

**Summary of Written Comments
 Rulemaking to Consider Amending WAC 480-93-200, Relating to Gas Companies Safety
 For August 17, 2012 Comments
 Docket PG-120345**

Revision Date: 10/9/12

ISSUE	INTERESTED PERSON	COMMENTS	STAFF RESPONSE
General Comments	Northwest Gas Association (NWGA)	<u>NWGA:</u> 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 of the law (January 1, 2013) 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.	
Question 1: 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 Corp. Northwest Gas Association (NWGA)	<u>Avista:</u> Avista does not have any concerns regarding the use of the DIRT reporting system to report the name and contact information of excavators that damage facilities without first obtaining a locate. Avista supports the use of an existing reporting mechanism as opposed to a new system. <u>NWGA:</u> The Damage Information Reporting Tool (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 event, the person and employer who conducted the locate or a narrative description of the damage.	Staff acknowledged during the May 10, 2012 rulemaking workshop that the DIRT system does not provide a specific field for reporting the information cited in your comments.

	Puget Sound Energy (PSE)	<p>PSE: PSE examined the DIRT 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.</p>	Staff suggested at that time that this information can be entered under Part J - Additional Comments of the DIRT report form.
<p>Question 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?</p>	<p>Avista Corp.</p> <p>Northwest Gas Association (NWGA)</p>	<p>Avista: Reporting the name and contact information of the 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 (table attached to company’s written response). Reporting requirements not supported within DIRT could be collected and retained with other supporting documentation as detailed 480-93-200(7)(c) and be made available to the commission upon request.</p> <p>NWGA: Our primary concern with DIRT is its capability to receive the information required by the statute or requested by the UTC.</p>	Staff acknowledged during the May 10, 2012 rulemaking workshop that the DIRT system in some instances does not provide a specific field for all information being proposed in this rulemaking. Staff suggested at that time that this information can be entered under Part J - Additional Comments of the DIRT report form.

	Puget Sound Energy (PSE)	<p><u>PSE:</u> 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 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.</p>	
<p>Question 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?</p>	Avista Corp.	<p><u>Avista:</u></p> <p>(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 “<i>when available</i>”. Note: Currently Avista captures the name of the person and company that caused the damage when available.</p>	<p>Staff recognizes there may be instances where information may not be readily available. As with reporting of any pipeline incident additional relevant information obtained by the company can be submitted in a supplemental report in DIRT or directly to the commission.</p>

<p>Question 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?</p>	<p>Northwest Gas Association (NWGA)</p>	<p>(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 “<i>when available</i>”.</p> <p>(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.</p> <p>NWGA: Our understanding is that the objective of reporting damage data is to conduct statistical analysis to determine whether or not damage efforts 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 analysis, which are the reason for collecting damage information in the first place. We propose the following change to the language circulated by the UTC.</p> <p>(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, commission may request additional information including:</p>	<p>Staff proposes to scale back the additional DIRT reporting requirements under WAC 480-93-200(7) to the name and address of the person suspected of causing the damage. The company would then be required to maintain all damage and damage claim documentation it creates for two years and make it available to the commission upon request.</p>
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	Puget Sound Energy (PSE)	<p>7(b)(ii) Photographs of the damaged facility if available; and</p> <p><u>PSE:</u> See attached table. New costs including the cost relative to technical and filed personnel conducting damage investigations and documenting reports, in addition to administrative costs associated with processing and reporting of the required information.</p>	
<p>Question 4: 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.</p> <p>Please see the proposed language in WAC 480-93-200(9). What additional clarification would operators</p>	<p>Avista Corp.</p> <p>Northwest Gas Association (NWGA)</p>	<p><u>Avista:</u></p> <p>(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).</p> <p>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.”</p> <p>(2) Part 480-93-200(9)(a) – Avista finds this language acceptable.</p> <p>(3) Part 480-93-200(9)(b) – Avista finds this language acceptable.</p> <p><u>NWGA:</u> 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:</p>	<p>Staff agrees with all commenters– Rules have been amended to reflect the proposed changes.</p>

<p>like to see included in the draft rule?</p>	<p>Puget Sound Energy (PSE)</p>	<p>(9)(b) Someone maliciously damages or removes marks indicating the location or presence of gas pipeline facilities.</p> <p>(9) 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.</p> <p><u>PSE:</u> 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.</p>	
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