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Maine Public Utilities Commission

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PUBLIC UTILITIES COMMISSION

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CAD Bulletin No. 2014-01

To: All Owners and Operators of Underground Facilities
From: Derek D. Davidson, Director
Consumer Assistance and Safety Division
Subject: Reporting Requirement for Underground Incidents, Chapter 895 § 6(C)(1)
Date: May 13, 2014

Handwritten signature of Derek D. Davidson

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The purpose of this bulletin is to remind operators of underground facilities1 of their responsibility to report "damage prevention incidents" to the Public Utilities Commission (Commission). A "damage prevention incident" is defined by Chapter 895, §2(E-1) as "an occurrence in which one or more provisions of the Dig Safe law are violated, regardless of whether there is damage to underground facilities." Section 6(C)(1) of Chapter 895 requires an operator to report to the Commission when it has reason to believe that one or more damage prevention incidents has occurred, regardless of whether there's damage to underground facilities.

Commission staff has recently become aware of situations where operators have responded to a notification of a planned excavation and found that the excavator has failed to pre-mark the planned excavation. Chapter 895, §4(A) requires excavators to mark the approximate boundary of a proposed excavation and the excavator's initials in white, or as otherwise established by the Dig Safe System, prior to notifying the Dig Safe System. Because failure to mark a planned excavation is a violation of the Dig Safe law, it must be reported to the Commission as a "damage prevention incident."

1 Chapter 895, §2(U) defines an underground facility as "any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cable television service, electric energy, oil, gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances thereto and those parts of poles below ground."

Pursuant to Chapter 895 §6(C)(1), a damage prevention incident shall be reported on the Underground Facilities Damage Prevention Incident Report form, which is available from the Commission (207-287-3831 or <http://www.maine.gov/mpuc>). The operator shall submit this report within 10 days of discovering a suspected violation. In the event of a serious damage prevention incident,<sup>2</sup> the operator shall also provide notice to the Commission immediately, after all urgent safety matters have been addressed, in a manner consistent with the most recent notification procedures provided by the Commission.

Reporting these incidents to the Commission will allow the Commission to educate excavators regarding their responsibilities under the Dig Safe Law. If you have any questions regarding this bulletin, please contact me at (207) 287-1596 or at [derek.d.davidson@maine.gov](mailto:derek.d.davidson@maine.gov).

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<sup>2</sup> Chapter 895, § 2(S) defines “serious damage prevention incident” as a damage prevention incident that results in the loss of human life, personal injury requiring in-patient hospital admission, evacuation, or potential damages exceeding \$10,000, or that has the potential to pose a significant hazard to the health or welfare of the public.