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Utility Accommodation Policy : Rulemaking Comments Received, Comment Period 4/8/2009 to 5/8/2009

Maine Department of Transportation

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**Utility Accommodation Policy
Rulemaking Comments Received
Comment Period 4/8/2009 to 5/8/2009**

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| DATE RECEIVED: APRIL 2, 2009 | |
| COMMENTS NAME/ORGANIZATION: L.G. THOMAS, EASTERN MAINE ELECTRIC COOPERATIVE | |
| SUMMARY OF COMMENT REMOVAL OF OUT-OF-SERVICE FACILITIES | MaineDOT Response |
| <p>I have a couple of comments concerning the "Out-of-Service Facilities" located on page 21, sect. - 6, Sub - 4.</p> <p>In this section you state that the utility must remove the said out-of-service facilities within 60 days of their last use.</p> <p>An electric utility, should they deem a line not worthy, or the need of no future possible use is apparent. According to MPUC rule, the utility must first submit to the MPUC, in writing with just cause, an explanation as to why they wish to remove the line. This has to go through an approval process followed up by a letter from the MPUC approving or denying the request for removal of the line. This in itself is a timely process.</p> <p>Secondly, electric utilities have always tried to keep alternate paths for feeders (loop feeds) meaning sometimes a line may only be used in abnormal or emergency conditions.</p> <p>If you have any questions concerning these comments please do not hesitate to ask.</p> | <p>MaineDOT made changes to accommodate the MPUC process when applicable.</p> |
| DATE RECEIVED: APRIL 17, 2009 | |
| COMMENTS NAME/ORGANIZATION: JAMES COHEN, VERRILL DANA, LLC | |
| SUMMARY OF COMMENT PRIVATE ENTITY DEF. & SCENIC HIGHWAYS | MaineDOT Response |
| <p>Section 4, Definition of "Private Entity."</p> <p>To ensure there is no inconsistency between this definition and the definition of "utility," the definition of "private entity" should be modified as follows: "A private organization or individual, <u>other</u></p> | <p>MaineDOT agrees with both comments and adopted both recommended changes.</p> |

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| <p><u>than a utility</u>, which owns, operates, controls and maintains Facilities that exist solely for its own use." Obviously, it is important that there is no confusion as to what type of entity is a utility, and what type of entity is not.</p> <p>Section 7(A).</p> <p>The proposed rule makes a significant change to the provisions related to Scenic Highways by striking the phrase "visible to the Highway user." This change, if adopted, would make it nearly impossible for facilities to be constructed in or around scenic areas since it would prohibit alteration of trees or natural features in any scenic area, not simply in locations "visible to the Highway user" as in the current rule. We urge the Department to reconsider this proposal given the importance of utilities being able to trim trees adjacent to their facilities. This point is underscored by the January ice storm which caused many customers to lose service because of downed tree limbs. We understand there is an important balance between ensuring reliable electric service and maintaining scenic vistas, but we believe the existing rule struck a better balance between these interests. Again, we would ask the Department not to proceed with the proposed change in this section.</p> | |
| <p>DATE RECEIVED: APRIL 14, 2009</p> | |
| <p>COMMENTS NAME/ORGANIZATION: JOHN DEVIN, MAINEDOT REGION 2</p> | |
| <p>SUMMARY OF COMMENT ROLLING ROADBLOCK CHANGES</p> | <p>MaineDOT Response</p> |
| <p>In Section 6.6.B.(2) Short-Term Wire Crossings, the use of one police cruiser to slow two lanes of traffic has proven to be insufficient for providing adequate protection for the utility workers in several instances. I recommend that this be changed to require one police cruiser per lane.</p> | <p>MaineDOT agrees with the comment and adopted the recommended change.</p> |