



May 25, 2012

David Danner, Executive Director and Secretary
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RE: PG-120345

Dear Mr. Danner,

Thank you for the opportunity to comment on Docket # PG-120345, exploring whether additional damage data reporting is necessary to implement changes to 19.122 RCW made in 2011.

By way of background, the Northwest Gas Association (NWGA) is a trade organization of the Pacific Northwest natural gas industry. Its members include the four natural gas utilities serving communities throughout Washington State and the two transmission pipelines that transport natural gas from production areas into and through the state.

Ensuring public safety and preventing damage to all underground utilities is of paramount importance to NWGA members. The NWGA was integrally involved in developing and advocating the changes made to 19.122 RCW, having been present and engaged in the issue since before the inception of the stakeholder process initiated in 2009.

The NWGA offers the following general comments in response to Docket #PG-120345:

- 1) We commend the UTC for acknowledging the importance of stakeholder buy-in to this process. Respecting the spirit of the stakeholder process that eventually led to significant improvements to 19.122 RCW, **we strongly encourage the UTC to consult with and otherwise fully engage stakeholders before promulgating new rules.** We further suggest that many issues may not require rule-making at all, but could be resolved less formally through the Safety Committee authorized in the 2011 legislation.
- 2) In a like vein, the stakeholder process that led, eventually, to a successful legislative outcome was complex and often contentious. The NWGA respectfully suggests that the UTC **allow some time to pass after implementation of the law (January 1, 2013) to gather information about what works and what improvements may be necessary before promulgating new rules.** We suggest the UTC wait a minimum of twelve months after implementation before initiating any new rules not expressly required to implement the statute, unless damage prevention stakeholders request the UTC to develop new rules more quickly.

In the notice of opportunity to file written comments and workshop relating to PG-120345, the UTC posed four specific questions. The NWGA offers the following comments in response to the UTC questions:

- 1) Specific operational procedures of the sort sought by the UTC in Question 1 vary among operators. Since the NWGA counts six different operators among its members in Washington State, those NWGA members that choose to comment on Docket PG-120345 directly will speak for themselves.
- 2) See Question 1.
- 3) (1) NWGA members report all known damage to facilities whether or not a locate was requested in accordance with 19.122.053(k) RCW and WAC 480-93.200(7)(b).

(2) NWGA members are not aware of and so can not report on excavators digging without a locate within 35 feet of a transmission line unless the activity is reported to them by a third party or discovered as part of standard monitoring procedures. The UTC may wish to ask operators whether they have observed or otherwise been made aware of incidents of excavation occurring without a locate within 35 feet of a transmission line in the preceding 45 days.

(3) The same is true of damage to or removal of marks/signs indicating the presence of NWGA member facilities: unless discovered as part of standard operational and maintenance procedures or reported to them by an other party, NWGA members would be unaware of such damage. The UTC may wish to ask operators whether they have observed or otherwise been made aware of damage to or removal of markings indicating the presence of underground facilities in the preceding 45 days.
- 4) NWGA members believe the UTC has the necessary authority to ask specific questions in the context of a damage investigation. Costs rise when standard procedures must be augmented to comply with new rules. New requirements on NWGA member companies must be carefully vetted to ensure: 1) they will actually prevent damage to underground facilities; and 2) they contribute materially to a culture of damage prevention.

The NWGA appreciates the opportunity to provide our perspective on the questions posed in Docket PG-120345 and we appreciate the value of good data. Please don't hesitate to contact us if you have any questions,

Sincerely,



DAN KIRSCHNER

Executive Director