

# OULDPC | MINUTES

SEPTEMBER 13, 2018

10:00 – 12:00

GEORGE J. IGEL COMPANY

## ATTENDEES:

Marc Armstrong, Ohio Rural Electric Co-Ops  
Jan Bans, AT&T  
Bryon Bedel, GCWW Construction Inspection  
Greg Bennett, Byers, Minton & Associates  
David Blatnik, Marathon Petroleum Company  
Paul Briggs, Dominion Energy  
Kenny Brooks, ODOT  
Jason Broyles, Ohio Utilities Protection Service dba OHIO811  
Mark Carducci, WOW! Internet Cable & Phone  
Forrest Cash, Barrett Paving  
Dave Celona, Ohio Gas Association  
David Corrado, Medina County Fiber Network  
Joe Costell, USIC  
Rob Fadley, PUCO  
Heidi M. Fought, Ohio Township Association  
George Gillespie, Ohio Utilities Protection Service dba Ohio811  
Lawrence Hampton, PUCO  
Rick Hanna, Lancaster Municipal Gas  
Deborah Harris, American Electric Power  
Clayton Heitz, Kokosing Construction  
Michelle Holdgreve, Ohio Contractors Assoc.  
Joe Igel (through OCA)  
John Keaton, Duke Energy  
Kris Klaus, Ohio Home Builders Association  
Dave Koren, NiSource

Zoltan Kovacs, Associated Builders & Contractors of Ohio  
Jeff Kursman, Ohio Utilities Protection Service dba OHIO811  
Roger Lipscomb, Ohio Utilities Protection Service dba OHIO811  
Mary Logan So, George J. Igel Company, Inc.  
Connie Luck, Charter Communications  
Alice Miller, Ohio Utilities Protection Service dba OHIO811  
Mark Niehe, Greater Cincinnati Water Works  
Regan Noble, Enterprise Products  
Darren Owens, City of Lebanon  
Ty Pine, FirstEnergy Corp.  
Mark Potnick, Ohio Contractors Association  
Liz Pyles, George J. Igel Company  
Jennifer Reams, Infrastructure Compliance Concepts  
Mark Ritter, Marathon Petroleum Company  
Les Schell, Kinder Morgan  
Kevin Schimming, City of Columbus  
Wendi Snyder, ODOT  
Jimmy Stewart, Ohio Gas Association  
Briant Thomas, AT&T Damage Prevention  
Al Tonetti, Ohio Archaeological Council  
Dave Tressler, Badger Daylighting Corp.  
Kurt Waite, Lancaster Municipal Gas

## AGENDA TOPICS

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### I. Welcome

Joe Igel, Chair, opened the meeting at 10:10 and thanked everyone for attending. Introductions were made.

### II. Administrative

The Coalition roster was circulated. Joe requesting that all attendees initial the roster and make any necessary changes.

Minutes from the June 14 meeting were approved.

### III. New Business

Review and Update: Joe noted that during past legislative efforts by the coalition, individuals worked through their company/organization. He recommended that practice be continued in order to move discussions forward and come to a consensus more quickly. Roger Lipscomb noted that while it is important for individuals work through their company/organization, the individuals' perspective is also welcome during discussions.

Paul Briggs noted that following the June OUDPC Meeting some utilities (not telecommunications) and contractors met to discuss whether both parties are "on board" with working on legislation. Dave Celona added that the idea was that their discussion would help with the discussion with the "larger body".

Roger explained that previous legislation left issues on the table that should be addressed and referred to the previously conducted (Spring 2018) survey. (The items identified were included on the agenda made available at the meeting). What subjects not addressed previously, and in addition to the survey, might be addressed at this time.

Dave Corrado discussed the need to address large projects and the life of a ticket, due to growth of municipal fiber carriers and excavators' requests for marks when the work is not begun within ten days. Additionally he noted the problem with expansive areas being called in to OHIO811 for marks. Roger said that it is within the law that work must begin within ten days – Jennifer agreed – it is stated with this law and it is enforceable.

Mary Logan-So would like abandoned lines to be discussed. Roger noted that it is a national issue and described a hit abandoned line that had not been purged blowing for three hours and the subsequent consequences.

Joe Igel asked if large project meetings are taking place. Joe Costell asked who determines if an excavation is a large project.

Note: Once a "joint-meet" takes place the 48 hour timeline does not apply; there is no definition of "large project" within Ohio law. Additionally, there is no mechanism to make the agreement(s) between the excavators and facility owners binding. Items to consider 1) Owner or excavator having the ability to initiate the large project process, 2) Facility owners describing what they are able to do within the process 3) Agreements become binding.

Discussion: Design Phase / Large Project / Scope of Ticket

Jennifer suggested mandating the large-project process within the design phase, Roger suggested placing it in both phases (the design and "excavation" portion of the ORC), and Briant suggested first addressing the size and scope of a ticket and then move on to the large project process.

Al Tonetti suggested that we begin crafting language in order to start the review process.

Discussion: The ability to levy complaints against a third party locator

Joe Igel said that third party locators are having complaints levied against them (within the PUCO/UTC complaint process), but the UTC, under the law is not hearing them and they are, in many cases, being refiled against the individual utilities. Jennifer Reams asked the question – if third party locators are held responsible, what incentive does the utility have to mark their facilities? Roger stated that other states allow complaints to be levied against locators because

subcontractors will not complain about utilities, and this type of complaint process will enable locators to address their issues. Roger said the position from the one-call - utilities got together and said this is the direction they want to go. Mary Logan-So said that sometimes it is difficult to know who the locator is. Rob Fadly then described the complaint process and the PUCO's/UTC's role within that process.

#### Discussion: Exemptions

Roger discussed the option of changing the exemption language to identify an activity rather than an entity. Jennifer Reams suggested that telecommunications be involved in that discussion going forward.

Joe Igel asked that the language previously created regarding exemptions be distributed with the minutes.

#### Discussion: Life of a ticket

Mary Logan-So suggested the Coalition look at updating the life of a ticket. Mark Potnick made the point that if you add a timeline to the ticket you will be increasing the number of tickets.

#### Discussion: Feasibility of passing legislation within the near future

Ty Pine pointed out that next season will be a very busy season (legislatively) and that any language the coalition creates may be very low on the legislators' priorities. He suggested that the coalition take a few (simple) issues and work on passage. FirstEnergy will plan to work through OGA. Mark Potnick suggested that legislators be consulted as to the ability of passing legislation in the near future.

#### Outcome:

Three Sub Committees will be created:

- Exemptions
- Size and Scope, *and* Large Projects
- Accountability for Third Party Locators

Four Discussion Groups will be created:

- Abandoned Lines
- Life of a Ticket
- 48 Hour Waiting Period
- Training

### Action items

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Distribute previously suggested exemption language

An email requesting coalition members sign-up for the subcommittee/discussion group of their choice will be distributed.

Coalition Members wishing to serve on a subcommittee/Discussion Group should reply to the (above noted) email.

Submitted By: Alice Miller, September 14, 2018