

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INVESTIGATION INTO IOWA ONE CALL REQUIREMENTS	DOCKET NO. INU-2017-0001
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**ORDER OPENING INQUIRY**

(Issued December 7, 2017)

**BACKGROUND AND LEGAL AUTHORITY**

Pursuant to 49 U.S.C. § 60114, 49 C.F.R. pt. 198, subpart D, and Iowa Code ch. 480, the Iowa Utilities Board (Board) and the Iowa Attorney General (AG) receive a grant from the federal Department of Transportation, Pipeline Hazardous Material Safety Administration (PHMSA), to provide funds to support education and enforcement programs for locating and excavating in the vicinity of natural gas pipelines. The purpose of the program is to prevent damage to underground utilities from excavation activities.

One of the requirements to receive the grant funds is to increase the effectiveness of the procedures related to Iowa One Call, including location of natural gas pipeline facilities and other underground utility facilities, resolving complaints about alleged mis-location of utility facilities, and enforcement action for violations. The Board is opening this investigation to obtain information from utilities and other

interested persons about compliance with Iowa One Call and ways to improve the effectiveness of the program.

Notice of this investigation will be sent to all public utilities in Iowa, the Iowa One Call Board, identified contractors' associations, the AG, and Iowa One Call locating companies, all at the addresses shown in the service list for this docket. In addition, the Board will issue a media release to notify the public of this inquiry. Utilities will be requested to provide the information described below. As part of the investigation, the Board will schedule a workshop where interested persons may discuss the information provided by the utilities, ask questions, and respond to questions from the Board or other participants.

The goal of the investigation will be to establish best practices for locating natural gas pipeline facilities and other underground facilities, identify areas of potential improvement in the Iowa program, inform all persons involved in locating and excavating around underground facilities about best practices, and educate the public on the dangers of excavating and measures that can reduce or eliminate those dangers.

With the exception of comments from the general public (see below), all filings in response to this order shall be filed in the Board's electronic filing system (EFS). Instructions for making an electronic filing can be found on the Board's EFS website at <https://efs.iowa.gov>. A workshop for the purpose of discussing matters raised in this docket will be scheduled for February 27, 2018. Questions about this docket

should be directed to Benjamin Flickinger, by telephone at 515-725-7351 or by email to [ben.flickinger@iub.iowa.gov](mailto:ben.flickinger@iub.iowa.gov).

### **INFORMATION TO BE PROVIDED BY UTILITIES WITH UNDERGROUND FACILITIES**

The information to be provided by the public utilities is as follows:

1. Provide any written procedures that your utility has for locating and marking natural gas pipelines or other underground facilities when notified by Iowa One Call.
2. Provide information on any instances where natural gas pipelines or other underground facilities have been improperly marked during the last two calendar years. Identify the company that mis-marked the facilities, state whether the improper marking resulted in a hit on a natural gas pipeline or other facility, and explain what corrective action the utility took, if any.
3. State whether the utility locates natural gas or other underground facilities for excavators without notification from Iowa One Call and if so, explain the procedures your utility follows for making those locates.

### **OTHER SUBJECTS FOR PUBLIC COMMENT**

In addition to the information specifically requested above, the Board invites comment from the public concerning all aspects of Iowa One Call. In order to encourage that comment, the Board will establish an online comment form on its

webpage for use by the general public. However, utilities, contractors' associations, and other corporate entities should use the EFS to file comments in this docket.

Persons interested in this investigation should be aware that PHMSA conducts regular adequacy evaluations of Iowa's enforcement of its excavation damage prevention law, Iowa Code ch. 480. In recent evaluations, PHMSA has identified certain opportunities for improvement in that enforcement. Those opportunities include:

1. Improved assessment of the effectiveness of the program, including collection and analysis of information concerning excavation incidents and enforcement activities.
2. Establishment of a reliable mechanism for learning about excavation damage to underground facilities.
3. Establishment of a reliable mechanism for investigating possible violations of the excavation damage prevention requirements by all parties (excavators and underground facility owners and operators).
4. Evaluation of the effect of any exemptions to the excavation damage prevention law, such as the following exemptions in Iowa Code § 480.1: Normal farming operations, gardening, opening grave sites in a cemetery, land surveying, replacement of a traffic sign at its current location and depth, and other exemptions listed in the statute.

The Board invites comment from all interested persons regarding the best means of improving Iowa One Call in these (and other) areas. The Board is particularly interested in the costs and benefits associated with a requirement that owners and operators of underground facilities report all incidents of mis-location of, or excavation damage to, underground facilities (sometimes referred to as a mandatory reporting requirement).

Finally, the Board is evaluating the possibility of conducting investigations of Iowa One Call incidents on behalf of the AG using the existing complaint procedures under 199 IAC chapter 6 for that purpose. The Board is also exploring the possibility of conducting on-site investigation of incidents using the Board's existing inspectors. The Board invites comment on these proposals.

### **ORDERING CLAUSES**

#### **IT IS THEREFORE ORDERED:**

1. A formal inquiry, identified as Docket No. INU-2017-0001, is initiated for the purpose of receiving and evaluating public comment concerning Iowa One Call and the Utilities Board's role in that system.
2. The following procedural schedule is established:
  - a. Utilities with underground facilities in Iowa shall file responses to the questions in this order on or before January 16, 2018, along with any other statements they may have relating to the subject matter of this docket.

b. On or before January 23, 2018, any interested person may file a statement of position relating to the subject matter of this docket.

c. Members of the general public are invited to submit comments regarding this docket using the online comment form on the Board's website at <https://iub.iowa.gov>. All other filings in this docket shall be made using the electronic filing system pursuant to the Board's rules at 199 IAC 14.

d. A workshop for the purpose of discussing the comments and information received in this docket shall be held at 9 a.m. on February 27, 2018, in the Board's Hearing Room at 1375 East Court Avenue, Des Moines, Iowa. An agenda for the workshop will be issued in this docket prior to the workshop. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at 515-725-7300 in advance of the scheduled date to request that appropriate arrangements be made.

3. This order shall be served upon

a. all natural gas, electric, telecommunications, and water utilities providing service in Iowa;

b. the Iowa National Utilities Contractors Association;

c. the Associated General Contractors of Iowa;

d. the Iowa Land Improvement Contractors Association;

- e. the Associated Builders & Contractors, Iowa Chapter;
- f. the Cross Bore Safety Association, Iowa Chapter;
- g. The American Public Works Association;
- h. USIC;
- i. Consolidated Utility Services, Inc.;
- j. the Iowa Attorney General's Office; and
- k. other members of the public who have expressed interest in this subject matter, as identified on the service list for this docket.

**UTILITIES BOARD**

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Trisha M. Quijano  
Executive Secretary, Designee

/s/ Richard W. Lozier Jr.

Dated at Des Moines, Iowa, this 7<sup>th</sup> day of December 2017.