an opportunity to refute or resolve violations.

Richard G. Marini, P.E. retired from the Commission, effective June 24, 2004.

The Commission, therefore, supplants the specific designation made in Order No. 20,942 and, pursuant to RSA 374:55, VII, hereby designates the Executive Director of the Commission, the Director of the Commission's Safety Division, and any member of the Safety Division or consultant engaged by the Commission, as may from time to time be designated by the Director of the Safety Division, as employees authorized to enforce violations of the Underground Utilities Damage Prevention Program in accordance with RSA 374 and Chapter Puc 800. Designated Commission employees are authorized to consider and resolve complaints, decide whether a situation is or was deemed an emergency situation, issue written Notices of Probable Violation, issue Notices of Violation, assess civil penalties, assess excavators for expenditures made to collect civil penalties, and perform other enforcement measures consistent with RSA 374 and Chapter Puc 800.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the Executive Director, the Director of the Safety Division, and other employees as specified herein are hereby designated to administer the Underground Utilities Damage Prevention Program.

By order of the Public Utilities Commission of New Hampshire this ninth day of July, 2004.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Graham J. Morrison  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director & Secretary