



# Pennsylvania Utility Contractors Association

*"Infrastructure in Balance with the Environment"*

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February 2, 2005

Mr. James. J. McNulty, Secretary  
Mr. Blaine Loper, Bureau of Conservation, Economics and Energy Planning  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Ms. Elizabeth Barnes, Assistant Counsel, Law Bureau  
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**Re:** *"Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 pertaining to adding Inspection and Maintenance Standards for the Electric Distribution Companies; Doc. No. L-00040167"* on behalf of the Pennsylvania Utility Contractors Association

Dear Secretary:

On behalf of the Pennsylvania Utility Contractors Association, I am pleased to submit the following comments on the *"Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 pertaining to adding Inspection and Maintenance Standards for the Electric Distribution Companies; Doc. No. L-00040167"* to the Pennsylvania Public Utility Commission (the "Commission"), and noticed in the *Pennsylvania Bulletin* on December 11, 2004.

First, we would like to call to the attention of the Commission the fact that our Association represents nearly 300 contractors, subcontractors and suppliers throughout the Commonwealth of Pennsylvania. These members of the Pennsylvania Utility Contractors Association (PUCA) perform most of the utility line work throughout the Commonwealth. As such, they are dedicated to keeping a safe and reliable system in Pennsylvania.

## SECTION A

The following comments support the numerical designations Number 1 and Number 4, "Whether it is appropriate for the Commission to adopt specific inspection and maintenance standards" and "Whether standards should be established for repair and maintenance of electric distribution company equipment or facilities that are critical for system reliability."

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- 1) **Line hits** – Line hits during excavation are a negative impact on the system reliability. The use of subsurface utility engineering (SUE) would provide accurate locates therefore significantly reducing the number of mis-locates and unknown abandoned lines. SUE not only provides accurate horizontal positioning, but also vertical (depth) positioning.
- 2) **Marking** – The use of sub-contractors (liability shields) for marking for convenience or economic purposes creates an environment where inaccurate marking is the norm due to lack of education, overworking of under-trained staff and a general lack of knowledge of the facilities being marked.
- 3) **Depth** – Accurate depth is as important as lateral accuracy in preventing line hits and utility interruptions. SUE would provide such information.
- 4) **Standard separation between utilities – laterally and horizontally** – A standard separation between utilities for both lateral and horizontal positions for future construction is highly recommended. There exists now a congestion of utilities trying to share common right-of-ways. This problem is only getting worse because we have no standard that requires mandatory separation in future installations. Thus, compounding the existing problem as we spiral deeper and deeper into congestion.
- 5) **Mandatory Pre-construction meetings** – Due to the congestion, and in some cases lack of good planning (SUE), the need for mandatory attendance for all parties in mandatory pre-construction meetings is absolutely essential. This final opportunity at coordination prior to the excavation and potential damage may be the best defense available to the One Call Community. Ignoring of this opportunity to participate in pre-construction meetings is a FATAL mistake and one that should not be allowed.
- 6) **Subsurface Utility Engineering (SUE)** – A Perdue University study demonstrates that the higher level of participation in SUE brings a higher level of success in protecting underground facilities and a greater financial award or return on investment to the project owner and ultimately the consumer.
- 7) **Utilities should mark out service laterals** – By far the only people capable of and qualified for marking of service laterals is the facility owner. The damage to service lines constitutes the highest percentage of hits throughout the Commonwealth. Truly ignoring this vital service is a travesty with respect to the safe operation of public utilities and the loss of vital services to the public.
- 8) **Utilities should own service laterals up to the service hookup** – Any public facility that has any portion of it installed within public or private right-of-ways held for those purposes should be installed, maintained and marked by the facility owner. The least capable person to have control of these vital services within right-of-ways is the homeowner or any licensed or unqualified person they may hire to install or maintain lines for them.
- 9) **Pull abandoned lines or mark records** – The ever continuing clutter of the underground world by facility owners with more and more abandoned lines adds greatly to the danger that active lines can

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be injured. The purging of records or the shunning of responsibility by the facility owners is an activity that should not be tolerated.

- 10) **Utility invoices for damages caused by a contractor should be mailed out in 30 days, no more** – Quick action and proper calculation with respect to the cost of utility hits will clearly show that the cost to the ratepayer will be less. Also the resolution of these matters will be simpler and further reduce the cost to the ratepayers.
- 11) **Payment by utilities to contractors should be out in 30 days, unless negotiated out** – Quick action and proper calculation with respect to the cost of utility hits will clearly show that the cost to the ratepayer will be less. Also the resolution of these matters will be simpler and further reduce the cost to the ratepayers.

## Section B

The last comments support the numerical designation Number 5, “Whether there should be automatic civil penalties written into the regulations for failure to meet standards for more than three consecutive quarters or some other reasonable time period, depending upon the type of inspection and maintenance that is at question.”

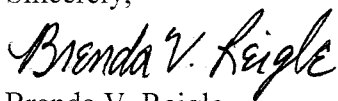
- 1) Civil penalties would reduce frivolous lawsuits
- 2) Civil penalties should apply per incident for any of the 11 items listed under Section A

## Closing

We respectfully submit these comments and recommendations for the establishment of inspection, maintenance, repair and replacement standards in order to improve the Commission’s ability to monitor Electric Distribution Companies’ service reliability.

If you have any questions at all, please do not hesitate to contact me.

Sincerely,



Brenda V. Reigle  
Executive Director