



August 14, 2012

David Danner, Executive Director and Secretary
Washington Utilities & Transportation Commission
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(Transmitted via email to records@utc.wa.gov)

RE: Rulemaking to Consider Damage Reporting Requirements for Gas Pipeline Companies in WAC 480-93, Docket PG-120345

Dear Mr. Danner,

Thank you for the opportunity to comment on Docket PG-120345, considering damage reporting requirements in WAC 480-93.

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.

Preventing damage to underground utilities, 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 comments to the draft rule circulated by the Washington Utilities and Transportation Commission (UTC) on July 17, 2012:

- 1) We commend the UTC for listening to its stakeholders. It is clear that stakeholder concerns were considered in the draft rule.
- 2) Reiterating a comment we previously submitted in this docket, 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 most recent Notice of Opportunity to File Written Comments relating to PG-120345, the UTC posed four specific questions. The NWGA offers the following comments in response to the UTC questions:

- 1) NWGA members appreciate being given the option to use the virtual Damage Information Reporting Tool (DIRT) or the damage reporting form located on the UTC's website depending upon their preference. We note, however, that DIRT does not accommodate reporting all of the information required in RCW 19.122.053. Specifically, DIRT does not appear to be configured to allow the reporting of the time of the event (RCW 19.122.053(3)(b)), the person and employer who conducted the locate (RCW 19.122.053(3)(k)(i)) or a narrative description of the damage (RCW 19.122.053(3)(m)).
- 2) As noted in our response to Question 1, our primary concern with DIRT is its capability to receive the information required by the statute or requested by the UTC.
- 3) Our understanding is that the objective of reporting damage data is to conduct statistical analyses to determine whether or not damage prevention effort are effective. Most NWGA member companies collect information of the sort the UTC suggests it would like to have reported. We question how and whether this information contributes to the statistical analyses, which are the reason for collecting damage information in the first place. We propose the following change to the language circulated by the UTC:

WAC 480.93.200

(7) In the event of damage to a gas pipeline, each gas pipeline company must provide to the commission the following information using either the virtual damage information reporting tool (DIRT), or the damage reporting form located on the commission's website:
(a) The reporting requirements set forth in RCW 19.122.053;
(b) If the damage is the result of an excavation conducted without a facilities locate first being completed, the gas pipeline company must report the following, commission may request additional information including:
(i) The name, address, and phone number of the person or entity that the company believes to have caused the damage;
(ii) Photographs of the damaged facility if available; and
(iii) Documentation that supports the conclusion that a facilities locate was not completed.

Finally, we reiterate our concern and note that DIRT does not allow for the reporting of this additional information.

- 4) NWGA members believe the UTC is headed in the right direction with its draft language concerning reporting excavation activities within 35 feet of a transmission pipeline without a locate, or the malicious removal of markers. We suggest the following minor clarification:

WAC 480.93.200

(9) Each gas pipeline company must report to the commission the details of each instance of the following events:
(a) An excavator digs within 35 feet of a transmission pipeline, as defined by 19.122.020(26) without first obtaining a locate; or
(b) Someone maliciously damages or removes marks indicating the location or presence of gas pipeline facilities.

The company must only report information to the extent that an employee or contractor of the company observes or becomes aware of these events in the course of normal duties.

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