



Avista Corp.  
1411 East Mission P.O. Box 3727  
Spokane, Washington 99220-0500  
Telephone 509-489-0500  
Toll Free 800-727-9170

August 17, 2012

***VIA: Electronic Mail***

David Danner  
Executive Director and Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive S. W.  
P.O. Box 47250  
Olympia, Washington 98504-7250

Re: Comments on the Draft Rule of Avista Utilities - Docket No. PG-120345

Dear Mr. Danner:

On March 21, 2012, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider establishing requirements for gas pipeline operators to report data and documentation to the Commission of damage to pipeline facilities in violation of Chapter 19.122 RCW. The Commission filed the CR-101 in the above referenced Docket.

The 2011 Legislature amended the underground utilities law, Chapter 19.122 RCW.<sup>1</sup> These changes take effect on January 1, 2013. This new law assigns authority to the Commission to enforce compliance with the underground utilities law as it relates to pipelines. The Commission has initiated rulemaking regarding additional reporting requirements and damage to facilities caused by excavators that have violated the underground utilities law.

---

<sup>1</sup> The Underground Utility Damage Prevention Act (E2SHB-1634), was passed unanimously by the Legislature and signed by the Governor on May 5, 2011.

The Commission received written comments on its CR-101 that were due on May 25, 2012. In addition, Commission staff held a workshop with interested stakeholders on May 10, 2012. As a result of the written comments and the stakeholder workshop, Commission staff has developed a draft rule for review and has requested comments on the draft rule and answers to the following questions:

1. At the May workshop, staff and company representatives discussed giving the pipeline companies the option of using the DIRT reporting system to report the name and contact information of excavators that damage their facilities without first obtaining a facilities locate. What concerns do you have about using the DIRT report system, which was designed to use to report damage information anonymously, in this manner?

**Avista Response:** Avista does not have any concerns regarding the use of the Damage Information Reporting Tool (DIRT) to report the name and contact information of excavators that damage our facilities without first obtaining a facilities locate. Avista supports the use of an existing reporting mechanism as opposed to a new system.

2. If you have concerns about providing specific documentation of violations of RCW 19.122 via the DIRT system, how would you prefer to report this information?

**Avista Response:** Reporting the name and contact information of excavators that damage facilities within the existing DIRT system is appropriate; however, there are concerns with reporting information that currently is not available through DIRT. The proposed rule would require the following information is to be reported:

<b>Reporting Requirement</b>	<b>Code Requirement<sup>2,3</sup></b>	<b>Existing DIRT Capability</b>
Name of person submitting the report and whether the person is an excavator a representative of a one-number locator service, or a facility operator.	19.122.053(3)(a)	Yes
Date of the damage event	19.122.053(3)(b)	Yes
Time of the damage event	19.122.053(3)(b)	No
The address where the damage event occurred;	19.122.053(3)(c)	Yes
The type of right-of-way	19.122.053(3)(d)	Yes
The type of underground facility damaged	19.122.053(3)(e)	Yes

<sup>2</sup> Chapter 19.122 RCW – Underground utilities

<sup>3</sup> WAC 480-93-200 – Reporting requirements

<b>Reporting Requirement</b>	<b>Code Requirement<sup>2,3</sup></b>	<b>Existing DIRT Capability</b>
The type of utility service or commodity the underground facility stores or conveys	19.122.053(3)(f)	Yes
The type of excavator involved...	19.122.053(3)(g)	Yes
The excavation equipment used...	19.122.053(3)(h)	Yes
The type of excavation being performed...	19.122.053(3)(i)	Yes
Whether a one-number locator service was notified before excavation commenced and if so, the excavation confirmation code provided by a one-number locator service	19.122.053(3)(j)	Yes
The person who located the underground facility and their employer;	19.122.053(3)(k)(i)	No
Whether underground facility marks were visible in the proposed excavation area before excavation commenced;	19.122.053(3)(k)(ii)	Yes
Whether underground facilities were marked correctly;	19.122.053(3)(k)(iii)	Yes
Whether an excavator experienced interruption of work as a result of the damage event;	19.122.053(3)(l)	Yes
A description of the damage	19.122.053(3)(m)	No
Whether the damage caused an interruption of underground facility service	19.122.053(3)(n)	Yes
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, additional information;	480-93-200(7)(b)	-
The name, address, and phone number of the person or entity that the company believes to have caused the damage;	480-93-200(7)(b)(i)	No
Photographs of the damaged facility	480-93-200(7)(b)(ii)	No
Documentation that supports the conclusion that a facilities locate was not completed	480-93-200(7)(b)(iii)	No

Avista does support the use of DIRT to report items that are currently elements within the DIRT reporting system. Proposed reporting requirements not supported within the DIRT reporting system, however, could be collected and retained with other supporting documentation as detailed in 480-93-200(7)(c) and be available to the commission upon request.

3. Staff’s proposal for the information a company must report and retain when a facility is damaged without the excavator first obtaining a locate information appears in the draft at WAC 480-93-200(7)(b). Please comment on this proposal. Also what new costs would this impose on your company?

WAC 480-93-200(7)(b)(i) – “The name, address, and phone number of the person or entity that the company believes to have caused the damage;”

WAC 480-93-200(7)(b)(ii) – “Photographs of the damaged facility; and”

WAC 480-93-200(7)(b)(iii) – “Documentation that supports the conclusion that a facilities locate was not completed.”

***Avista Response:***

- (1) WAC 480-93-200(7)(b)(i) – Avista will not in all cases know who the excavator was. In some cases damage due to excavation is found at a later date, well beyond the scope of the work that caused the damage, and reporting of this information is not possible. Avista supports providing the information “*when available*”. Note: Currently Avista captures the name of the person and company that caused the damage when available.
- (2) WAC 480-93-200(7)(b)(ii) – Avista does not currently photograph all damaged facilities. Photographs are currently taken when it is necessary to support a potential claim or analysis of causation. If Avista were to photograph all cases where facilities are damaged there would be an additional cost to do so. The additional cost is yet to be determined as it would require further analysis prior to implementation. At this time Avista supports providing the photographs “*when available*”.
- (3) In most cases, the conclusion that a facilities locate was not completed can be inferred from the fact the operator cannot produce a locate tracking number, or a locate tracking number is produced, and no field marks are observed. Avista would appreciate additional clarification regarding what supporting documentation the Commission desires.
4. Also at the May workshop, pipeline company representatives had questions about whether it was staff’s expectation that companies patrol their rights of way to identify excavators digging within 35 feet of a transmission pipeline without a locate and to identify people who might damage or remove pipeline marks. Staff responded that we were looking for companies to report these events to the extent they are aware of these.

Please see the proposed language in WAC 480-93-200(9). What additional clarification would operators like to see included in the draft rule?

***Avista Response:***

- (1) Part 480-93-200(9) – Recommend including the concluding text referenced in part (b) as part of section (9) so that it applies to both parts 480-93-200(9)(a) and (b).

Proposed Language: WAC 480-93-200(9) - “Each gas pipeline company must report to the commission the details of each instance of the following when the company or its contractor observes or becomes aware of these events.”

- (2) Part 480-93-200(9)(a) – Avista finds this language acceptable.

- (3) Part 480-93-200(9)(b) – Avista finds this language acceptable.

Again, Avista is committed to facilitating a successful implementation of the new Underground Utilities Law and appreciates the opportunity to be involved in discussions and provide written comments regarding amendments to the reporting rules contained within WAC 480-93.

If you have any questions regarding these comments, please contact David Howell at 509-495-8719 or myself at 509-495-4975.

Sincerely,

*/s/Linda Gervais*

Linda Gervais  
Manager, Regulatory Policy  
Avista Utilities  
509-495-4975  
[linda.gervais@avistacorp.com](mailto:linda.gervais@avistacorp.com)