

**Before the
House Consumer Affairs Committee**

**Hearing on Legislation Amending
The Underground Utility Line Protection Law**

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Testimony of

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Good morning Chairman Godshall, Chairman Caltagirone and members of the House Consumer Affairs Committee. I am Terry Fitzpatrick, President and CEO of the Energy Association of Pennsylvania (“EAP” or “Association”), a trade association comprised of electric and natural gas utilities operating in Pennsylvania. Thank you for this opportunity to appear on behalf of our members¹ and testify regarding legislation amending the Underground Utility Line Protection Law, commonly referred to as the “One Call” law.

By way of background, the Energy Association’s main functions are to advocate positions before state agencies (most notably the Public Utility Commission) and the General Assembly, and to assist its members in sharing best practices. EAP also provides educational opportunities for its members (as well as for out-of-state utilities, government employees, and other interested parties) through its annual conferences on electric and gas operational issues and consumer service issues.

With regard to all of EAP’s activities, no issue is more important than promoting safety for customers, employees, and the general public. Safety issues are frequently on the agendas for our electric and gas operations conferences, and EAP has an Accident Prevention Committee that recognizes superior performance with annual safety awards. EAP also attends meetings of the Board of Directors of the PA One Call system and participates in three of the system’s “Safety Days” programs each year.

Established more than 40 years ago as a “call before you dig” communications service in Southwestern Pennsylvania, “PA One Call” was designed to protect underground utility facilities from damages resulting from excavation projects. After becoming law in 1974, the “one call”

¹ EAP members include: Citizens’ Electric Company; Columbia Gas of Pennsylvania; Duquesne Light Company; Metropolitan Edison Company; National Fuel Gas Distribution Corp.; PECO Energy Company; Peoples Natural Gas Company; Peoples Natural Gas-Equitable Division; Peoples TWP LLC; Pennsylvania Electric Company; Pennsylvania Power Company; Philadelphia Gas Works; Pike County Light & Power Company; PPL Electric Utilities; UGI Central Penn Gas; UGI Penn Natural Gas; UGI Utilities, Inc.; Valley Energy; Wellsboro Electric Company; and West Penn Power Company.

concept continued to expand throughout the Commonwealth (and beyond) to provide for a single nationwide toll free telephone number or 811 number, whereby excavators, designers, or other persons could notify “facility owners” thorough a central third party entity of their intent to “dig” in an area which may (or may not) include underground facilities, i.e. pipes and wires. In turn, the facility owners would then be afforded the opportunity to mark the underground facility so as to avoid damage during the planned excavation or demolition process.

In Pennsylvania, a series of legislative amendments made participation in the One Call system mandatory for most underground facility owners and operators. This legislation also defined and identified the duties, requirements and notification responsibilities of the various parties involved in the One Call system; determined the composition, staffing and leadership of the third party entity that operates the system; and delegated enforcement authority and established penalties and fines to be levied in the event of a violation and/or damage resulting from a violation. Today, the Pennsylvania Department of Labor & Industry enforces the requirements of the One Call law, which ideally protects both the excavator and the underground facility from harm which can occur where a pipe or wire is hit and damaged.

There are two bills pending in the General Assembly that would amend the One Call law: House Bill 284, sponsored by Representative Matt Baker, and Senate Bill 242, sponsored by Senator Lisa Baker. These bills are almost identical and would make the following changes to the law:

- Transfer enforcement authority from the Department of Labor and Industry to the Public Utility Commission (PUC);
- Establish a Damage Prevention Committee and set forth its composition and duties;
- Remove exceptions and place additional duties upon facility owners, excavators, and project owners;

- Create an administrative process for determining violations and assessing penalties; and,
- Extend the sunset date of the law from 2017 to 2022 (House Bill 284) or 2024 (Senate Bill 242).

EAP and its members support passage of either House Bill 284 or Senate Bill 242.

Reauthorization of the One Call law is critically important for preserving public safety.

Moreover, we believe that the changes proposed in these bills will improve safety and limit the number of hits to underground utility facilities.

In our view, the PUC is a natural fit to enforce the law because of its historic responsibility to oversee safety issues involving public utilities. I note that a number of other states have also entrusted enforcement of their One Call laws to their utility regulatory agency. It is our understanding that the U.S. Department of Transportation's Pipelines and Hazardous Materials Safety Administration ("PHMSA") supports the proposed transfer of authority. PHMSA is on record for encouraging and supporting states to house enforcement of one call laws in the states' utility regulatory agencies because data demonstrates that for those states where enforcement is delegated to the agency overseeing utilities, a lower number of reportable incidents occurs leading to fewer incidents of personal injury or property damage.

EAP also supports the establishment of a Damage Prevention Committee to address most alleged violations of the law. It is our understanding that this type of process has worked well in other jurisdictions, such as Virginia. With regard to One Call reauthorization bills that were introduced in previous legislative sessions, we expressed concern that not all of the major utility industries were assured representation on the Damage Prevention Committee, which we believed was necessary to assure that there was adequate expertise and balance on the Committee. However, we appreciate that the sponsors of House Bill 284 and Senate Bill 242 have addressed this concern and expanded the composition of the Committee to include representatives of electric, gas, telecommunications, and water utilities.

I recognize that there are other issues involved in reauthorization of the One Call law, but the issues mentioned above are the ones of greatest concern to gas and electric utilities, so I will limit my testimony to them.

In summary, EAP supports passage of either House Bill 284 or Senate Bill 242. Thank you for the opportunity to testify.