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NH Public Utilities Commission
21 S. Fruit Street, suite 10
Concord, NH 03301-2429

New Hampshire Electric Cooperative a participating member of The MUST-NH Committee in response to the proposed re-adoption, with amendment, of existing PUC 800, Rules for Underground Utility Damage Prevention Program, offers the following to the Commission:

PART PUC 804 DUTIES OF OPERATORS
804.03 Training of Locators

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

Response:

New Hampshire Electric Cooperative agrees with training requirements for locators as it is the current practice throughout the utilities, but for the purpose of this ruling suggest the wording be changed from "shall be trained" to "should be trained".

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 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.

Response:

New Hampshire Electric Cooperative recognizes that the current national marking standards are color coded and each utility identified by initializing the company name. The width of the facility is indicated by current marking standards inclusive of the tolerance zone. Additional markings or graffiti will only add confusion on the part of the excavators. NHEC recommends retaining the current language for rule 806.03 (a) and (b) with no insertion of additional requirements.

PART PUC 806 MARKING THE TOLERANCE ZONE

806.05 Marking Certain Newly Installed Underground Facilities.

(a) Upon completing the installation of new underground facilities within an area that has been subject to excavator notification and pre-marking pursuant to PUC 805.01, an operator shall make reasonable efforts to communicate the existence of such facilities if they are covered with soil or other materials that impairs their visibility.

(b) For purposes of (a) above, reasonable efforts shall include:

(1) Marking the tolerance zone in accordance with 806.01, 806.02, 806.03, and 806.04;

(2) Contacting the excavator with information regarding the presence of the newly constructed facilities, or

(3) Leaving a tag or marker clearly indicating the presence of the newly constructed facilities with contact information.

Response:

New Hampshire Electric Cooperative recognizes the complexity of the current laws holding accountability on both the part of the operator and the excavator for public safety. The record cannot provide substantial evidence that insertion of an even greater complexity would equate to advancement in public safety. NHEC recommends striking rule 806.05 in its entirety and addressing the intent of this proposed rule through continued focus on training and education of the excavation community.

Other than responses as described above NHEC is in agreement with all other proposed changes as provided in DRM 08-091 ORDER OF NOTICE.

We greatly appreciate your consideration of NHEC's comments provided herein.

Respectfully yours,

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