

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION
Docket No. DRM 08-091
PUC 800 Underground Utility Damage Prevention Program

Comments of National Grid

Granite State Electric Company d/b/a National Grid and Energy North Natural Gas, Inc. d/b/a National Grid NH (together, “National Grid” or the “Company”) are pleased to offer the following comments with regard to the proposed re-adoption, with amendment of the existing PUC rules for Underground Utility Damage Prevention Program. As electric and gas utilities that maintain and operate miles of underground electric and gas facilities, National Grid has a substantial interest in these rules and their impact on the Company’s operations. In general, National Grid supports the readoption of the rules in the form published by the Commission on August 6, 2008, subject to the following specific comments and recommendations.¹

PART PUC 804 DUTIES OF OPERATORS

804.02 Notification Requirements

(e) when no underground facility is within the area of a proposed excavation, an owner or operator receiving notification of the proposed excavation shall so advise the excavator by:

- (1) Marking the non existence of facilities within the premarked marked area of intended excavation in accordance PUC 806;
- (2) Participating in a meeting where details of the job site are discussed and documented; or
- (3) Communicating with the operator via e-mail, fax telephone or other electronic communication, provided that the excavator confirms receipt of such communication.

Comment:

National Grid recommends that the Commission delete the last clause of subsection (3) requiring confirmation by an excavator of a notice from the operator that there are no facilities in the area of the proposed excavation. It is not always possible for the operator to receive immediate confirmation from an excavator, in which case a message is left with the required information. To require the operator to subsequently determine, track, and maintain records of whether each and every excavator for whom a message was left had, in fact, confirmed receipt of the message, would be unduly burdensome on the

¹ For ease of reading, each proposed rule that is being commented on is presented as published by the commission on August 6, 2008, followed by the Company’s comment. To the extent that a rule or rules is not commented on, the Company supports its adoption in the form published.

operator and significantly increase the cost to operators in complying with the rules. Given that the rule goes to situations in which there are no underground facilities within the area of proposed excavation, there would be no adverse impact on public safety as a result of this change.

804.03 Training of Locators

(a) Locators shall be trained in accordance with National Utility Locating Contractors Association (NULCA) standards or equivalent.

Comment:

National Grid agrees with training requirements for locators, which is consistent with its current practice, but recommends that the wording in the rules be changed from “shall be trained” to “should be trained.” Further, National Grid requests that the Commission clarify the rule by adding the following sentence at the end: “Equivalent training may be developed and administered either with in-house personnel of an operator, or through an outside vendor, as long as the elements of the training are substantially similar to the NULCA standards.”

PART PUC 805 DUTIES OF AN EXCAVATOR

805.02 Excavation That Affects the Tolerance Zone

(e) For trenchless excavations, such as horizontal drilling, boring, pneumatic jacking, tunneling and pavement reclamation, reasonable care for purposes of PUC 805.02 (a) shall include determining the exact depth of the underground facility and clearances required by the operator and incorporating location details into the trenchless excavation procedures so as to avoid any potential damage of the underground facility.

Comment

Protection of underground facilities from damage during construction activities using trenchless technologies is extremely important in today’s construction environment. National Grid supports adoption of appropriate rules to accomplish this goal. However, the proposed amendment does not address the issue in a comprehensive fashion and raises numerous concerns that bear further discussion. For example: Is it necessary in all cases to determine the exact depth of all underground facilities located in the roadway during a pavement reclamation project or other shallow depth project? What are the methods to be employed when determining the *exact* depth of a particular underground facility? Is it possible to determine the *exact* depth of an underground facility in all cases? Should there be any tolerances allowed? What are the costs associated with determining the *exact* depth of an underground facility and who should bear those costs? Unless and until these important concerns are addressed the proposed rule will create confusion among excavators and may discourage the use of otherwise cost effective

trenchless excavation technologies that provide cost savings to consumers. Given that the parties have not yet had an opportunity to discuss these important matters at any length, National Grid recommends that the proposed amendment be deleted and that a working group be convened to develop a more comprehensive approach to the determination of the reasonable care required during trenchless excavations. To the extent that the Commission determines that the proposed amendment should be adopted, National Grid recommends that the phrase “exact depth” be replaced by “depth.”

805.05 Damage to an underground facility

(a) when an excavator causes any damage to an underground facility the excavator shall:

(1) Call 911 when:

(a) A gas underground facility is damaged and there is a release of gas,

(b) An electric underground facility is damaged and an excavator determines that a person may have relieved an electric shock, or

(c) Any other facility is damaged and public safety is affected;

(2) Evacuate nearby structures if necessary;

(3) Contact the facility owner or operator;

(4) Attempt no repairs;

(5) Call 811 or 888-DIG SAFE (Notification Center); and

(6) Report the damage to the Commission.

Comment:

At the public hearing held on September 15, 2008, PUC staff recommended that this proposed rule be amended in two respects: (1) by adding the words “not owned or operated by the excavator” to subsection (a) following the words “an underground facility;” and (2) by changing subsection (4) to read “Attempt no repairs unless directed by the facility owner or operator.”² National Grid supports the changes proposed by Staff.

PART PUC 806 MARKING THE TOLERANCE ZONE

806.03 Identification.

(a) When an operator marks its underground facility it shall indicate:

(1) The width of the underground facility for all facilities greater than one inch in nominal diameter;

(2) The specific owner or operator of the underground facility; and

(3) The function of the underground facility.

(b) For purposes of the PUC 806.03 (a)-(3) functions shall be marked

² September 15, 2008 transcript at pages 11-12.

by using:

- (1) The letter E for underground facilities conveying electricity;
- (2) The letter G for underground facilities conveying gas;
- (3) The letters PP for underground facilities conveying oil;
- (4) The letters ST for underground facilities conveying steam;
- (5) The letters CH for underground facilities conveying chemicals;
- (6) The letter T for underground facilities containing telephone wires or cable;
- (7) The letters CATV for underground utilities conveying cable telephone wires and cable;
- (8) The letters TC for underground facilities conveying traffic control information or signals;
- (9) The letters FA for underground facilities conveying fire alarm information or signals;
- (10) The letter W for underground facilities conveying water;
- (11) The letters RW for underground facilities conveying reclaimed water;
- (12) The letter S for underground facilities conveying sewage;
- (13) The letters SS for underground facilities conveying storm sewage; and
- (14) The letters SD shall be used for underground facilities used for storm drainage.

(c) An operator shall identify with markings any changes in direction or terminations occurring within the immediate area of the proposed excavation with arrows or other appropriate indicators.

Comment:

National Grid does not support the proposed amendments to this section. The current rules as well as national standards provide for color coded marking and identification of utility by company name. The proposed amendments would require additional markings to indicate the type of facilities being marked. Given the color coding system in place and the requirement that the utility company responsible for the facilities marked be identified, these additional markings or graffiti are unnecessary. These markings will only serve to cause confusion for excavators, with no corresponding enhancement to public safety. Accordingly, National Grid recommends that the Commission readopt this section of the rule without amendment.

National Grid appreciates this opportunity to provide comments in this proceeding.

Respectfully submitted,

National Grid

By,

A handwritten signature in black ink, appearing to read "T. O'Neill", written in a cursive style.

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