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August 17, 2012


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

**Subject: Comments regarding proposed revisions to Washington pipeline safety rules, WAC 480-93-200 (PG-120345)**

Dear Mr. Danner:

Pursuant to your request Puget Sound Energy is pleased to provide the attached responses and comments to the proposed revisions in the Notice of Opportunity to File Written Comments dated July 17, 2012. We have carefully reviewed the discussion draft rule relating to Reporting Requirements. Our comments are based on our commitment to pipeline safety and the safe and dependable delivery of natural gas to our customers.

We look forward to the opportunity to further discuss our comments with Pipeline Safety Staff.

Sincerely,  
  
Cheryl McGrath  
Manager, Compliance and Regulatory Audits

Cc: David Lykken

Encl.

**WUTC questions and PSE's responses:**

Following are PSE's responses to questions asked in the Notice of opportunity to File Written Comments dated July 17, 2012:

- 1. At the May workshop staff and company representatives discussed giving the pipeline companies the option of using 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?*

**PSE Response:**

PSE examined the DIRT reporting tool and began adjusting its processes of gathering and reporting of damages to its pipeline facilities to accommodate DIRT requirements. This process improvement undertaken by PSE extends through several operational groups. PSE believes that a solid foundation was laid by its Information Technology group through the design and creation of a database to accommodate DIRT requirements, however testing of the new system has not yet begun hence a concern about the unknown associated with launching the new automated process.

- 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?*

**PSE Response:**

PSE is preparing to report damages via the DIRT website. However PSE believes that the current DIRT format does not have the capability to capture all of the required information.

As a secondary method of reporting, PSE is open to using Microsoft Excel. Given the size of PSE's service territory, the amount of damages sustained each year and current DIRT capabilities, Excel spreadsheets summarizing data periodically would be the most efficient method for reporting.

- 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?*

**PSE Response:**

Please see attached table. New costs include the cost relative to technical and field personnel conducting damage investigations and documenting reports, in addition to administrative costs associated with processing and reporting of the required information.

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 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?*

**PSE Response:**

Please see attached table. PSE believes that reporting of information should be made when an employee or contractor becomes aware of these events “in the course of normal duties” and damages or removal of marks is “malicious” in nature.

**PSE Comments and Suggested Changes:**

Following are PSE's comments as proposed in the Notice of Opportunity to File Written Comments dated July 17, 2012:

Section	Code Language	PSE Comments	PSE Proposed Wording
(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:	Currently, DIRT does not have the capability to capture all of the fields that are required in sections (7)(a) through (7)(c) below. PSE has no suggestions for changes to this requirement, but requests that DIRT be updated prior to Jan 1, 2013 to include all required fields in section (7).	<i>No suggested change to the proposed code language</i>
(7)(a)	The reporting requirements set forth in RCW 19.122.053;	PSE suggests being more specific by adding "3 a through n" after 19.122.053 to indicate the actual reporting requirements that are nestled in 19.122.053.	The reporting requirements set forth in RCW 19.122.053 <u>(3)(a-n)</u> ;
(7)(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, additional information:	PSE recommends adding the words "believed to be" between "is" and "the result of". Oftentimes it is not immediately known whether a facility locate was completed. The First Responder on site would be the one to capture this information, but a conclusion would not have been reached at the time he would be capturing this info.	If the damage <u>is believed to be</u> the result of an excavation conducted without a facilities locate first being completed, the gas pipeline company must report the following, additional information:
(7)(b)(i)	The name, address, and phone number of the person or entity	PSE suggests adding "if available" to the end of this requirement	The name, address, and

	that the company believes to have caused the damage;	because (for example) sometimes the damage-causing agent has left the site and the information may not be available.	phone number of the person or entity that the company believes to have caused the damage <u>if available</u> ;
(7)(b)(ii)	Photographs of the damaged facility; and	This requirement has a financial and process impact on the company's emergency response and operations. Since the intent of the DIRT data collection is to support analytical studies behind damage prevention, it is unclear how photographs will be used in the data analysis. It appears that most data to be captured in photographs is more accurately captured in the DIRT form. This requirement may need to be specific to what information should be captured in the photographs ie actual damage, no locates, the excavator who caused the damage etc... Is the intent to photograph actual damage for purposes of evidence to pursue action against the damage-causing agent? What will be done with submitted photographs? PSE requests that this item be deleted due to the financial and operational impact for gathering, processing and submitting photographs.	<i>PSE suggests this requirement be deleted or alternatively be more specific to the information required to be shown in the photographs. PSE also suggests that this reporting requirement be made only when photographs are available and upon UTC request. . .</i>
(7)(b)(iii)	Documentation that supports the conclusion that a facilities locate was not completed.	PSE requests that this item be deleted. PSE struggled to define what "Evidence" would exist if a locate was not	<i>PSE suggests that this requirement be deleted, or alternatively</i>

		<p>created. There typically is no document created that could be submitted to support this. In other words it is in fact an "absence of [locate] documentation" that makes this additional reporting requirement in section 7b kick in. Therefore PSE believes that the fact that information being submitted (7bi) serves, in itself, as evidence that the Locate was not completed. In addition PSE would like clarification whether or not missed locates maybe considered not completed.</p>	<p><i>requests the UTC provide guidance as to what is expected to serve as proper documentation to fulfill this requirement.</i></p>
(7)(c)	<p>Each gas pipeline company must retain all damage records related to damage events reported under subsection (b), above, for a period of two years and make those records available to the commission upon request.</p>		<p><i>No suggested change to the proposed code language</i></p>
(8)	<p>Each gas pipeline company must provide, to an excavator who damages a gas pipeline facility, the following information set forth in RCW 19.122:</p>	<p>PSE requests that this be deleted. PSE believes this new requirement to communicate the RCW law with contractors after damages happen may be impractical at times and would require the Company to dedicate additional field and office resources to support this effort. The revised Dig Law did not impose this requirement upon operators and therefore PSE respectfully</p>	<p><i>PSE suggests this requirement be deleted.</i></p>

		requests it be deleted.	
(8)(a)	Notification requirements for excavators under RCW 19.122.050(1);	See above comments under (8). PSE requests this new requirement be deleted.	
(8)(b)	A description of the excavator's responsibilities for reporting damages under RCW 19.122.053; and	See above comments under (8). PSE requests this new requirement be deleted.	
(8)(c)	Information concerning the Safety Committee referenced under RCW 19.122.130, including committee contact information, and the process for filing a complaint with the Safety Committee.	See above comments under (8). PSE requests this new requirement be deleted.	
(9)	Each gas pipeline company must report to the commission the details of each instance of the following events:	This requirement has a financial and operational impact on the company. (1) Additional field investigation would need to occur when no locate to determine if the digging was occurring within 35 feet of any utility, and specifically a pipeline? (2) If the PSE person who observed the digging happened to know there was a pipeline nearby, research would still be required for that person to determine if it was a transmission line. This would essentially require PSE to set up a process for reporting all non-located excavations seen by any person working for company or contractor. (3) The way	<i>PSE requests further clarification on this requirement</i>

		(unnumbered section) is written, <u>all PSE employees and contractors (including office personnel)</u> would be expected to perform this function.	
(9)(a)	An excavator digs within 35 feet of a transmission pipeline, as defined by 19.122.020(26) without first obtaining a locate; or	PSE suggests deleting this because if the pipeline is unmarked, how will people know they are within 35 feet of it?	<i>PSE requests further clarification on this requirement</i>
(9)(b)	Someone damages or removes <b>marks</b> indicating the location or presence of gas pipeline facilities.	PSE requests clarification: Is this intended to mean <b>pipeline locate marks</b> , or <b>pipeline markers</b> ?	<i>PSE requests further clarification on this requirement</i>
(9)(unnumbered)	The company must only report information to the extent that an employee or contractor of the company observes or becomes aware of these events.	Was this intended to mean field personnel performing operations or maintenance work? The way it is currently worded it applies to everyone including even office personnel that work for PSE and contractors. They would first need to know where the transmission lines are, and then they would also need to know their exact location in the street to understand if the digging were occurring 35 feet. The processes required to implement this would be burdensome and are outside the scope of the revisions to 19.122.	<i>Along with request for clarification, . PSE suggests that "in the course of normal duties" be added to the end of this requirement language.</i>