



Public Utilities Commission

Underground Technical Committee Minutes March 15, 2018 – 10:00 a.m., Hearing Room 11-C

Call to Order

Roll Call & Declaration of Quorum

- Present at meeting: Callan, Stewart, Ward, Igel, Celona, Woods, Losinski, Perry, Reams, Motzer, Willis
- Present via teleconference: Potnick, Kelly, Slatzer
- Absent: Corrin, Hocevar (General Public seat is vacant)

Swearing in of Any Newly Appointed and/or Re-Appointed Members

- All current members are already sworn in. Awaiting John Kelly’s expected re-appointment.

Approval of Minutes from January 11, 2018 Meeting

- Approved unanimously.

New Cases:

<u>Case No.</u>	<u>Complainant</u>	<u>Respondent</u>
17-00062	B&B Excavating	Spectrum

Recusals: Celona, Ward

Discussion: Spectrum provided 001 response to the ticket. Was contractor not familiar with positive response? Some discussion that by not marking, the utility is, by default, giving response of No Conflict under the law. However, some members believe that this is just to allow the excavator to begin without being further delayed and not meant to absolve utilities of marking or responding within 48 hours.

Motion: No evidence of a violation. Vote: Unanimous. No Enforcement Action.

17-00063	Montgomery County	Thayer Power & Communications
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Recusals: None

Discussion: Ticket not due until 2:04p. Respondent stated that it waited for USIC to finish locate before excavating but USIC responded at 12:22p which would indicate that excavation began before ticket was due. Complainant responded at 2:20p. Pictures did not make it to the case file. Tabled until information available.

17-00064

Dakota Technologies

AEP

Recusals: Losinski

Discussion: AEP Telecom responded late with a No Conflict. Due at 11:05a, response received at 2:02p. Gudenkauf letter refers to another locate ticket ending in 110. Ticket 110 appears to be the same area as ticket ending in 371 but has a slightly different description and a ticket and number. However, the complaint revolves around ticket ending in 371 and it was due 11/16 by 10:39a but AEP Telecom did not respond until 3:50pm.

Motion: Respondent is in violation of 3781.29(A)(1). Vote: AGAINST – Ward; FOR – Potnick, Reams, Slatzer, Perry, Motzer, Stewart, Callan, Woods, Igel, Willis, Celona. Penalty

Discussion: Does AEP Telecom get treated as separate from AEP. Seems to be same company so will be treated as such.

Motion: Within 30 days, respondent shall submit an investigation and revision of the process improvement plan previously provided in corrective action. This investigation shall include why the process improvement plan failed, what steps are taken in revision of plan and internal company measures put in place to maintain future compliance to meet compliance obligations for responding to one call tickets. The Underground Technical Committee reserves the right to seek additional penalties should this corrective action is not completed within the specified timeframe.

Vote: Unanimous.

17-00065

B&B Excavating

Spectrum

Recusals: Celona, Ward

Discussion: Ticket due at 11:08a, positive response received (001-No Conflict) at 2:02p. However, it responded with 004 before the due date and time. Does a 004 response satisfy the company's obligations under the law? Discussion of 3781.29(A)(1) and whether or not utility operators are required to respond within 48 hours if there are no underground facilities in the area. Utility was late in responding to 001 but not 004. Also, it appears Spectrum was added at request of excavator. This needs to be confirmed before a decision can be made. Tabled while Staff gets an answer to this question (and any others that get submitted to Staff by UTC).

17-00066

B&B Excavating

Spectrum

Recusals: Celona, Ward

Discussion: Review of ticket shows that Spectrum was not notified because its records indicate that there were no facilities nearby. Cannot be required to respond with no notification.

Motion: Non violation. Vote: Unanimous. No Enforcement Action.

18-00006

Montgomery County

Rob Richter Landscaping

Recusals: None

Discussion: This ticket is a big area and would require a lot of resources. The law requires white lining or specific information. However, the excavator stated needs to know where utilities are to know where to plant tree to avoid conflict now and in the future. Complainant stated met with utility and told needed to know where facilities were before digging. Ultimately, the excavation area as called in was too broad. This request should have been called in as a design ticket so that the excavator could plan where to place the trees, then pre-marked before calling in an excavation ticket.

Motion: Respondent is in violation of 3781.29(D). Vote: Unanimous.

Penalty Discussion: In response, the Respondent agreed to be more specific when calling in locate tickets and will work with Jason from OUPS going forward.

Motion: PIP, response accepted so no further submissions required. Penalty Vote: Unanimous.

Old Business

17-00035 & 17-00036.

Submitted an insufficient PIP per UTC officers. Sent back with requests to added some information on January 31 and still have not received the revised PIP. Had 30 days or fines in abeyance. UTC wishes to enforce the fines at this time. \$500 for each case.

17-00055

Discussion: Found in violation from last meeting. Tabled penalty discussion in anticipation of revised PIP but never received. Since revised PIP not received, larger fine held in abeyance if revised PIP received within 30 days.

Motion: Revised PIP with \$1000 in abeyance. Vote: Unanimous.

New Business

Ohio Utilities Damage Prevention Coalition (OUDPC) planning to meet April 12, 2018, to start discussions on revisions to damage prevention law. Items of importance are ambiguities, government exemption. Possibly submitting a formal list of issues from the UTC to be addressed.

Commission open a Rule review for Damage Prevention. This is for OAC 4901:1-1. Rule 2 requires that underground utility protection services register with the PUCO. This is a standard 5-year rule review. No direct correlation to the UTC and its duties.

Next meeting May 17, 2018 @ 10:00am.

Adjourn.