

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DRM 08-091

ORDER OF NOTICE

On July 31, 2008, the Commission voted pursuant to RSA 541-A to initiate a rulemaking for N. H. Admin. Rule Puc 800, Rules for Underground Utility Damage Prevention Program. The proposal represents a readoption, with amendment, of existing Puc 800, Rules for Underground Utility Damage Prevention Program. These rules set forth the procedures and standards to be used by the Commission in implementing the Underground Utility Damage Prevention program, otherwise known as Dig Safe, which protects the public, operators, and excavators from physical harm, damages and interrupted service resulting from damage to underground facilities. This Rule also establishes procedures and requirements relative to: minimum requirements for the operation of the system including notification procedures; the investigation of complaints; emergency situations for which notice of excavation is not required; the prevention of damage relating to underground facilities; enforcement; and record keeping. The proposed rule will replace the current Puc 800. At this time, Puc 801, 802.01-802.03, 802.05-802.10, 802.12-802.15, and 803 have been adopted as interim rules effective August 24, 2008, while the remaining provisions of the current Puc 800 rules are not due to expire until May 29, 2011.

A rulemaking notice form (Notice) required by RSA 541-A:6 was filed with the Office of Legislative Services on August 6, 2008. The Notice sets forth a date for the public hearing to be held at the Commission and the deadline for submission of written comments. This notice is appended hereto.

A copy of the Rulemaking Notice will be sent by U.S. Mail to all regulated utilities and to those parties previously requesting notice of rulemakings pertaining to the Underground Utility Damage Prevention Program. Pursuant to RSA 541-A:6, III, notice may also be provided by public notice advertisement in a publication of daily statewide circulation.

The readoption with amendment may be viewed on the Commission website, www.puc.nh.gov, or copies may be obtained from the Commission as set forth in the Notice.

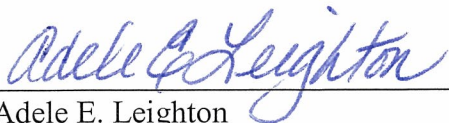
Based upon the foregoing, it is hereby

ORDERED, that a Public Hearing, pursuant to 541-A:11, be held before the Commission located at 21 S. Fruit St Suite 10, Concord, New Hampshire on September 15, 2008 at 10:00 a.m., and that the deadline for submission of materials in writing or via e-mail shall be September 30, 2008, as set forth in the Notice; and it is

FURTHER ORDERED, that, immediately following the Public Hearing, the Staff of the Commission and any interested parties hold a Technical Session to review the rules, if necessary; and it is

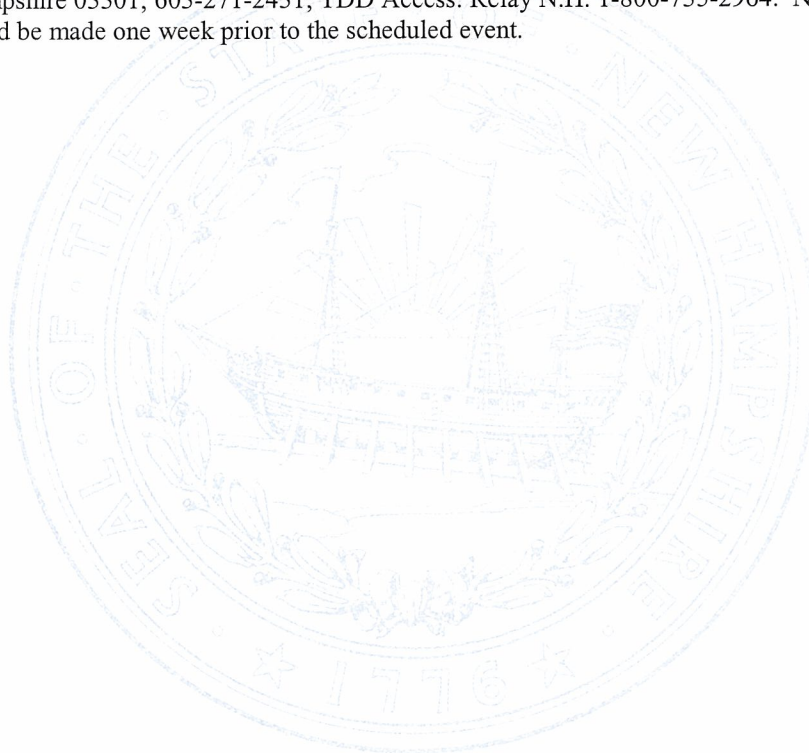
FURTHER ORDERED, that pursuant to RSA 541-A:6,III, the Commission shall undertake a public notice advertisement by publishing a copy of this Order together with the Notice no later than August 13, 2008, in a newspaper with a daily statewide circulation, publication to be documented by affidavit filed with the Commission on or before September 15, 2008.

By order of the Public Utilities Commission of New Hampshire this seventh day of
August, 2008.



Adele E. Leighton
Assistant to the Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 South Fruit Street, Suite 10, Concord, New Hampshire 03301; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.



APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Puc 800

1. Agency Name & Address:	2. RSA Authority: <u>RSA 374:50,</u> <u>RSA 365:8</u>
Public Utilities Commission 21 South Fruit Street Suite 10 Concord, NH 03301	3. Federal Authority: _____
	4. Type of Action:
	Adoption <u>X</u>
	Amendment _____
	Repeal <u>X</u>
	Readoption <u>X</u>
	Readoption w/amendment <u>X</u>

5. Short Title: **Puc 800 - UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM**

6. (a) Summary of what the rule says and the effect of the rule on those regulated: **Puc 800 sets forth the procedures and standards for the Underground Utility Damage Prevention program (commonly known as Dig Safe), which protects the public from physical harm, property damage and service interruptions resulting from interference with underground facilities. The Rule also establishes requirements for the operation of the system, including notification, investigation of complaints, special procedures applicable to emergencies, damage prevention measures, enforcement, and recordkeeping.**

The amendments to Puc 800 define and clarify key terms that were previously not defined or detailed. In addition, the amendments detail the processes of marking old and newly installed facilities, establish special procedures applicable to blasting, fix requirements for locator training, create uniform identification codes for marking underground facilities, and improve procedures to be followed when there is damage to an underground facility.

6. (b) Brief description of the groups affected: **These rules affect persons or entities performing excavation activities and who own underground utilities. This also includes persons or entities that perform excavation on private property, public ways, rights-of-way, easements, public streets or any other public place.**

APPENDIX II-C (Continued)

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6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement: **RSA 374:48-55. See Attached Appendix.**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Suzanne Amidon, Esq.**
Address: **21 South Fruit Street**
Suite 10
Concord, NH 03301

Title: **Staff Attorney**
Phone #: **603-271-6616**
Fax#: **603-271-4033**
E-mail: **Suzanne.amidon@puc.nh.gov**
TTY/TDD Access: Relay NH 1-800-735-
2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 30, 2008**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 15, 2008 at 10:00 AM**

Place: **Public Utilities Commission**
21 South Fruit Street, Suite 10
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **08:168** , dated **8/6/08**

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not apply to any political subdivision and therefore do not violate Part I, Article 28-a.**