

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Independent Oil & Gas	:	
Association,	:	
	:	
Petitioner	:	
v.	:	No. _____ M.D. 2019
	:	
Pennsylvania One Call System, Inc.,	:	
	:	
Respondent	:	

**PETITION FOR REVIEW
IN THE NATURE OF A COMPLAINT
FOR
DECLARATORY JUDGMENT**

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Dated: September 10, 2019

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Independent Oil & Gas Association,	:	
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NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Petition and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Allegheny County Bar Association
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436 Seventh Avenue
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Telephone Number (412) 261-5555

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Independent Oil & Gas Association,	:	
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	:	
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	:	
Respondent	:	

**PETITION FOR REVIEW
IN THE NATURE OF A COMPLAINT FOR DECLARATORY JUDGMENT**

AND NOW COMES Petitioner, Pennsylvania Independent Oil & Gas Association (PIOGA), by and through its undersigned counsel, requesting this Honorable Court to declare that the methodology and rate structures used by the Pennsylvania One Call System, Inc.(POCS) for determining, allocating and recovering its costs of operation do not comply with the General Assembly’s directives in the Underground Utility Line Protection Law (UULPL)¹ and are therefore unlawful. Furthermore, PIOGA seeks a declaration requiring POCS to comply with the directives of the UULPL that POCS’ operation costs be recovered based upon the service provided to the two customer classes that POCS serves – (i) excavators, designers and operators and (ii) facility owners.

¹ Act of Dec. 10, 1974 (P.L.852, No.287), as amended by Act of Oct. 30, 2017 (P.L.806, No. 50) (Act No. 2017-50), 73 P.S. §§ 176-186.

Granting the relief requested will from the perspective of facility owner members that bear the economic burden of participating in POCS bring truth to POCS' Mission Statement that POCS "provide[s] an efficient and effective communications network among project owners, designers, excavators, and facility owners" to prevent damage to underground facilities as directed by the UULPL.

Jurisdictional Statement

1. This Court has jurisdiction over this petition for review pursuant to 42 Pa. C.S. § 761.

2. This petition for review is addressed to the Court's original jurisdiction and is in the nature of a complaint for declaratory judgment in accordance with the Declaratory Judgments Act, 42 Pa. C.S. §§ 7531-7541.

3. This action is brought for the purpose of determining the legal rights and obligations of the parties and their members, and involves an actual controversy, as explained herein.

4. POCS' methodology and rate structures for determining, allocating and recovering its costs of operation have created, and continue to perpetuate, a controversy concerning the amounts the UULPL directs POCS to charge (i) "excavators," "designers," and "operators" as defined in the UULPL (referred to herein collectively as "contractors") for the service they receive from POCS or the

service provided to them by POCS, on the one hand, and (ii) “facility owners” as defined in the UULPL for the services they receive from POCS, on the other hand.

5. PIOGA member companies and their affiliates (referred to herein collectively as “PIOGA members”) participating in POCS have a direct, immediate and substantial interest in this controversy because they are paying the charges resulting from POCS’ unlawful methodology and rate structures.

Parties

6. Petitioner PIOGA is a Pennsylvania nonprofit trade association with members that participate in POCS, either voluntarily or as required by the UULPL. PIOGA’s offices are located at 212 Locust Street, Suite 300, Harrisburg, PA 17101-1510 and 115 VIP Drive, Suite 210, Wexford, PA 156090-7906.

7. PIOGA and its members support the UULPL’s purpose of protecting the public health and safety by preventing excavation or demolition work from damaging underground lines.

8. Respondent POCS is the communication system created by the UULPL within Pennsylvania to provide a single nationwide toll-free telephone number (811) for excavators and other persons covered by the UULPL to call POCS and thereby notify facility owners of their intent to perform excavation, demolition or similar work as defined by the UULPL. POCS’ principal place of business is located at 925 Irwin Run Rd., West Mifflin, PA 15122.

9. The UULPL requires POCS to be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

10. POCS is a Commonwealth agency for purposes of jurisdiction over PIOGA's claims in this matter, as POCS operates statewide in accordance with duties prescribed in the UULPL² to protect public health and safety, and is controlled by the state as to governance and finances.³

Determinations Sought to be Reviewed

11. POCS' current methodology for determining, allocating and recovering its costs of operation is based upon projecting a "revenue requirement" using the "cash needs" approach, as described in the 2007 Rate Study that was approved by the POCS board of directors.⁴ Pertinent portions of POCS' methodology are explained in the Rate Study as follows:

- a. "In providing adequate service to its members, POCS must receive sufficient total revenues to ensure proper operation and maintenance (O & M); development and perpetuation of the One Call System, and preservation of POCS's financial integrity." (p.3)
- b. "The generally accepted practice to projecting total revenue requirements is the "cash-needs" approach. Historical data must be normalized or adjusted to reflect conditions that may not continue into the future. The objective of the cash needs approach for projecting

² Sections 3, 3.1, 7 and 8.

³ Sections 3.1(b),(e),(f),(f.1) and 7.9(a)(2).

⁴ A copy of the 2007 Rate Study is attached hereto as Exhibit A.

revenue requirements is to ensure that POCS revenues are sufficient to recover total cash needs for a given projection period.” (p.3)

12. Utilizing this methodology, POCS created a rate structure that calculates a “municipal activity fee” that is charged *only* to facility owners to recover POCS’ operation costs, as described in the 2007 Rate Study:

- a. “The current rate structure is designed to take the total expenses or revenue requirement, subtract all revenue generated by the One Call System not related to the charges for ticket delivery, and divide the municipal activity to establish a rate for notification. Each facility owner member must register each municipality where they have facilities located. For each inbound call that is received for a given municipality, each facility owner member located within the municipality will be charged a municipal activity fee.” (p.5)
- b. “The current rate structure takes the total expenses and subtracts all revenue generated from other sources not associated with the notification of facility owners. The budgeted capital expenditures are added and the total is divided by the members located in each municipality where digs occur (municipal activity). This amount is considered the cost for municipal activity charged to each facility owner member.” (p.7)

13. Based on this methodology and its municipal activity rate structure, POCS does not charge contractors for the operation costs of the service provided to the contractors by POCS.

Statement of Facts

POCS membership and PIOGA members’ participation

14. Contractors and contractor associations, and facility owners (as defined in the UULPL), are members of POCS.

15. PIOGA members include oil and natural gas producers that own or operate “conventional oil and gas wells” and “unconventional oil and gas wells” as defined in the UULPL.

16. PIOGA members that own or operate unconventional oil and gas wells as defined in the UULPL are “facility owners” as defined in the UULPL.

17. PIOGA members that own or operate conventional oil and gas wells as defined in the UULPL that are not “stripper wells” as defined in the UULPL are “facility owners” as defined in the UULPL with respect to their lines that are regulated onshore gathering lines as defined in United States Department of Transportation regulations promulgated after January 1, 2006, pursuant to the Pipeline Safety Act of 1992 and subject to the damage prevention program requirements of federal regulations.

18. PIOGA members that are facility owners as defined in the UULPL are required by the UULPL to be members of POCS.

19. PIOGA members that own or operate “stripper wells” and “stripper well lines” as defined in the UULPL are not “facility owners” as defined in the UULPL with respect to these lines, and are not required by the UULPL to be members of POCS.

20. Some PIOGA members that are not required by the UULPL to be members of POCS voluntarily enrolled their exempt lines in POCS, both before and after the enactment of Act No. 2017-50 reauthorizing the UULPL.

21. PIOGA members that are required by the UULPL to be members of POCS are Principal members of POCS, as stated in Article IV, Sec. 2 of POCS' by-laws: "A Principal member shall be a facility owner (as defined in the Act) other than a General member."

22. POCS requires PIOGA members that are not facility owners as defined in the UULPL to be Principal members of POCS.

POCS' municipal activity fee rate structure

23. The methodology for POCS' current charges to its facility owner members to recover its operation costs, including the municipal activity rate structure, is based upon the 2007 Rate Study that was approved by the POCS board of directors.

24. When the POCS' board of directors approved the 2007 Rate Study, Section 7.1(g) of the UULPL directed:

Any contractor, designer or operator who proposes to commence excavation or demolition work and requests information of a One Call System shall be charged a fee for the service received from a One Call System. Such fee shall be used to offset the operation cost levied on the political subdivision and municipal authority members in lieu of additional fees charged for locations specifically related to this act.

25. Act 2017-50 replaced Section 3.1(g) of the UULPL with Section 3.1(f.1), which directs:

An excavator, designer or operator who proposes to commence excavation or demolition work and requests information from the One Call System shall pay to the One Call System an annual fee for the service provided by the One Call System under section 3. The fee shall be set by the One Call System board of directors and shall be used to offset a portion of the operation costs of the One Call System and a portion of the operation costs levied on the One Call System's political subdivision and municipal authority members. Failure to pay the fee shall constitute a violation of this act and shall subject the excavator, designer or operator to the enforcement authority of the commission for the nonpayment.

26. POCS' municipal activity fee is designed to recover POCS' operation costs only from POCS' facility owner members and not from POCS' contractor members.

27. The 2007 Rate Study describes "municipal activity" as "where digs occur" in a municipality.

28. An excavator and designer generates "municipal activity" within a municipality by the excavation work or demolition work that requires a locate request, *i.e.*, "where digs occur".

29. POCS' 2019 Rate Structure document describes "municipal activity" as "[t]he total number of **inbound** work location request notifications (WLRs) received each month in a municipality."⁵

⁵ A copy of the POCS 2019 Rate Structure is attached hereto as Exhibit B.

30. POCs' various documents and publications describe the contractor "locate request" as defined in the UULPL as: a "notification"; a "work location request notification" or "WLR"; a "dig notice"; and a "ticket."

Application of municipal activity fee and qualification for Mapped Rates

31. A Principal member of POCS is a facility owner (as defined in the UULPL) other than a General member.

32. A General member of POCS is any facility owner that is a political subdivision with a population less than two thousand or a municipal authority serving less than five thousand persons, and General members do not pay the municipal activity fee.

33. POCS' municipal activity fee applies to POCS' Principal members that do not qualify for Mapped Rates.

34. POCS' Principal members register to receive inbound WLRs in a municipality by having lines or facilities located in that municipality.

35. POCS Principal members that do not qualify for Mapped Rates are charged the municipal activity fee for each inbound WLR in each municipality in which they have registered to receive WLRs.

POCS' charges to contractors

36. POCS does not charge contractors for making inbound WLRs

37. POCS does not charge contractors an annual municipal activity fee.

38. The UULPL directs POCS to charge contractors an annual fee for the service provided to them by POCS.

39. POCS charges individual contractors that are not members of a contractor trade association an annual fee of \$125.

40. POCS charges contractor associations with contractor members an annual fee depending upon the number of members:

- \$2,711.00 Small association with less than 50 members
- \$3,396.00 Medium association with more than 50 but less than 1000 members
- \$8,474.00 Large association 1000 or more members

41. POCS does not require contractor members of contractor associations to pay the annual \$125 fee.

42. POCS promotes contractor membership in contractor associations as a way of individual contractor's saving the \$125 annual fee.⁶

43. The UULPL directs the POCS board of directors to base all fees on the latest annual audited cost factors of the system and to set and adjust all fees "to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania."

⁶ A copy of POCS' flyer promoting contractor association membership is attached hereto as Exhibit C.

44. POCS annually adjusts the municipal activity fee to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index (CPI) for Pennsylvania.

45. POCS does not annually adjust its contractor fees to a rate not more than five percent above the audited cost factor plus the current average published CPI for Pennsylvania.

46. POCS charges a contractor member the annual fee the first time the contractor makes a locate request to POCS in each calendar year.

47. POCS' annual fee charged to a contractor member is not related to the number of locate requests the contractor member makes to POCS during a calendar year.

48. As of April 2019, POCS served more than 100,000 excavators throughout Pennsylvania.

POCS' 2017 revenues and expenses and 2018 municipal activity fee

49. Use of POCS' service by excavators in 2017 was 888,523 calls (locate requests or WLRs).

50. In 2017, POCS received \$1,169,976 income from excavator fees that POCS deducted from its total expenses to determine its net expenses, or operating costs, to be recovered solely from facility owner members by the 2018 municipal activity fee.

51. POCS' 2017 net expenses, or operating costs, of \$8,447,642 were the basis for the calculation of the 2018 municipal activity fee to recover these costs solely from facility owner members.

52. In 2017, POCS had \$498,294 profit from operations.

53. POCS' municipal activity fee for 2018 was 78 cents per inbound WLR.

54. Use of POCS' service by excavators in 2018 was 975,838 calls (locate requests or WLRs).

How municipal activity fees are charged

55. The original Principal members of POCS were eleven (11) PUC-regulated public utilities and one municipal authority.

56. As of April 2019, POCS had 3,578 facility owner members as classified by POCS.

57. Over 82% of POCS' total revenue requirements for 2017 were met from revenues from facility owner members' payments of POCS' municipal activity fees, or user fees.

58. Excluding POCS' Principal members that do not qualify for Mapped Rates, for each inbound WLR received for a given municipality, each Principal member with lines or facilities located within the municipality is charged the same municipal activity fee.

59. Excluding POCS' Principal members that do not qualify for Mapped Rates, the same municipal activity fee charged to each Principal member for each inbound WLR received for a given municipality is charged regardless of the number of these WLRs applicable to each Principal member's lines or facilities within the municipality.

60. Excluding POCS' Principal members that do not qualify for Mapped Rates, the same municipal activity fee charged to each Principal member for each inbound WLR received for a given municipality is charged regardless of the miles of lines or facilities of these Principal members located within the municipality.

61. Excluding POCS' Principal members that do not qualify for Mapped Rates, the same municipal activity fee for each inbound WLR is charged to each Principal member with lines or facilities located within the municipality whether or not the Principal member's lines or facilities are located within the work site.

62. POCS charges PIOGA members not required by the UULPL to participate in POCS the same municipal activity fee with respect to lines and facilities exempt from the UULPL as POCS charges to facility owners mandated to participate in POCS.

Mapping work sites and locations of lines/facilities

63. Unless the ticket is being created by the user via web ticket entry, when the POCS computer system locates the described proposed work site, POCS'

customer service representative (CSR) “maps” the site by drawing a notification area polygon around the proposed work site, or the caller is a homeowner, in which case the CSR presents the homeowner with a geometry in the shape of the homeowner’s property parcel and asked the homeowner to verify and accept that the location found by the POCS’ computer system is correct.

64. The notification area polygon drawn by POCS’ CSR or the web ticket entry user, and the geometry shape accepted by the homeowner, determine which facility owner members will be notified of the proposed work.

65. POCS has the technology → its Member Mapping Application → that allows facility owners to limit POCS’ notifications to them to the areas within the notification areas (buffer zones) defined by the members that identify the locations of their lines or facilities.

66. POCS’ 2017 Annual Report describes its Member Mapping Application as follows:

We provide supplemental electronic member mapping service which allows members to define polygonal notification areas to reduce the number of non-involved dig notices they receive, saving them time and money on their end, as they do not need to receive, research or respond to dig notices outside their spatial service area.

67. POCS’ Member Mapping Brochure describes facility owner mapping and its benefits to facility owner members and contractors:

Member Mapping is an online tool developed by PA One Call to help facility owner members reduce the number of notifications

they receive. Member Mapping is available to facility owner members at no charge to refine their notification areas using map objects instead of municipal boundaries. *Member Mapping is designed to reduce the number of locate request notifications received as well as maintain the same high standards of damage protection.*

Over 1,200 facility owners use Member Mapping for an average reduction in the number of locate request notifications transmitted of 69%. *These are the tickets you will never see, nor need to respond to, saving you handling costs.*

Why is Receiving Fewer Notifications Important to Me?

Using Member Mapping will save time and therefore money by:

- increasing the relevance of tickets received
- reviewing fewer maps for line conflicts
- no locator dispatch required on screened tickets
- responding only for notifications received
- handling fewer emergency tickets after hours

Excavators are not expecting a response from your company on tickets screened by Member Mapping.

Member Mapping can work for companies that have internal GIS systems and those that don't. The application has tools to upload GIS data and/or draw notification areas manually.⁷ (Emphasis added).

68. POCS overview of its Member Mapping application explains how the inbound WLR mapping and the facility owner mapping works to screen, or

⁷ A copy of POCS' Member Mapping Brochure is attached hereto as Exhibit D-1 and is publicly available on POCS' website:

https://www.pa1call.org/pa811/Public/Resource%20Center/Brochures/Public/POCS_Content/Links/Brochures.aspx?hkey=415b43c0-06bb-40c9-8959-804fea0078bc .

exclude, from transmission to facility owner members inbound WLRs that do not pertain to the mapped location of the facility owner member's lines:

Two components of *Member Mapping* work together to determine if a ticket should be transmitted: the Ticket Notification Area and the Member Notification Area.

The *Member Mapping* online application is used to define facility object areas to be notified. When a Ticket Notification Area map intersects with the Member Notification Area map, a ticket will be transmitted, and the excavator will be notified of the member's involvement. When the Ticket Notification Area map does NOT intersect with the Member Notification Area map, the member transmission is EXCLUDED, specifically a ticket is NOT transmitted to the member and the excavator is not notified of an involvement.⁸ (Italics and capitalization in original)

69. Where the work site mapped (i) by POCS in response to the contractor's locate request or (ii) by the web ticket entry user, or the geometry shape accepted by the homeowner, as described in paragraphs 63 and 64 above and also known as the Ticket Notification Area, overlaps the Member Notification Area defined by a facility owner member via Member Mapping determines (i) the facility owner members that receive dig notifications from POCS and (ii) the facility owners that must respond to the contractor.

⁸ A copy of POCS' Brief Overview of Member Mapping is attached hereto as Exhibit D-2 and is publicly available on POCS' website:

https://www.pa1call.org/pa811/Public/Resource%20Center/Brochures/Public/POCS_Content/Links/Brochures.aspx?hkey=415b43c0-06bb-40c9-8959-804fea0078bc .

70. The mapping of the work site as described in paragraphs 63 and 64 above reduces the number of facility owner member responses that the contractor must await before commencing excavation or demolition work.

71. POCS uses the same computer system and applications to provide services to contractor and facility owner members.

Relationship between municipal activity fee charges and locations of lines/facilities

72. Most of the inbound WLRs billed to PIOGA members participating in POCS do not pertain to their lines or facilities located within the work sites or within the notification areas defined by the companies via POCS' Member Mapping Application.

73. Most of the revenue POCS receives from municipal activity fee payments from PIOGA members participating in POCS does not pertain to inbound WLRs for their lines or facilities located within the work sites or within the notification areas defined by the companies via POCS' Member Mapping Application.

74. From February through June 2019, POCS billed PIOGA member producer Medina Revenue for over 4,570 inbound WLRs at a cost of over \$3,900, but only 16 of these WLRs, or approximately 0.3%, pertained to Medina Revenue's lines located within the notification area defined by the company via POCS' Member Mapping Application.

75. During 2018, POCS billed PIOGA member affiliate, Penneco Pipeline Corporation, for over 39,200 inbound WLRs at a cost of over \$23,700, but only 2,009 of these WLRs, or approximately 5%, pertained to the company's lines located within the notification area defined by the company via POCS' Member Mapping Application.

76. During March 2018 through July 2019, POCS billed PIOGA member producer, Huntley & Huntley, for over 28,814 inbound WLRs at a cost of over \$21,300, but only 1,720 of these WLRs, or approximately 6%, pertained to the producer's lines located within the notification area defined by the company via POCS' Member Mapping Application.

77. During 2018, POCS billed PIOGA member producer, Kriebel Minerals Inc., for over 25,570 inbound WLRs at a cost of over \$19,500, but only 1,732 these WLRs, or approximately 7%, pertained to the producer's lines located within the notification area defined by the company via POCS' Member Mapping Application.

Composition and election of POCS Board of Directors

78. The UULPL directs the POCS board of directors to include the Chairman of the Pennsylvania Public Utility Commission (PUC or Commission) or his designee.

79. The POCS 35-member board includes 17 representatives of PUC-regulated public utilities.

80. The POCS 35-member board includes 4 representatives of political subdivisions.

81. The POCS 35-member board includes 5 representatives of municipal authorities.

82. From their adoption in 1978 or 1980 until amended in January 2019, POCS' by-laws provided for the facility owner members of the board of directors to elect directors.

83. Effective December 19, 1996, Section 3 of Act 187 of 1996 directed that POCS' directors be elected by the facility owner members.

84. In January 2019 the POCS board of directors voted to amend POCS' by-laws to provide that "Directors will be elected by the facility owner members by such means as the Board from time-to-time determines."

How facility owner members bear economic burden of participating in POCS

85. Nearly all inbound WLRs are sent by POCS to POCS' facility owner members that are public utilities, political subdivisions or municipal authorities.

86. Nearly all the revenue POCS receives from its municipal activity fee is from POCS' public utility, nonexempt political subdivision and nonexempt municipal authority facility owner members.

87. The municipal activity fees paid by POCS' nonexempt political subdivision and nonexempt municipal authority facility owner members are included in the rates these POCS' members charge to their customers.

88. The rates POCS' nonexempt political subdivision and nonexempt municipal authority facility owner members charge their customers are established by ordinances adopted by these POCS' facility owner members.

89. Public utilities' costs of participating in POCS are included in their PUC-approved rates.

90. The POCS' public utility facility owner members' costs of participating in POCS that are included in their PUC-approved rates are not a separate line item in the utilities' cost of service filings that are part of the basis of their PUC-approved rates.

91. The funds for the POCS' public utility facility owner members' payments of POCS' municipal activity fees are provided to these member utilities by the utilities' ratepayers and not by the utilities' shareholders.

92. POCS' public utility facility owner members do not bear the economic burden of the utilities' participation in POCS.

93. Unlike POCS' public utility facility owner members, PIOGA members participating in POCS do not have ratepayers that actually bear the

economic burden of the utilities' participation in POCS by providing the money for their payments of POCS' municipal activity fees.

94. The funds for POCS' nonexempt political subdivision and nonexempt municipal authority facility owner members' payments of POCS' municipal activity fees are provided to these members by these members' customers.

95. POCS' nonexempt political subdivision and nonexempt municipal authority facility owner members do not bear the economic burden of these facility owners' participation in POCS

96. Unlike POCS' nonexempt political subdivision and nonexempt municipal authority facility owner members, PIOGA members participating in POCS do not have the power or authority to adopt ordinances establishing rates to recover their municipal activity fee payments to POCS from others.

Service provided by POCS to contractors

97. The service provided by POCS to contractors under Section 3 of the UULPL is shown by the following POCS' documents:

- a. Routine Notifications brochure
- b. Excavator Handbook
- c. Pennsylvania One Call Flow Chart
- d. Complex Projects Process Policy

e. COMPLEX PROJECT Flowchart for EXCAVATORS⁹

98. POCS' by-laws require members to sign a standard service agreement for services offered by POCS to which the member is entitled and uses.

99. The POCS standard service agreement requires members to follow POCS' operating procedures.

100. POCS' board of directors adopted a Users Guide that includes POCS' operating procedures.¹⁰

101. POCS' Users Guide describes the services provided by POCS to its contractor members and the services received from POCS by its facility owner members.

102. POCS' annual fees charged to contractors are not based upon the operation costs of the services provided by POCS to the contractors.

UULPL limited liability benefit to excavators and designers

103. The UULPL limits the liability of excavators to facility owners, operators, project owners or other persons who sustain injury to person or property

⁹ These POCS' documents are attached hereto as Exhibits E-1, E-2, E-3, E-4 and E-5, respectively, and all but E-3 (Pennsylvania One Call Flow Chart) are publicly available on POCS' website: https://www.pa1call.org/pa811/Public/Resource%20Center/Public/POCS_Content/Resource_Center/Website_Communities.aspx?hkey=c60d2e5e-8a73-486b-9077-2b8bd175f96e .

¹⁰ A copy of the POCS Users Guide is attached as Exhibit F and is publicly available on POCS' website: https://www.pa1call.org/pa811/Public/Resource%20Center/Users_Guide/Public/POCS_Content/Resource_Center/Users_Guide.aspx?hkey=75dede24-e5d9-437b-8d05-ed27eb4592d8 .

as a result of the excavator's excavation or demolition work damaging a facility owner's lines if the excavators have complied with the UULPL and were not otherwise negligent.

104. The UULPL limits the liability of designers to facility owners, operators, project owners or other persons who sustain injury to person or property as a result of the excavation or demolition planning work of the designers if the designers have complied with the UULPL and were not otherwise negligent.

POCS' use of public utility-type ratemaking methodology

105. POCS' "revenue requirement" methodology is the methodology public utilities generally use to establish their rates, except for the return on investment component because POCS is a nonprofit corporation:

The fundamental principle of base ratemaking is that rates should be set so that a utility has a reasonable opportunity to recover the costs prudently incurred in providing service. The equation: $RR = E + ROR(RB)$ summarizes this principle. The revenue requirement (RR) of a utility equals the expenses (E) incurred, including wages and employee benefits, state and federal taxes and depreciation, plus a return on investment ($ROR \times RB$). The return on investment is calculated by multiplying the overall cost of capital to the company (rate of return or ROR) against the net assets dedicated to the public use (rate base or RB).

The revenue requirement represents the total revenue that a utility needs to collect through the rates charged to the public to cover its

cost of service. This is the central issue in a base rate case: identifying the cost of service or revenue requirements of the company.¹¹

106. Based on the revenue requirement resulting from this methodology, public utilities then create a rate structure and rate design to determine charges to customers:

Once the revenue requirement of the utility has been determined, the next (and final step) is the translation of the overall increase into tariffs. Once the size of the “pie” is determined under the RR formula, it is then parsed into “slices” —groupings of customers with similar usage patterns. There are two steps: the allocation of revenue responsibility between rate classes and the distribution of that portion into individual rate elements (e.g., \$ per kW, \$ per kWh, \$ per month).

Rate design is more of an art than a science, and considerable judgment is involved. Beyond the basic concern of allowing the utility the opportunity to earn the allowed revenue increase, there are a variety of other factors to be considered: the cost of service by rate class, value of service, gradualism (meaning rates should not be raised too abruptly), policy objectives (e.g., conservation), and social welfare considerations.¹²

107. Public utility rate structures and rate designs are based upon cost of service studies that require consideration of many factors:

Class cost of service is determined by the way in which the service is used. Many factors, including consumption patterns, climate

¹¹ A Guide to Utility Ratemaking, James H. Cawley & Norman J. Kennard (1983, Revised 2018), p. 102. This 193-page Guide is available at http://www.puc.state.pa.us/General/publications_reports/pdf/Ratemaking_Guide2018.pdf.

¹² *Id.*, p. 138.

conditions, density of population, design, and utilization of equipment, affect usage and demand characteristics.¹³

Once costs are functionalized and classified, the final step is to assign and allocate the costs among the various customer classes. Costs exclusively incurred on behalf of one customer or class of customers should be directly assigned to that customer or class. Class ratios must be developed to allocate the remaining costs.¹⁴

108. POCS' services are provided to only two customer classes contractor members and facility owner members.

109. The POCS 2007 Rate Study does not include a cost of service study that determines the operation costs of the service contractors receive from POCS, or the operation costs of the service provided by POCS to contractors.

110. The POCS 2007 Rate Study does not include a cost of service study that determines the operation costs of the services POCS' facility owner members receive from POCS.

Determination and allocation of operation costs of services provided by POCS

111. Political subdivisions with a population of less than 2,000 people and municipal authorities having an aggregate population in their service areas of less than 5,000 people are exempt from paying any POCS' service fee, but POCS may be reimbursed from contractor fees for its costs in providing services to these members.

¹³ *Id.*, p. 141-42 (footnote omitted).

¹⁴ *Id.*, p. 144.

112. Upon information and belief, POCS does not determine the operation costs of providing services to its political subdivision and municipal authority members that are exempt from paying any POCS service fee.

113. Contractor fees are used to offset a portion of POCS' operation costs and a portion of POCS' operation costs levied on the POCS' nonexempt political subdivision and municipal authority members.

114. Some POCS facility owner members have employees who engage in excavation work, demolition work or work involving the preparation of drawings for construction or other projects that require excavation or demolition work.

115. POCS facility owner members that have employees who engage in excavation work, demolition work or work involving the preparation of drawings for construction or other projects that require excavation or demolition work are both facility owners as defined in the UULPL and excavators, designers and operators as defined in the UULPL.

116. POCS facility owner members described in paragraphs 109 and 110 above may submit locate requests.

117. Upon information and belief, POCS has the data to determine the number of inbound and outbound WLRs delivered to its exempt and nonexempt political subdivision and municipal authority facility owner members.

118. Upon information and belief, POCS has the data necessary to determine the operation costs of the services POCS provides to contractors.

119. Upon information and belief, POCS has the data necessary to determine the operation costs of the services POCS provides to its members that are both facility owners and excavators, designers and operators as defined in the UULPL.

POCS' Member Mapping and Mapped Rates structure for facility owners

120. All POCS' facility owner members may map their lines and facilities using POCS' Member Mapping Application.

121. As of July 2019, over 1,200 of POCS' facility owner members as classified by POCS map their lines or facilities via POCS' Member Mapping Application.

122. Facility owners as defined in the UULPL have a duty to participate in POCS' Member Mapping Application/Solutions as determined by the POCS board of directors.

123. Not all POCS' facility owner members that map their lines and facilities using POCS' Member Mapping Application qualify for POCS' Mapped Rates structure.

124. Municipal members, Master Meter Operators and Micro Members, as classified by POCS, that have mapped their facilities using POCS' Member Mapping Application qualify for POCS' Mapped Rates structure.

125. Currently, facility owner members as defined by POCS that have mapped their facilities using POCS' Member Mapping Application qualify for POCS' Mapped Rate structure, unless those facility owner members have contiguous lines crossing more than one municipal boundary.

126. POCS' municipal activity fee is charged for each *inbound* WLR received each month in a municipality, while POCS' Mapped Rates are charged for each *outbound* WLR transmitted each month to a facility owner member that has mapped its facilities via POCS' Member Mapping Application and qualifies for the Mapped Rates structure.

127. Inbound unmapped WLRs are not billed under POCS' Mapped Rates structure.

128. Inbound unmapped WLRs are billed under POCS' municipal activity fee structure.

129. POCS' Member Mapping Application screens out inbound WLRs received by identifying the WLRs that do not pertain to the locations of the facility owner members' lines and facilities within the notification areas, or buffer zones, defined by the facility owner members.

130. POCS' Mapped Rates billing rate is dependent upon the percentage of screened inbound WLRs and the method of delivery of the outbound WLRs, as shown in POCS' 2019 Rate Schedule:¹⁵

Percentage Screened	Multiplier	Base Rate
0% 25%	1.5 X current municipal activity fee per ticket received	\$1.08
26% 50%	2.0 X current municipal activity fee per ticket received	\$1.44
51% 75%	2.5 X current municipal activity fee per ticket received	\$1.80
76% 99%	3.0 X current municipal activity fee per ticket received	\$2.16

- Web view charge: \$0.01 per notification viewed online as delivery
- Email delivery charge: \$0.02 per notification delivered via email
- Data delivery charge: \$0.07 per notification delivered via modem or printer
- Fax delivery charge: \$0.47 per notification delivered via fax

131. POCS's 2019 municipal activity fee base rate is 72 cents per inbound WLR.

132. The Mapped Rates for 26% 99% screened inbound WLRs are higher than the maximum fee allowed by Section 3.1(f) of the UULPL.

133. POCS' Member Mapping Application is a supplemental service provided to facility owner members by POCS at no charge.

134. POCS' nonoperating revenues include revenues from supplemental services, including its Mapped Rates revenue.

135. POCS subtracts its Mapped Rates revenue from its total expenses, or revenue requirement, to calculate its municipal activity fee.

¹⁵ Attached hereto as Exhibit B.

136. POCS considers its Mapped Rates revenue to be charges not related to municipal activity.

137. POCS' Mapped Rates charges are decoupled from municipal activity.

POCS 2019 Rate Study and recovery of PUC enforcement costs

138. In 2018 POCS initiated a rate study to examine its current rate structure and evaluate alternative rate structures.

139. The rate study initiated by POCS in 2018 resulted in the 2019 "Revenue Requirement/Rate Analysis Study" (Rate Study).¹⁶

140. The 2007 and 2019 rate studies were both prepared by Resource Development & Management, Inc. (RDM).

141. POCS approved the 2019 Rate Study in April 2019.

142. The POCS 2019 Rate Study does not include a cost of service study that determines the operation costs of the service contractors receive from POCS, or the operation costs of the service provided by POCS to contractors.

143. The POCS 2019 Rate Study does not include a cost of service study that determines the operation costs of the services POCS' facility owner members receive from POCS.

144. Act No. 2017-50 transferred enforcement of the UULPL from the Department of Labor and Industry to the PUC.

¹⁶ A copy of the 2019 Rate Study is attached hereto as Exhibit G.

145. The UULPL directs the PUC to assess annually 80 percent of its UULPL enforcement program costs to PUC-regulated public utilities.

146. The UULPL directs the PUC annually to assess 20 percent of its UULPL enforcement program costs to POCS as a fee.

147. The UULPL prohibits the POCS board of directors from recovering any portion of the annual 20 percent PUC fee from POCS' facility owners members that are public utilities.

148. The 2019 Rate Study does not address, or include any recommendation addressing, the manner in which the annual 20 percent PUC fee for the PUC's UULPL enforcement program costs assessed to POCS will be recovered from facility owners, excavators, designers and other involved persons, as directed by Section 7.9(a)(2) of the UULPL.

New condition to qualify for Mapped Rates

149. With respect to Mapped Rates, the 2007 Rate Study stated:

The larger facility owner members are able to take advantage of the technology POCS offers for mapped members. This greatly reduces the number of notifications received by the facility owner members thereby reducing their respective costs. (p.10)

Currently, POCS applies a municipal mapping rate for municipal members that are able to map there [sic] facilities. It is recommended that the municipal rate be applied to any facility owner member that services less than 2,500 customers. The impact of charging the municipal mapping rate to the smaller facility owner members has little impact on the overall financial integrity of the One Call System. (p.15)

150. The 2019 Rate Study recommended adding a condition that, to be billed the Mapped Rates, a member may not have facilities located in more than 15 municipalities.

151. The POCS board of directors adopted the 2019 Rate Study recommendation to add a condition that a member may not have facilities located in more than 15 municipalities to be billed the Mapped Rates, effective January 1, 2020:

Proposed definition to qualify for Mapped Rates: Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure. Other members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary and are registered in more than 15 municipalities.

152. Upon information and belief, many POCS' facility owner members have contiguous lines crossing more than one municipal boundary.

153. Upon information and belief, many POCS' facility owner members are registered in more than 15 municipalities.

154. Effective January 1, 2020, POCS' facility owner members having contiguous lines crossing more than one municipal boundary and registered in more than 15 municipalities will not qualify for POCS' Mapped Rates even if they have mapped their lines or facilities via POCS' Member Mapping Application.

155. POCS receives more revenue from a locate request billed through the municipal activity fee than if that outbound locate request is billed through Mapped Rates.

Relationship between municipal activity fee charges and locations of lines/facilities

156. The municipal activity fee charges to PIOGA member producer Medina Revenue for the 16 inbound WLRs received in February through June 2019 that actually pertained to its lines was approximately \$12, but Medina Revenue was charged over \$3,900 in municipal activity fees for all the inbound WLRs in each municipality in which it was registered during this time period.

157. The municipal activity fee charges to PIOGA member affiliate Penneco Pipeline Corporation (Penneco) for the 2,009 inbound WLRs received in 2018 that actually pertained to its lines was over \$1,500, but Penneco was charged over \$23,700 in municipal activity fees for all the inbound WLRs in each municipality in which it was registered.

158. The municipal activity fee charges to PIOGA member producer Huntley & Huntley for the 1,720 inbound WLRs received from March 2018 through July 2019 that actually pertained to its lines was over \$1,200, but Huntley & Huntley was charged over \$21,300 in municipal activity fees for all the inbound WLRs in each municipality in which it was registered during this time period.

159. The municipal activity fee charges to PIOGA member producer Kriebel Minerals, Inc (Kriebel) for the 1,732 inbound WLRs received in 2018 that actually pertained to its lines was over \$1,350, but Kriebel was charged over \$19,500 in municipal activity fees for all the inbound WLRs in each municipality in which it was registered.

POCS' actions regarding voluntarily-participating PIOGA producer member

160. Through its officers, employees, representatives or board members, POCS has encouraged PIOGA members exempt from mandatory participation in POCS to participate in POCS.

161. POCS began termination proceedings against PIOGA producer member Medina Revenue for not paying municipal activity fees for notifications not pertinent to the locations Medina Revenue's exempt lines, after rejecting Medina Revenue's request that POCS place the disputed funds in escrow pending the disposition of this action. POCS stopped these termination proceedings when Medina Revenue paid the amount in dispute under protest.

162. In response to POCS' charging Medina Revenue for inbound WLRs not pertinent to the locations of Medina Revenue's exempt lines, Medina Revenue sent letters to the excavators describing the excavators' liability if they damaged one of Medina Revenue's lines after not paying the \$250 fee Medina requested to help cover its costs of going out and locating and marking its exempt lines.

163. A POCS' Liaison Representative advised at least one excavator to ignore Medina Revenue's letter and request for payment to help cover its costs of going out and locating and marking Medina Revenue's exempt lines.

164. The advice of the POCS' representative described in paragraph 163 above to the excavator jeopardized the location and marking of Medina Revenue's exempt lines, the excavator's safety, and the public's safety around the worksite.

165. The advice of POCS' representative to the excavator to ignore Medina Revenue's letter and request for payment, described in paragraph 163 above, contradicts POCS' advice to its members in its Users Guide with respect to unmarked lines, whether exempt or whether owned or operated by facility owners as defined in the UULPL:

The One Call System is a mandatory organization, however, exemptions do exist. Pennsylvania One Call System (POCS) is the only One Call System in operation in Pennsylvania. Some underground facility owners have elected not to belong; in violation of the Act. Excavators are not required to make an effort to contact these nonparticipating facility owners directly before attempting an excavation, but ***realistically there could be a safety issue if you see indications of facilities that are not marked. It is your safety that's at risk.*** Entities exempt from membership under the Act are listed in the definition of "Facility Owner" and excavators should also be aware of exemptions within the definition of "Line or Facility" within the Act. (Emphasis added).

POCS' consideration of alternative rate structures

166. During the General Assembly's consideration of legislation to reauthorize the UULPL, PIOGA engaged in discussions with POCS

representatives concerning PIOGA's issues with POCS' methodology and municipal activity fee rate structure.

167. As part of the discussions between PIOGA and POCS representatives during the General Assembly's consideration of legislation to reauthorize the UULPL, PIOGA suggested alternatives to POCS to its municipal activity fee rate structure.

168. After enactment of Act No. 2017-50 reauthorizing the UULPL, PIOGA again discussed with POCS representatives PIOGA's issues with POCS' methodology and municipal activity fee rate structure and suggested alternatives to POCS' municipal activity fee rate structure.

169. POCS representatives rejected all PIOGA's suggested alternatives to POCS' municipal activity fee rate structure.

170. The alternative rate structures considered by the 2007 Rate Study were provided by POCS' President and Chief Executive Officer, POCS' General Counsel and POCS staff and were not based on discussions by RDM with any other state one call organizations concerning their rate structures, as stated in the 2007 Rate Study:

RDM attempted to contact other One Call Centers located throughout the United States to discuss their respective rate structures. We were unable to obtain any information from the other centers regarding rates. The alternative rate structures considered were derived from conversations with Bill Kiger, Bill Boswell and POCS staff.

171. The 2019 Rate Study adopted by POCS' board of directors considered two of the same alternative rate structures considered by the 2007 Rate Study.

172. The 2019 Rate Study considered two additional alternatives related to one of the alternative rate structures considered in both the 2007 and 2019 rate studies.

173. POCS' consideration of one of the two additional alternatives described in paragraph 172 above, "CURRENT MUNICIPAL ACTIVITY RATE STRUCTURE WITH LIMITED APPLICATION OF THE MAPPED RATES," resulted in the additional condition for exclusion from qualifying for Mapped Rates adopted by the POCS board of directors, to be effective January 1, 2020.

174. Upon information and belief, none of the alternative rate structures considered in the 2019 Rate Study were based upon on discussions by RDM with any other state one call organizations concerning their rate structures.

Count I
Request for Declaratory Judgment

175. The statements contained in paragraphs 1 through 174 above are incorporated herein and made a part hereof.

176. The facts essential to the resolution of this request for declaratory judgment are not disputed.

177. This matter is not within the exclusive jurisdiction of a tribunal other than a court.

178. This matter presents questions of statutory interpretation that are squarely within this Court's jurisdiction, authority and expertise to decide.

179. There is no factual or legal support for an argument that POCS is a local agency with respect to PIOGA's claims in this action.

180. "The concept of jurisdiction is designed to insure the availability of the most practical and competent forum for the airing of a particular grievance." *Finan v. Pike County Conservation District*, 209 A.3d 1108, 1111 (Pa.Cmwlth. 2019), *allocatur* petition filed 320 MAL 2019 (quoting *Scott v. Shapiro*, 339 A.2d 597, 599 (Pa. Cmwlth. 1975)).

181. In *Finan*, this Court cited two Pennsylvania Supreme Court decisions for the proposition that "when the General Assembly granted the Commonwealth Court jurisdiction over actions against the Commonwealth but not local agencies, it provided a judicial forum for the uniform and consistent resolution of questions of statewide impact." *Finan*, 209 A.3d at 1111(citing and quoting *Blount v. Philadelphia Parking Authority*, 965 A.2d 226, 231; *T & R Painting Co. v. Phila. Hous. Auth.*, 353 A.2d 800, 802 (Pa. 1976)).

182. PIOGA supported the transfer of the authority to enforce the UULPL from the Department of Labor and Industry to the PUC and provided testimony to

the General Assembly stating so. However, PIOGA believes that the cost of participating in POCS is unlawfully, unreasonably and unnecessarily excessive to facility owner members. This is so because *all* of POCS' revenue to recover the operation costs of the services it provides to its two customer classes – contractor members and facility owner members – comes from facility owner members, while *none* comes from the contractors. And this is so, even though (i) the contractors generate the municipal activity (excavation and demolition work) that generates the notifications to facility owner members and (ii) the contractors benefit from the UULPL at least as much as, if not more, than the facility owner members.

183. As shown by the lengthy statement of facts above, POCS has created a complex and complicated structure for billing facility owner members for all its operation costs when the directives of the UULPL do not authorize it and POCS' technology does not require it. Indeed, as the facts stated above and PIOGA's calculations¹⁷ show, the UULPL and POCS' technology require a much more efficient and effective rate-setting methodology and billing structure.

184. Excavators, not facility owners, have the duty under the UULPL to identify the precise location of lines and facilities, as the UULPL places "the ultimate responsibility to prevent breaches of underground facilities [on] the party

¹⁷ Addressed below and attached hereto as Exhibit H.

doing the digging.” *Excavation Technologies, Inc. v. Columbia Gas Company of Pennsylvania*, 985 A.2d 840, 844 (Pa. 2009)

185. As the legislation reauthorizing the UULPL focused on matters other than PIOGA’s issues with the manner in which POCS charges for its services, PIOGA attempted for years to work with POCS to resolve PIOGA’s issues. But POCS rejected all of PIOGA’s suggested resolutions, forcing PIOGA to bring this action to ask this Court to compel POCS’ compliance with the General Assembly’s directives in the UULPL concerning POCS’ charges for its services.

186. As the UULPL applies statewide, this matter involves resolution of questions of statewide impact to terminate the controversy created by POCS concerning (i) POCS’ methodology and rate structures for determining, allocating and recovering its operation costs and (ii) the rights of POCS’ facility owner members conferred by Sections 3.1(e) and 3.1(f.1) of the UULPL as well as the directives to POCS’ board of directors in Sections 3.1(e), 3.1(f) and 3.1(f.1) of the UULPL.

187. POCS has the duty under Sections 3(1.2), 3.1(e) and 3.1(f.1) of the UULPL to determine its costs of providing service to the only two customer classes POCS charges for the services it provides contractor members and facility owner members and to then allocate and recover these operation costs from these two customer classes as directed by these provisions of the UULPL.

188. While Section 3.1(e) of the UULPL gives the POCS board of directors discretion to determine the manner of recovery of its operation costs from its facility owner members, this discretion is not unbridled. It is circumscribed by the directive that it be “equitable” based on the services received by the facility owner members.

189. POCS’ revenue requirement methodology and municipal activity fee rate structure allocates *exclusively* to facility owner members the recovery of operation costs that POCS incurs because of the municipal activity generated by contractors. Requiring each facility owner in each municipality to pay for each dig notification regardless of whether the dig notification pertains to the location of the facility owner member’s lines or facilities, which is what the municipal activity fee does, is not, as a matter of fact or law, an equitable manner of sharing these costs among the facility owner members. This is so because facility owner members do not receive *any* service from POCS from the dig notifications that do not pertain to the locations of their lines or facilities *but the contractors do*, including: (i) a reduced number of facility owner responses as a result of POCS’ mapping their locate requests, meaning fewer responses to await before commencing work; (ii) the protection of their safety; and (iii) the limitation of their liability for injury to person or property from non-negligent acts.

190. POCS recovers its operation costs exclusively from facility owners members, but facility owner members do not exclusively cause POCS to incur these operation costs.

191. As POCS uses the same computer system, applications and personnel to provide services to POCS' contractor and facility owner members, POCS' allocating to facility owners 88% of its revenue requirement (\$9,617,618) allocated to the contractors (\$1,169,976) and the facility owners (\$8,447,642) to establish the 2018 municipal activity fee is neither lawful nor equitable.

192. The recovery of POCS' operation costs exclusively from facility owner members through the municipal activity fee is neither equitable nor lawful because of the significant differences among POCS' facility owner members concerning:

- a. Miles of pipeline within each municipality;
- b. Percentage of dig notifications within a municipality that pertain to the locations of their facilities; and
- c. The manner of their recovery of their costs to pay the municipal activity fees.

193. POCS' 2019 Rate Study (p.1) states:

POCS continues to examine its financial and rate recovery structures building financial resiliency to meet its current and future financial needs while balancing revenue stability, equity of cost recovery, and member affordability.

The facts stated above show that POCS's current methodology and rate recovery structures fail to consider, or balance, both the equity of its cost recovery and facility owner member affordability. Both factors require consideration of the significant differences among POCS' facility owner members described in paragraph 187 above, especially who bears the economic burden of paying the cost recovery charges.

194. POCS' facility owner members as defined in the UULPL or as classified by POCS have a right conferred by Section 3.1(e) of the UULPL to an equitable sharing of payment of POCS' operation costs of providing services to them. This right also protects these facility owners from paying the operation costs of POCS' service provided to contractors.

195. PIOGA commends POCS for developing its mapping technology that, by POCS' admission, greatly improves the efficiency of its system and benefits its contractor and facility owner members. However, POCS has failed to recognize, and provide to its facility owner members, the cost benefits enabled by this improved efficiency through eliminating notifications to facility owner members that do not pertain to the locations of their lines. There is no legally sufficient reason why this technology, rather than adamant adherence to the municipal activity fee rate structure, should not predominate POCS' manner of (i) providing notifications to facility owners and (ii) charging facility owners and contractors for

POCS' services. There is also no legally sufficient reason for POCS' considering revenue from Mapped Rates *not* to be revenues from operations, *i.e.*, operating revenue.

196. Section 3.1(f.1) of the UULPL directs the POCS board of directors to establish an annual fee for contractors to pay for the service provided by POCS to the contractors.

197. The primary purpose of the contractor fees is not to offset POCS' operation costs levied or otherwise attributable to nonexempt and exempt political subdivision and municipal authority facility owner members.

198. As with the recovery of its operation costs from facility owner members, POCS' discretion to determine the annual contractor fee is not unbridled but is circumscribed by the UULPL's directive that the fee is for the service provided by POCS to the contractors. This service has a cost that is based on the same computer system, applications and personnel that provide the services received by POCS' facility owner members. POCS provides service to only two customer classes contractor members and facility owner members yet POCS considers revenue from the contractors' annual fees to be, as stated in the 2007 Rate Study:

- “revenues not derived from user fees” (PIOGA Exhibit A, p.3);
- “revenue generated by the One Call System not related to the charges for ticket delivery” (PIOGA Exhibit A, p.5); and

- “revenue generated from other sources not associated with the notification of facility owners” (PIOGA Exhibit A, p.7).

This is wrong not only as a matter of common sense, but also as a matter of fact and law. Contractors’ excavation and demolition work is the municipal activity that requires POCS’ service to the contractors that results in the notifications of facility owner members that are the basis for the charges for ticket deliveries.

POCS’ services to both customer classes are intertwined.

199. POCS’ facility owner members *qua* “facility owners” as defined in the UULPL have a right conferred by Section 3.1(f.1) of the UULPL not to be required to pay any of POCS’ operation costs of providing service to contractors, unless a facility owner is also a contractor, in which case it should be paying its share of POCS’ operation costs (i) for the services the facility owner receives from POCS and (ii) for the service provided by POCS to it as a contractor.

200. POCS’ methodology and rate structures treat contractors as non-users of POCS service and thus allocate no operation costs to them, but instead POCS charges contractors a fee that ranges from a high of \$125 annually per individual contractor to a low of approximately \$1.70 annually per contractor member of a contractor association, based on the following assumptions:

- a. \$2,711.00 annually - Small association with less than 50 members

Assuming 25 contractor members - \$108.44 per contractor member

Assuming 45 contractor members - \$60.24 per contractor member

- b. \$3,396.00 annually - Medium association with more than 50 but less than 1000 members

Assuming 900 contractor members - \$3.77 per contractor member

Assuming 750 contractor members - \$4.53 per contractor member

Assuming 500 contractor members - \$6.80 per contractor member

Assuming 300 contractor members - \$11.32 per contractor member

Assuming 200 contractor members - \$16.98 per contractor member

- c. \$8,474.00 annually - Large association 1000 or more members

Assuming 4900 contractor members - \$1.73 per contractor member

Assuming 3000 contractor members - \$2.83 per contractor member

Assuming 2000 contractor members - \$4.24 per contractor member

201. These annual one-time contractor fees bear no relationship whatsoever to the operation costs POCS incurs to provide service to its contractor members, as the fee provides access to contractors' placing unlimited notifications.

202. POCS' use of the public utility-type revenue requirement methodology and municipal activity fee rate structure may be explained by POCS' eleven (11) of POCS' original 12 Principal members being public utilities and the dominance of public utilities on the POCS board of directors.

203. POCS' public utility-type revenue requirement methodology and municipal activity fee rate structure may have resulted in an equitable manner of sharing the operation costs of POCS' service received by facility owner members when these members were exclusively public utilities or political subdivisions and

municipal authorities whose ratepayers or customers bore the economic burden of these members' participation in POCS. But the factors set forth in paragraphs 187 and 188 above that distinguish these facility owner members from the other current facility owner members that bear the economic burden of paying POCS' charges render this methodology and rate structure inequitable.

204. The cost of service study is the “polestar” of public utility ratemaking. *Lloyd v. Pennsylvania Public Utility Commission*, 904 A.2d 1010, 1020 (Pa.Cmwlth. 2006), *allocatur denied* 916 A.2d 1104 (Pa. 2007) (Nos. 706-713 MAL 2006) (PUC erred in determining that “the principle of gradualism trumps all other ratemaking concerns--especially the polestar--cost of providing service.”). In *Lloyd*, the Commonwealth Court determined that it is fundamentally unfair to force a customer to pay for a cost that that customer did not cause or from which that customer does not receive a benefit.

205. POCS uses a public utility-type revenue requirement methodology to establish its charges but does not use an essential component of that methodology: a cost of service study that determines and allocates its costs of service to the two customer classes POCS serves – contractor members and facility owner members. Instead, POCS charges are based on the premise that the UULPL requires *all* its operation costs to be borne by facility owner members. This premise is not only

wrong as a matter of law, it is wrong as a matter of cost-causation, fairness and equity.

206. POCS' use of contractor fees to reimburse itself for its operation costs incurred in providing service to exempt political subdivision and municipal authority facility owner members is unlawful because neither the contractor fees nor the services received by these exempt members are based upon the allocation of the operation costs of the services provided by POCS to the contractor member and facility owner member customer classes as required by the UULPL.

207. POCS' use of contractor fees to offset a portion of POCS' operation costs and a portion of POCS' operation costs levied on POCS' nonexempt political subdivision and municipal authority facility owner members is unlawful because the neither the contractor fees nor the charges levied on these nonexempt members are based upon the allocation of the operation costs of the services provided by POCS to the contractor member and facility owner member customer classes as required by the UULPL.

208. The use of contractor fees to offset operation costs is not the primary purpose of the contractor fees. The UULPL directs POCS to charge contractors an annual fee for the service provided by POCS, which requires an initial determination of POCS' operation costs incurred to serve the contractors.

209. POCS' methodology and rate structures are neither authorized nor required by the UULPL because the UULPL requires and authorizes POCS to determine and allocate payment of the operation costs of its services provided to only two customer classes contractor members and facility owner members -- which POCS' methodology and rate structures do not do.

210. POCS' Mapped Rates billing rate structure is unlawful because it results in fees higher than the maximum allowed by Section 3.1(f) of the UULPL.

211. POCS' methodology and cost recovery rate structures that do not bill based on the mapping technology used by contractor members, POCS and facility owner members are inefficient from the perspective of facility owner members that bear the economic burden of participation in POCS. This burden includes their costs of responding to notifications that pertain to the locations of their lines as well as paying charges for notifications that do not pertain to the locations of their lines or facilities, which is most of the notifications.

212. POCS' methodology and cost recovery rate structures that do not bill based on the mapping technology used by contractor members, POCS and facility owner members are designed to maximize revenues to POCS rather than to minimize and equitably allocate the costs of services provided to facility owner members while protecting the health and safety of excavators and the public.

213. POCS' failure to consider in the 2019 Rate Study any different or alternative methodology or rate structure than it considered in the 2007 study demonstrates POCS' interest in prioritizing revenues over providing efficient, cost-effective services to facility owners while protecting the health and safety of excavators and the public.

214. POCS' termination of Medina Revenue's POCS' membership and the advice of POCS' personnel to the excavator to ignore Medina Revenue's letter and request for payment, described in paragraphs 161-163 above, demonstrates POCS' interest in prioritizing revenues over protecting the health and safety of excavators and the public while avoiding damage to underground lines.

215. POCS' further restriction, effective January 1, 2020, on the qualification of facility owner members for Mapped Rates also demonstrates POCS' interest in prioritizing revenues over providing efficient, cost-effective services to facility owners and protecting the health and safety of excavators and the public while avoiding damage to underground lines.

216. Absent a POCS' cost of service study that determines and allocates POCS' costs of providing service to the two customer classes POCS serves, this Court should require POCS to comply with the UULPL's directives by establishing charges to contractor and facility owner members based upon POCS' services being provided equally to its two customer classes and POCS' operation costs

being allocated equally to the two customer classes. PIOGA has calculated fees for POCS' contractor and facility owner members on this basis using POCS' data and information from 2017, including the use of contractors fees to offset operations costs as provided in the UULPL. PIOGA's calculations are attached hereto as Exhibit H and result in an annual fee of \$75.53 for each contractor member and a fee of \$1.05 for each notification, or ticket, delivered to facility owner members.

Relief Sought

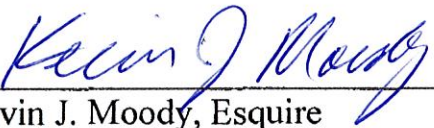
WHEREFORE, for the reasons set forth above, PIOGA respectfully requests that the Commonwealth Court find and declare that:

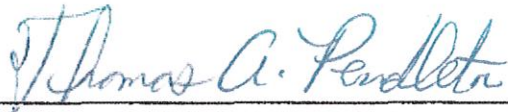
- 1) the methodology and rate structures used by POCS for determining, allocating and recovering the costs of services to contractors and facility owner members do not comply with the UULPL and are therefore unlawful;
- 2) POCS must comply with the directives of the UULPL that its operation costs be recovered based upon the costs of its services provided to the two customer classes POCS serves as determined by a cost of service study; and

3) in lieu of a cost of service study, POCS establish charges to contractor and facility owner members based upon its services being provided equally to its two customer classes, as calculated by PIOGA and shown on PIOGA Exhibit H.

PIOGA also requests that the Court grant such other and further relief as the Court deems lawful and appropriate.

Respectfully submitted,

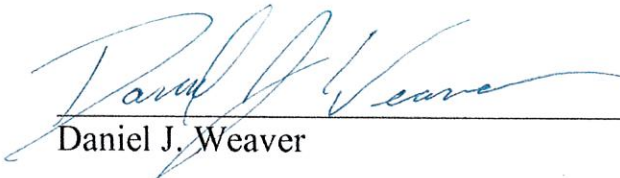

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Dated: September 10, 2019

VERIFICATION

I, Daniel J. Weaver, President and Executive Director of the Pennsylvania Independent Oil & Gas Association (PIOGA), hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that PIOGA expects to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Daniel J. Weaver

Date: September 10, 2019


CERTIFICATE OF SERVICE

I hereby certify that I have this day served by certified mail a true and correct copy of PIOGA's Petition for Review in the Nature of a Complaint for Declaratory Judgment upon the following persons in accordance with Pa.R.A.P. 1514:

William Kiger, President & Chief Executive Officer
Pennsylvania One Call System, Inc.
925 Irwin Run Road
West Mifflin, PA 15122-1078

William P. Boswell, Esquire
General Counsel
Pennsylvania One Call System, Inc.
405 Hare Lane
Sewickley, PA 15143

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16th Floor, Strawberry Square
Harrisburg, PA 17120



Kevin J. Moody, Esquire
General Counsel, PIOGA

Date: September 10, 2019

PIOGA Exhibit A

Pennsylvania One Call System, Inc.



2007 Rate Study

Prepared by



Resource Development & Management, Inc.

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Background

The Pennsylvania One Call System, Inc (POCS) is a non-profit Pennsylvania corporation providing underground utility notification service under Act 2006-181. Amending the act of December 10, 1974 (P.L. 852, No. 287), entitled "An act to protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties," further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the act of June 19, 2002 (P.L. 421, No. 61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

Operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than 2,000 people, or municipal authorities having an aggregate population in the area served by the municipal authority of less than 5,000 people, shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the contractor fees.

All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

An excavator, designer or operator who proposes to commence excavation or demolition work and requests information of the One Call System shall be charged a fee for the service received from the One Call System. The fee shall be used to offset the operation cost levied on the political subdivision and municipal authority members in lieu of additional fees charged for locations under this act.

Classifications

Facility Owner:

- The public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line. The term does not include the Department of Transportation within a State highway right-of-way. The term does not include any of the following:
 - A person serving the person's own property through the person's own line if the person does not provide service to any other customer.
 - A person using a line which the person does not own or operate if the use of the line does not serve more than a single property.

Contractor:

- Any person who or which performs excavation or demolition work for himself or for another person.

Excavator:

- Any person who or which performs excavation or demolition work for himself or for another person.

Designer:

- Any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

Operator:

- Any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work.

One Call System:

- The communication system established within this Commonwealth to provide a single nationwide toll-free telephone number or 811 number for (contractors) excavators or designers, or any other person covered by the act to call facility owners and notify them of their intent to perform excavation, demolition or similar work as defined by this act. (A)The One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

Rates

In providing adequate service to its members, POCS must receive sufficient total revenues to ensure proper operation and maintenance (O & M); development and perpetuation of the One Call System, and preservation of POCS's financial integrity. Nearly all of the total revenue requirements for POCS are met from revenues derived from user fees of facility owner members. Other revenue not derived from user fees may come from a variety of sources: supplemental services, contractor dues, secondary screening fees, billbacks, rents, and miscellaneous income. These alternative revenue sources are used to offset the revenue required from the facility owner members. Adequacy of user rates can be measured by comparing revenue requirements to be met from user fees under the existing or future authorized rates.

Revenue projections can be made for any length of time depending on the purpose of the projection. For budgetary purposes, POCS will project only one year ahead. From a revenue-adequacy standpoint, projections beyond 10 years tend to be quite speculative and are of questionable value. Usually a projection period of about five years is considered adequate. This timeframe provides a reasonable forecast of anticipated future revenue needs, thereby assisting management and board members to foresee potential problems, and to avoid surprise when future changes in rate levels are requested or announced.

Regardless of the projection period used, POCS should review its projections at least annually to incorporate changed conditions. Projections should be considered a living document subject to change as conditions change. In making projections for more than one year, measures of adequacy (i.e., indicated annual deficiencies) do not necessarily imply that an immediate rate change sufficient to cover deficiencies for the entire projection period is required or recommended. Rate changes for only a portion of the projection period may be appropriate.

The generally accepted practice to projecting total revenue requirements is the "cash-needs" approach. Historical data must be normalized or adjusted to reflect conditions that may not continue into the future. The objective of the cash-needs approach for projecting revenue requirements is to ensure that POCS revenues are sufficient to recover total cash needs for a given projection period.

As used in this study, the term cash-needs, as it applies to measuring revenue requirements of POCS, should not be confused with the accounting term cash as compared to accrual as an accounting method. Cash needs refer to the total revenues required by POCS to meet its cash expenditures, whereas the accounting term cash refers to revenues being recognized as earned when cash is received and expenses charged when cash is disbursed. The cash-needs approach to measuring revenue requirement of POCS may be evaluated on the cash, accrual, or modified accrual basis of accounting.

Revenue Requirement Components:

Basic revenue requirement components of the cash-needs approach include O&M expenses, long-term debt payments, contributions to specified reserves, and the cost of capital expenditures that are not debt-financed. Depreciation expense is not included.

Operation and maintenance expenses component is usually projected based on actual expenditures and adjusted to reflect anticipated changes in expenditures during the projection period. Pro forma adjustments to historical O & M expense are determined by incorporating known and measurable changes to recorded expenses, and by using well-considered estimates of future expenses.

Generally, O & M expenses include salaries and wages; fringe benefits; utilities; other purchased services; materials and supplies; small equipment that does not extend the useful life of major facilities; and general overhead.

The long-term debt component of the cash-needs approach usually consists of principal and interest payments on debt instruments. Reserves are often required to provide for emergency repairs and equipment replacements, as well as for routine equipment replacements

Capital expenditures are classified as normal annual (routine) replacement of facilities and equipment, and major capital replacements and improvements. POCS should periodically review and update its needs in each of these areas to recognize changing conditions. Projections for such needs are essential in developing overall revenue requirement projections.

Revenue requirements are frequently expressed in terms of a test year for purposes of allocating costs and designing rates. The test year may represent a specific 12-month period of time or it may be an annualization of a rate-design period of more or less than one year.

Test-year periods are usually of three general types—historical, current, and future. A historical test-year period is defined as a prior 12-month period for which actual operating data is available. A current test-year period may be defined as any 12-month period that includes both historical and projected data, but, in some cases up to nine months of projected data are used. A future test-year period is defined as any 12-month period beginning after the date the rate changes are to be made. POCS is free to set their own policies regarding test-year periods. The test year for this study will be the 2006 calendar year.

Typically, a future test year is selected in recognition of budgetary requirements, debt payments, and rates being designed for a future period. The test year may simply correspond to an upcoming fiscal year or represent the annualization of the period for which rates are intended to be effective.

Financial Analysis

There are two basic sources of revenues available to POCS: operating revenues derived from members and non-operating revenues. Operating revenues include all revenues received from ticket delivery. Non-operating revenues include supplemental services, contractor fees, secondary screening, billbacks, rent, miscellaneous, and reimbursement for litigation expenses. Non-operating revenues are used to offset the ticket price for delivery of tickets to facility owners.

In accordance with Act No. 2006-181 the operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than two thousand people or municipal authorities having an aggregate population in the area served by the municipal authority of less than five thousand people shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the contractor fees.

All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

History:

Historical data must be collected as a basis for projecting future revenues. POCS revenues are directly associated with the expenses the organization incurs. The current rate structure is designed to take the total expenses or revenue requirement, subtract all revenue generated by the One Call System not related to the charges for ticket delivery, and divide the municipal activity to establish a rate for notification. Each facility owner member must register each municipality where they have facilities located. For each inbound call that is received for a given municipality, each facility owner member located within the municipality will be charged a municipal activity fee.

A limit in the fee charged to the facility owner members is set by the act. POCS is limited to the charge fees set at five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Capital improvements may be added, if the improvements receive a majority vote of the board of directors.

The following table is an historical overview of POCS's five-year history of revenues and expenses.

POCS Financial History (2002 to 2006)

	2002	2003	2004	2005	2006
Revenues from Members:	\$ 5,210,856	\$ 6,369,136	\$ 7,020,648	\$ 7,838,965	\$ 7,361,887
Operating Expenses:					
Communications	\$ 454,887	\$ 530,287	\$ 761,583	\$ 741,444	\$ 847,645
Public awareness	\$ 769,465	\$ 530,889	\$ 508,959	\$ 617,895	\$ 821,085
Salaries and benefits	\$ 2,723,805	\$ 3,094,436	\$ 3,269,850	\$ 3,475,461	\$ 3,549,854
Depreciation and amortization	\$ 673,866	\$ 1,059,005	\$ 894,062	\$ 1,113,769	\$ 834,346
Building expenses	\$ 217,308	\$ 215,328	\$ 201,684	\$ 196,097	\$ 213,350
Office expenses	\$ 128,125	\$ 127,306	\$ 122,354	\$ 134,364	\$ 145,177
Travel and meetings	\$ 194,840	\$ 179,730	\$ 214,481	\$ 224,460	\$ 216,318
Delivery and postage	\$ 56,564	\$ 65,023	\$ 71,230	\$ 63,484	\$ 63,930
Consulting, legal and accounting	\$ 220,873	\$ 248,147	\$ 254,942	\$ 246,231	\$ 253,240
Insurance	\$ 79,795	\$ 170,690	\$ 177,611	\$ 173,630	\$ 162,183
Pension plan	\$ 181,396	\$ 188,256	\$ 199,341	\$ 233,035	\$ 252,115
Bad debts	\$ 60,739	\$ 4,285	\$ 12,889	\$ 1,098	\$ 6,037
Miscellaneous	\$ 36,454	\$ 32,446	\$ 36,657	\$ 45,046	\$ 66,263
Total Operating Expenses	\$ 5,798,117	\$ 6,445,828	\$ 6,725,643	\$ 7,266,014	\$ 7,431,543
Loss From Operations	\$ (587,261)	\$ (76,692)	\$ 295,005	\$ 572,951	\$ (69,656)

As illustrated net income over the previous five years has met the revenue required to cover the expenses incurred by POCS. The current rate structure has built-in safeguards to insure that revenues generated by facility owner members will sufficiently cover the expenses to operate the One Call System.

The current rate structure takes the total expenses and subtracts all revenue generated from other sources not associated with the notification of facility owners. The budgeted capital expenditures are added and the total is divided by the number of members located in each municipality where digs occur (municipal activity). This amount is considered the cost for municipal activity charged to each facility owner member.

Projections:

After review of the previous five year history of revenues and expenses the next step is to project the next five-year period. The following chart is a five year projection based on the previous five year history using 2006 as the base year. Revenues are projected to increase 5.5% and expenses are projected to increase 5%.

The following table is a five-year projection of POCS revenues and expenditures:

POCS Financial Projections (2007 to 2011)

5
New/expanded
revenue

	2007	2008	2009	2010	2011
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Revenues from Members:

	\$ 7,766,791	\$ 8,193,964	\$ 8,644,632	\$ 9,120,087	\$ 9,621,692
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Operating Expenses:

Communications	\$ 890,027	\$ 934,529	\$ 981,255	\$ 1,030,318	\$ 1,081,834
Public awareness	\$ 837,507	\$ 854,257	\$ 871,342	\$ 888,769	\$ 906,544
Salaries and benefits	\$ 3,798,344	\$ 4,064,228	\$ 4,348,724	\$ 4,653,134	\$ 4,978,854
Depreciation and amortization	\$ 900,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 900,000
Building expenses	\$ 213,350	\$ 213,350	\$ 213,350	\$ 213,350	\$ 213,350
Office expenses	\$ 149,532	\$ 154,018	\$ 158,639	\$ 163,398	\$ 168,300
Travel and meetings	\$ 222,808	\$ 229,492	\$ 236,377	\$ 243,468	\$ 250,772
Delivery and postage	\$ 65,848	\$ 67,823	\$ 69,858	\$ 71,954	\$ 74,112
Consulting, legal and accounting	\$ 260,837	\$ 268,662	\$ 276,722	\$ 285,024	\$ 293,575
Insurance	\$ 170,292	\$ 178,807	\$ 187,747	\$ 197,134	\$ 206,991
Pension plan	\$ 264,721	\$ 277,957	\$ 291,855	\$ 306,447	\$ 321,770
Bad debts	\$ 6,037	\$ 6,037	\$ 6,037	\$ 6,037	\$ 6,037
Miscellaneous	\$ 69,576	\$ 73,055	\$ 76,708	\$ 80,543	\$ 84,570

Total Operating Expenses

	\$ 7,848,879	\$ 8,222,214	\$ 8,618,613	\$ 9,039,576	\$ 9,486,709
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Loss From Operations

	\$ (82,088)	\$ (28,259)	\$ 26,020	\$ 80,511	\$ 134,983
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The current rate structure charges each facility owner member an activity fee for every municipality in which they are located. The activity fee is based on the number of digs occurring in each respective municipality a facility owner member has a facility located therein. There is a direct correlation between the number of inbound calls, number of facility owner members per municipality, and associated expenses. As illustrated above, the current rate structure will continue to cover the cost of operations for POCS over the next five-year period.

The current rate structure is based on the number of incoming calls and the related activity that is occurring in each budget year. The financial committee monitors the municipal activity fee on a quarterly basis to ensure that it is within the limits established by the act. The current rate structure is timely and meets the operational needs of POCS.

Alternative Rate Structures

RDM attempted to contact other One Call Centers located throughout the United States to discuss their respective rate structures. We were unable to obtain any information from the other centers regarding rates. The alternative rate structures considered were derived from conversations with Bill Kiger, Bill Boswell and POCS staff.

I. Percentage of Notifications (Previous Year):

Some One Call Centers charge rates based on the percent of notifications sent in the previous year. Under this scenario revenues would be based on the percentage of notifications facility owner members received in the previous year.

The POCS staff would calculate the percentage of notifications each facility owner member received the previous year. This percentage would determine the cost incurred by each facility owner member in the next budget year. The approved budgeted expenses for the next year, less alternative revenues received plus capital expenditures, would be multiplied by the percentage of notifications for each facility owner member to establish the annual contribution to the one call operational costs. That annual cost would be divided by 12 and the facility owner member would pay 1/12 of the total annual costs each month.

Using this alternative may have a severe impact on the majority of facility owner members. The top 50 facility owner members contribute nearly 70% of the revenues generated by POCS. Any change to the current rate structure will shift the burden of payment from the larger facility owner members to the medium and small facility owner members.

The larger facility owner members are able to take advantage of the technology POCS offers for mapped members. This greatly reduces the number of notifications received by the facility owner member thereby reducing their respective costs. The medium and smaller facility owner members do not have the expertise or personnel to commit to the mapping system thereby incurring a disproportional share of the expenses for the One Call System.

The following chart outlines the impact applying this rate structure would have on the top 50 customers:

total reconfiguration
of system
% of
actual
adjustments
Exps

Member Name	Total	Percent	2006 Charged by %	2006 NW TOT.	Difference
COMCAST/DELPHIA	503,588	9.25%	\$ 488,426.51	\$ 531,711.40	\$ 42,284.89
VERIZON PENNSYLVANIA INC	558,091	10.25%	\$ 542,396.82	\$ 478,449.25	\$ (63,947.57)
PECO ENERGY	228,608	4.18%	\$ 220,235.51	\$ 213,056.05	\$ (7,179.46)
DOMINION PEOPLES	77,839	1.43%	\$ 75,650.08	\$ 208,447.90	\$ 132,797.82
PENNSYLVANIA AMERICAN WATER	171,813	3.15%	\$ 166,981.41	\$ 206,353.50	\$ 39,372.09
AT&T - ATLANTA	62,200	1.14%	\$ 60,450.88	\$ 173,109.80	\$ 112,658.92
SUNOCO PIPELINE LP	98,004	1.80%	\$ 95,248.01	\$ 158,901.95	\$ 61,653.94
ICI	51,689	0.95%	\$ 50,218.01	\$ 150,733.15	\$ 100,515.14
UGI UTILITIES INCORPORATED	147,842	2.71%	\$ 143,684.51	\$ 148,348.30	\$ 4,663.79
COLUMBIA GAS OF PA INC	118,188	2.17%	\$ 114,864.41	\$ 143,478.17	\$ 28,613.76
PPL ELECTRIC UTILITIES CORPORATION	147,686	2.71%	\$ 143,532.89	\$ 142,948.80	\$ (584.09)
COLUMBIA GAS TRANSMISSION-CAMERON WV	33,587	0.62%	\$ 32,842.49	\$ 117,688.70	\$ 85,044.21
BUCKEYE PIPE LINE	88,993	1.27%	\$ 87,052.84	\$ 105,508.75	\$ 38,455.91
XO COMMUNICATIONS INC	98,716	1.78%	\$ 93,998.23	\$ 105,308.40	\$ 11,312.17
QWEST COMMUNICATIONS	38,305	0.67%	\$ 35,284.03	\$ 99,700.75	\$ 64,416.69
AQUA PENNSYLVANIA	105,208	1.93%	\$ 102,249.43	\$ 98,239.65	\$ (4,009.78)
LEVEL 3	35,979	0.65%	\$ 34,987.23	\$ 98,097.75	\$ 63,110.52
EQUITABLE GAS	53,337	0.98%	\$ 51,837.10	\$ 85,322.10	\$ 33,485.00
ALLEGHENY POWER	92,278	1.69%	\$ 89,684.01	\$ 79,181.95	\$ (10,502.06)
VERIZON NORTH	70,081	1.29%	\$ 68,090.80	\$ 79,078.05	\$ 10,987.25
METROPOLITAN EDISON CO	94,885	1.56%	\$ 92,497.93	\$ 76,005.90	\$ (16,492.03)
TRANSCONTINENTAL GAS PIPE LINE CORP	29,083	0.53%	\$ 28,246.71	\$ 70,908.30	\$ 42,662.59
CTS LLC	67,328	1.24%	\$ 65,432.71	\$ 70,088.00	\$ 4,655.29
EQUITRANS LP	21,572	0.40%	\$ 20,985.37	\$ 65,713.90	\$ 44,728.53
EMBARQ	51,140	0.94%	\$ 49,701.88	\$ 84,107.20	\$ 34,405.32
DUQUESNE LIGHT COMPANY	65,777	1.21%	\$ 63,927.27	\$ 59,976.48	\$ (3,950.79)
NATIONAL FUEL GAS DIST CORP RC 347	48,971	0.90%	\$ 47,593.88	\$ 56,981.90	\$ 9,388.02
TEXAS EASTERN TRANSMISSION LP	125,518	2.30%	\$ 121,988.29	\$ 47,934.60	\$ (74,053.69)
PHILADELPHIA GAS WORKS	50,228	0.92%	\$ 48,813.59	\$ 45,998.34	\$ (2,815.25)
PENNSYLVANIA ELEC CO	94,442	1.73%	\$ 91,786.18	\$ 40,509.10	\$ (51,277.08)
PPL GAS UTILITIES CORPORATION	39,628	0.73%	\$ 38,511.67	\$ 40,157.04	\$ 1,645.37
WINDSTREAM PENNSYLVANIA INC	44,059	0.81%	\$ 42,820.01	\$ 38,732.85	\$ (3,087.36)
S EASTERN PA TRANSPORTATION AUTH	24,578	0.45%	\$ 23,884.89	\$ 39,630.35	\$ 15,745.46
RCN TELECOM SERVICES INC	28,073	0.52%	\$ 27,283.55	\$ 37,880.10	\$ 10,596.55
D & E COMMUNICATIONS	17,888	0.33%	\$ 17,394.69	\$ 35,313.35	\$ 17,918.66
PENCOR SVCS INC	26,225	0.48%	\$ 25,487.52	\$ 35,122.30	\$ 9,634.78
UNITED WATER	26,867	0.49%	\$ 26,111.47	\$ 33,667.85	\$ 7,556.38
T W PHILLIPS GAS AND OIL CO	18,057	0.33%	\$ 17,549.22	\$ 33,082.00	\$ 15,532.78
BUCKS COUNTY WATER & SEWER AUTHORITY	35,261	0.65%	\$ 34,289.42	\$ 31,604.80	\$ (2,684.62)
FRONTIER COMMUNICATIONS SOLUTIONS	32,888	0.60%	\$ 31,983.15	\$ 27,890.05	\$ (4,103.10)
ATLAS AMERICA INC	18,820	0.35%	\$ 18,290.76	\$ 24,314.05	\$ 6,023.29
WESTMORELAND COUNTY MUNI AUTH OF	24,208	0.44%	\$ 23,525.30	\$ 23,972.20	\$ 448.90
PHILADELPHIA CITY DEPARTMENT OF STREETS	42,753	0.78%	\$ 41,550.73	\$ 22,142.27	\$ (19,408.46)
PHILADELPHIA CITY WATER DEPARTMENT	43,988	0.81%	\$ 42,731.57	\$ 21,593.36	\$ (21,138.21)
PENNSYLVANIA POWER CO	23,981	0.44%	\$ 23,487.19	\$ 21,448.85	\$ (1,937.34)
YORK WATER COMPANY AFTER HOURS	17,851	0.33%	\$ 17,349.01	\$ 15,627.85	\$ (1,721.16)
CHESTER WATER AUTHORITY	20,314	0.37%	\$ 19,742.75	\$ 14,417.30	\$ (5,325.45)

The first column is the total number of notifications received by the facility owner member during 2006. The second column is the percentage of notifications received by each facility owner member. The third column is the annual fee that each member would have paid under this alternative fee structure. The fourth column is the annual fee that each member paid during 2006, and the fifth column is the difference that each member would have paid.

The total revenue received from the members in 2006 was \$4,517,399. When compared to the revenues generated for this group under this scenario of \$3,771,196, \$746,202 in user fees would be transferred to the medium and smaller facility owner members.

This new rate structure does not meet the criteria set by the finance committee for establishing new rates due to the transfer of user fees charged.

II. Municipal Mapping Rate applied to all Members:

Applying the municipal mapping rate to the facility owner members would have the same impact that the percentage of notifications scenario would have. The difference would be that the user charge would be timely because the charge would apply to usage that occurred in the same year not the previous year.

Seventeen members of the top 50 facility owner members are currently screened members. If the municipal mapping rate were used \$151,846 of user fees would be transferred from those members to the medium and small facility owner members. As the number of facility owner members that do screened mapping the amount of user fees transferred to the medium and small facility owner members would increase.

This new rate structure does not meet the criteria set by the finance committee for establishing new rates due to the transfer of user fees charged.

III. Flat Rate per Municipality plus Municipal Activity:

This alternative would charge each facility owner member a flat rate fee plus a municipal activity fee. The flat rate fee would be subtracted from the total revenue required before municipal activity fee would be calculated.

Facility owner members are located in 22,988 municipalities throughout the Commonwealth. Applying a flat rate of \$50 per municipality would generate \$1,149,900. The revenue generated from the flat rate municipal fee would be subtracted from the revenue required by notification fees. The following table shows the impact on the allowable municipal activity fee:

Pennsylvania One Call System, Inc
Allowable Municipal Activity Fee
2006

		31-Dec-06	31-Dec-06
Audited Expenses		\$7,649,145	\$7,649,145
- Sales/Municipal Activity- Fax .45		(\$370,576)	(\$370,576)
- Sales/Municipal Activity- Data .05		(\$118,865)	(\$118,865)
-Income from Mapped Municipal Members		(\$292,119)	(\$292,119)
- Income From Supplemental Sales		(\$666,466)	(\$666,466)
- Income From Contractor Fees		(\$389,084)	(\$389,084)
- Income From Secondary Screening Svcs		(\$131,848)	(\$131,848)
- Billbacks (passthroughs)		(\$61,983)	(\$61,983)
- Rental Income & Tenant Billback		(\$29,400)	(\$29,400)
- Other Income		(\$290,569)	(\$290,569)
- Misc Income		(\$4,518)	(\$4,518)
Adjusted Audited Expenses		\$5,293,717	\$5,293,717
Depreciation Expense		(\$834,346)	(\$834,346)
Municipality Fee		\$0	(\$1,149,900)
2007 Capital expenditures		\$999,698	\$999,698
Audited Expenses net adjustments		\$5,459,069	\$4,309,169
Municipal Activity		6,511,875	6,511,875
		<u>6,511,875</u>	<u>6,511,875</u>
<i>Municipal Activity Fee (Average)</i>		\$0.84	\$0.66
Allowable Upper Limit 5%	5.00%	\$0.04	\$0.03
Consumer Price Index	3.40%	\$0.02	\$0.02
		\$0.90	\$0.72

The allowable municipal activity fee would drop from \$0.90 to \$0.72. Dropping the municipal activity fee by \$0.18 to \$.67 and charging a flat rate fee of \$50 per municipality where the facility owner is located would impact the top customers by the following:

Member Name	Total	2006 Charge Plus \$50/municipality	2006 Actual	Difference
COMCAST/ADELPHIA	503,588	\$ 355,854	\$ 531,711	\$ 175,857
VERIZON PENNSYLVANIA INC	558,091	\$ 460,171	\$ 478,449	\$ 18,278
PECO ENERGY	226,608	\$ 158,227	\$ 213,056	\$ 54,829
DOMINION PEOPLES	77,839	\$ 62,752	\$ 208,448	\$ 145,696
PENNSYLVANIA AMERICAN WATER	171,813	\$ 120,265	\$ 206,354	\$ -
AT&T - ATLANTA	62,200	\$ 64,524	\$ 173,110	\$ 108,586
SUNOCO PIPELINE LP	98,004	\$ 81,463	\$ 156,902	\$ 75,439
MCI	51,669	\$ 52,768	\$ 150,733	\$ 97,965
UGI UTILITIES INCORPORATED	147,842	\$ 109,954	\$ 148,348	\$ 38,394
COLUMBIA GAS OF PA INC	118,188	\$ 83,636	\$ 143,476	\$ 59,840
PPL ELECTRIC UTILITIES	147,686	\$ 140,350	\$ 142,949	\$ 2,599
COLUMBIA GAS TRANSMISSION-	33,587	\$ 25,503	\$ 117,687	\$ 92,183
BUCKEYE PIPE LINE	68,993	\$ 51,175	\$ 105,509	\$ 54,333
XO COMMUNICATIONS INC	96,716	\$ 70,650	\$ 105,308	\$ 34,659
QWEST COMMUNICATIONS	36,305	\$ 38,224	\$ 99,701	\$ 61,476
AQUA PENNSYLVANIA	105,208	\$ 75,739	\$ 98,240	\$ 22,500
LEVEL 3	35,979	\$ 36,556	\$ 98,098	\$ 61,542
EQUITABLE GAS	53,337	\$ 38,936	\$ 85,322	\$ 46,386
ALLEGHENY POWER	92,279	\$ 64,827	\$ 79,182	\$ 14,355
VERIZON NORTH	70,061	\$ 58,691	\$ 79,078	\$ 20,387
METROPOLITAN EDISON CO	84,885	\$ 56,873	\$ 76,006	\$ 19,133
TRANSCONTINENTAL GAS PIPE LINE	29,063	\$ 25,772	\$ 70,908	\$ 45,136
CTSI LLC	67,326	\$ 52,058	\$ 70,088	\$ 18,030
EQUITRANS LP	21,572	\$ 17,453	\$ 65,714	\$ 48,261
EMBARQ	51,140	\$ 52,464	\$ 64,107	\$ 11,643
DUQUESNE LIGHT COMPANY	65,777	\$ 53,521	\$ 59,976	\$ 6,456
NATIONAL FUEL GAS DIST CORP RC	48,971	\$ 37,811	\$ 56,982	\$ 19,171
TEXAS EASTERN TRANSMISSION LP	125,518	\$ 89,097	\$ 47,935	\$ (41,162)
PHILADELPHIA GAS WORKS	50,226	\$ 37,101	\$ 45,996	\$ 8,895
PENNSYLVANIA ELEC CO	94,442	\$ 66,726	\$ 40,509	\$ (26,217)
PPL GAS UTILITIES CORPORATION	39,626	\$ 67,949	\$ 40,157	\$ (27,792)
WINDSTREAM PENNSYLVANIA INC	44,059	\$ 33,920	\$ 39,733	\$ 5,813
S EASTERN PA TRANSPORTATION	24,576	\$ 18,966	\$ 39,630	\$ 20,664
RCN TELECOM SERVICES INC	28,073	\$ 21,309	\$ 37,880	\$ 16,571
D & E COMMUNICATIONS	17,898	\$ 14,492	\$ 35,313	\$ 20,822
PENCOR SVCS INC	26,225	\$ 20,071	\$ 35,122	\$ 15,052
UNITED WATER	26,867	\$ 20,501	\$ 33,668	\$ 13,167
T W PHILLIPS GAS AND OIL CO	18,057	\$ 20,148	\$ 33,062	\$ 12,914
BUCKS COUNTY WATER & SEWER	35,261	\$ 25,125	\$ 31,605	\$ 6,480
FRONTIER COMMUNICATIONS	32,888	\$ 29,735	\$ 27,860	\$ (1,875)
ATLAS AMERICA INC	18,820	\$ 16,559	\$ 24,314	\$ 7,755
WESTMORELAND COUNTY MUNI	24,206	\$ 20,168	\$ 23,972	\$ 3,804
PHILADELPHIA CITY DEPARTMENT OF	42,753	\$ 31,645	\$ 22,142	\$ (9,502)
PHILADELPHIA CITY WATER	43,968	\$ 32,809	\$ 21,563	\$ (11,245)
PENNSYLVANIA POWER CO	23,961	\$ 19,404	\$ 21,450	\$ 2,046
YORK WATER COMPANY AFTER	17,851	\$ 13,460	\$ 15,628	\$ 2,168
CHESTER WATER AUTHORITY	20,314	\$ 15,110	\$ 14,417	\$ (693)
TOTAL		\$ 3,060,512	\$ 4,517,399	\$ 1,456,888

Changing the rate structure to this format would decrease the fees paid by the top facility owner members by \$1,456,888. The shortfall would be charged to the balance of the members.

This rate structure does not meet the criteria set by the finance committee for establishing new rates due to the transfer of user fees charged.

Recommendations

RDM met with POCS staff to discuss problems they were experiencing with facility owner members concerning billing issues. Most problems concerning facility owner members dealt with issues that are not material to POCS operations. Other inquiries dealt with the manufactured housing customers and the propane gas customers, again these members do not have a material impact on the operating revenues of the One Call System.

The current rate structure, whereas each facility owner member pays a municipal activity fee for every municipality in which they are located based on the number of digs that occur in each respective municipality, is a fair and equitable manner to maintain the financial integrity of POCS. The finance committee reviews the rates quarterly to determine whether the current municipal activity rate is within the limits of the allowable municipal activity fee and any adjustments to the rates are timely and based on the current call volume that POCS is experiencing.

Currently, POCS applies a municipal mapping rate for municipal members that are able to map their facilities. It is recommended that the municipal rate be applied to any facility owner member that ~~services less than 2,500 customers~~. The impact of charging the municipal mapping rate to the ~~smaller facility owner~~ members has little impact on the overall financial integrity of the One Call System.

Currently, POCS is only capable of assigning activity at the municipal level. Should a method or technology be developed for POCS to minimize the area (i.e., grid) of municipal activity, a review should be conducted to examine the impact of applying the municipal activity by grid to the top customers of POCS.

The law states that, "Operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors". Applying a rate by the municipal activity method meets that requirement. Those facility owner members that are located in municipalities where activity is occurring are being charged in an equitable manner for services received. It is RDM's opinion that the current rate structure meets the requirements of the law, and should remain in place at this time.

PIOGA Exhibit B

Pennsylvania One Call System, Inc.

2019 Rate Structure

Contribution to Capital: Each new Principal member shall be assessed a contribution to capital of not more than its first three months' estimated fees. This contribution shall be held until such member's membership is terminated, at which point it will be applied against any outstanding indebtedness or refunded, as the case may be.

Municipal Activity: The total number of **inbound** work location request notifications (WLRs) received each month in a municipality. The facility owner is billed for each municipality they have registered to receive WLRs.

- *Municipal Activity applies to Principal members that do not qualify for the Mapped Rates.*
- Members are billed the base rate plus a delivery charge dependent upon the method of delivery as listed below:
 - Municipal Activity Fee is billed per **inbound** notifications by municipality:
 - Base Rate: \$0.72 per incoming notification per registered municipality
 - Web view charge: \$0.01 per notification viewed online as delivery
 - Email delivery charge: \$0.02 per notification delivered via email
 - Data delivery charge: \$0.07 per notification delivered via modem or printer
 - Fax delivery charge: \$0.47 per notification delivered via fax

Supplemental Services (Additional Notifications):

- **Renotifys:** A second or third transmission of a previously delivered WLR initiated by the caller when no response has been received by a facility owner, or the caller disagrees with the posted response. Renotifys are only sent to the facility owners specified by the caller.
 - *Renotify rates apply to all Principal members.*
 - Renotifys are billed per **outbound** transmission based on the method of delivery.
 - Web view: \$0.73
 - Email delivery: \$0.74
 - Data delivery: \$0.79
 - Fax delivery: \$1.19
- **Resends:** A re-transmission of a previously delivered WLR as requested by the facility owner.
 - *Resend rates apply to all Principal members.*
 - Resends are billed per **outbound** transmission based on the method of delivery.
 - Web view: \$0.73
 - Email delivery: \$0.74
 - Data delivery: \$0.79
 - Fax delivery: \$1.19
- **Supplemental Notifications:** In addition to the hard copy notification sent by email, data, or fax, a facility owner can request additional hard copies be sent to other receiving sites.
 - *Supplemental Notifications rates apply to all Principal and General members.*
 - Each copy is billed per **outbound** transmission based on the method of delivery.
 - Web view: \$0.73
 - Email delivery: \$0.74
 - Data delivery: \$0.79
 - Fax delivery: \$1.19
- **Supplemental Voice Outs:** In addition to the hard copy notification sent by email, data, or fax, a facility owner can request a telephone call on certain types of WLRs such as damages, or for WLRs taken out of normal business hours with a proposed dig time prior to the start of business the next day.
 - *Supplemental Voice Out rates apply to all Principal and General members.*
 - These notifications are initially called out via an automated IVR (KARL). If the automated voice call out fails for any reason, subsequent attempts are made manually by a Customer Service Representative.
 - Each attempt is billed until the call out is successfully completed.
 - It is in the facility owner's best interest to train their personnel to accept the call from the IVR.
 - Each Supplemental Voice Call Out **Attempt** is billed based on the method of delivery.
 - \$2.55 per automated attempt made by KARL
 - \$5.05 per attempt made by the Call Center Personnel
- **Supplemental Text Messages:** In addition to the hard copy notification sent by email, data, or fax, a facility owner can request a text message on emergency notifications. Standard messaging rates apply from the cell phone carrier.
 - \$0.74 per text message transmitted

The finance committee will review the rates on a quarterly basis and adjust as needed.

Pennsylvania One Call System, Inc.

2019 Rate Structure

Mapped Rates: The total number of **outbound** work location request notifications (WLRs) transmitted each month to a facility owner that has mapped their facilities via PA One Call's Member Mapping Application.

- *Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application, qualify for this rate structure.*
- *Members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary.*
 - The billing rate is dependent upon the method of delivery **and** the screening percentage.
 - Inbound Unmapped tickets are **not** billed.

Percentage Screened	Multiplier	Base Rate
0% – 25%	1.5 X current municipal activity fee per ticket received	\$1.08
26% – 50%	2.0 X current municipal activity fee per ticket received	\$1.44
51% - 75%	2.5 X current municipal activity fee per ticket received	\$1.80
76% - 99%	3.0 X current municipal activity fee per ticket received	\$2.16

- Web view charge: \$0.01 per notification viewed online as delivery
- Email delivery charge: \$0.02 per notification delivered via email
- Data delivery charge: \$0.07 per notification delivered via modem or printer
- Fax delivery charge: \$0.47 per notification delivered via fax

Prepayment

- All members are eligible to make prepayments. Any member wishing to make arrangements for paying in advance should contact the accounting department at 1-800-248-1786 x 7137.

Additional Services:

- Message Searches: A request for the Call Center to search for an archived WLR.

If serial number known: \$25.00 per serial number – ticket & responses

If serial number not known: \$50.00 per month per data element searched PLUS
\$25.00 for each ticket & responses

Available via subpoena only:

Voice Recording: \$100.00 per serial number for tape-recorded conversation

Transcription: \$25.00 per hour

- Custom Reports: A request for the Call Center to compile data and format into a report

Minimum \$600 - rate must be quoted and is based on complexity and time frame of data requested

Annual Contractor Fee:

\$125.00 Individual excavator, charged per calendar year

Contractor Association Fees:

\$2,711.00 Small association with less than 50 members

\$3,396.00 Medium association with more than 50 but less than 1000 members

\$8,474.00 Large association 1000 or more members

\$300.00 Sustaining Member

The finance committee will review the rates on a quarterly basis and adjust as needed.





PIOGA Exhibit C



PBA Members Save \$125 Annually!

As you prepare to excavate, state law requires that you contact 8-1-1 or www.paonecall.org.

PBA members have their annual \$125 fee covered through their membership.

-  Each calendar year when you contact 8-1-1 for the first time, you will receive an invoice for \$125.
-  Forward your invoice to your local association. They will confirm your membership and send your invoice directly to PBA for payment.
-  You will not receive an invoice for additional use of the PA One Call System in the same calendar year, regardless of how often you use it!
-  Repeat the same process the first time you dig in the next calendar year.



PIOGA Exhibit D-1

PENNSYLVANIA ONE CALL MEMBER MAPPING

Improve Processes – Save Time – Cut Costs

www.paonecall.org/membermapping

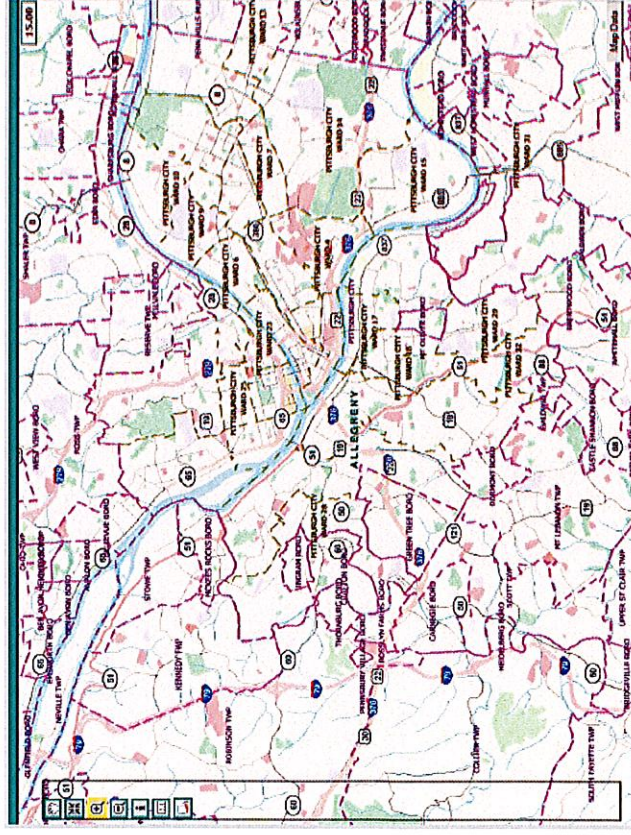


Facility Owner Members

... Did You Ever Think About ...

- ☐ Avoiding notification in places where your organization has no underground facilities?
- ☐ Saving some time in responding to notifications?
- ☐ Reducing the number of emergency calls received at all hours, and in places with no facilities?
- ☐ Avoiding unnecessary locator dispatch?

Do You Have Any Check Marks?



Member Mapping May Be the Answer!

Member Mapping with PA One Call

What is Member Mapping?

Member Mapping is an online tool developed by PA One Call to help facility owner members reduce the number of notifications they receive. Member Mapping is available to facility owner members at no charge to refine their notification areas using map objects instead of municipal boundaries. Member Mapping is designed to reduce the number of locate request notifications received as well as maintain the same high standards of damage prevention.

Over 1,200 facility owners use Member Mapping for an average reduction in the number of locate request notifications transmitted of 69%. These are the tickets you will never see, nor need to respond to, saving you handling costs.

Why is Receiving Fewer Notifications Important to Me?

Using Member Mapping will save time and therefore money by:

- increasing the relevance of tickets received
- reviewing fewer maps for line conflicts
- no locator dispatch required on screened tickets
- responding only for notifications received
- handling fewer emergency tickets after hours

Excavators are not expecting a response from your company on tickets screened by Member Mapping.

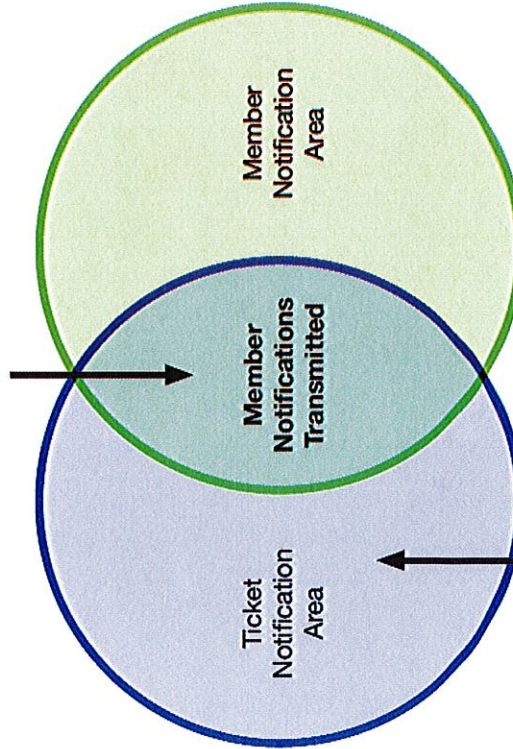
Member Mapping can work for companies that have internal GIS systems and those that don't. The application has tools to upload GIS data and/or draw notification areas manually.

How Does Member Mapping Work?

One Call notification requests — created by Customer Service Representatives (CSRs) or Web users via the Web Ticket Entry (WTE) application have defined excavation sites drawn on maps 99.9% of the time. This is the Ticket Notification Area.

A facility owner uses Member Mapping to identify where they wish to be notified for locating their underground facilities. This is the Member Notification Area.

Mapped sites receive **FEWER** notifications.

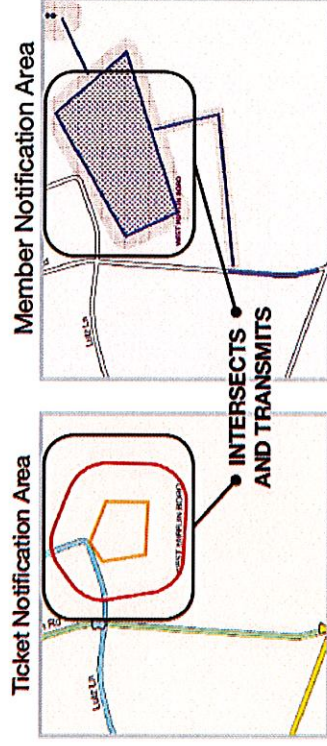


Municipal level sites receive **ALL** notifications.

PA One Call software compares the Ticket Notification Area against the Member Notification Area. This process identifies which notifications to transmit to a Mapping Member based on the maps they defined. Members who do not use Member Mapping receive all notifications in the municipality.

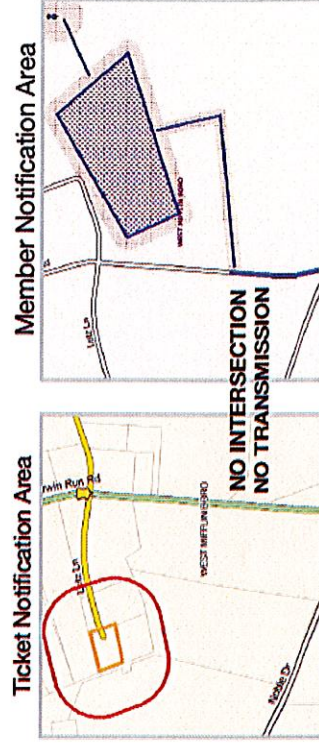
Two Notification Areas Work Together

Example 1



When both map sites intersect, PA One Call transmits a notification

Example 2



When both map sites **DO NOT** intersect, no notification is transmitted

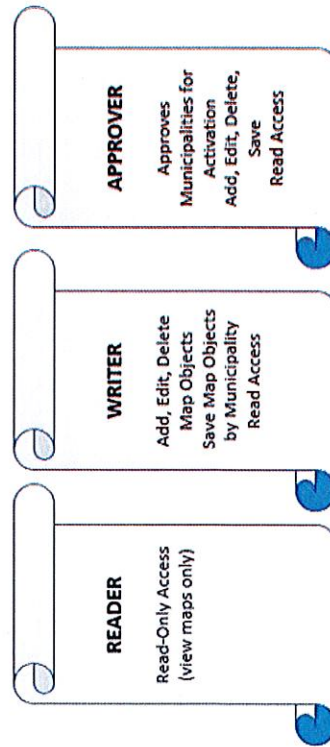
How Secure is My Facility Map in Member Mapping?

Member Mapping authenticates to the PA One Call network using an https secure connection. Facility owner maps stored on our servers are not available to any other user company. Each company has exclusive access and control of their own facility map data and Member Notification Areas.

What do I need to get started?

Use of the Member Mapping application begins with an account on the PA One Call website. If you do not yet have a PA One Call web account, go to: www.paonecall.org, select Applications, and How to Create an Account.

Security roles can be assigned on a per-user basis determined by the company representative. Available roles are Reader, Writer, and Approver. The Company Representative can grant a role to any user needing access to view or change the maps for your company.



Tools

Tools

Launching Member Mapping



Sign in to www.paonecall.org



If you have multiple CDCs, select the one to be edited in the top left. Note the links to send feedback, view a tutorial, return to your POCS Links to work in another application, or logout. Use the tutorial to get a detailed description of the available tools outlined below.

Exploring Member Mapping Tools

In the lower left, find map navigation tools to *pan*, *center*, *zoom in*, *zoom out*, *get information*, *measure*, or view a *facility object breakdown report* – summarizing your map status by municipality.



When zoomed in three miles or less, manipulation tools permit drawing a *polygon*, *line* or *point*, or a *line on all roads within a polygon* to represent your facilities and also *delete* an object. You can also approve a municipality for activation, *un-approve*, save objects, and *undo* your last action from this toolbar.



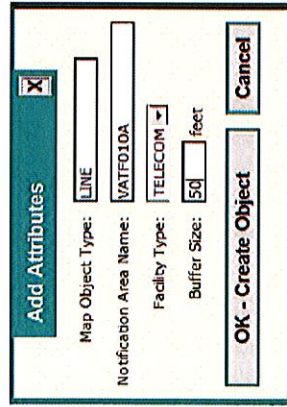
Search tools include the *Find Location*, *Lat/Lon Search* – enter specific information to find a site. To display map features, use the *Layer Control*. A *Print Map* tool is available, and an *Object Color Key* keeps the map object colors clear as you edit map objects.



Mapping

Steps for Creating Facility Objects

- Use the navigation tools to *find the place on the map* where you will create this facility object
- *Zoom in to 3 mile extent or lower* to activate the map manipulation tools
- *Select one of the drawing tools and create your facility* on the map, double-clicking to complete the map object
- A window to *add facility object attributes* appears




Add Attributes

Map Object Type:


Notification Area Name:

Facility Type:


Buffer Size: feet

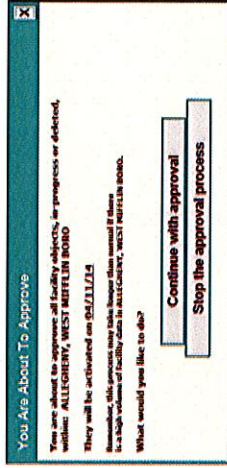
- The object type is the drawing tool used to create the object
- Name is an optional field used to specifically identify objects
- If your company has multiple facility types, select the appropriate type from the dropdown
- The buffer size is entered in feet. The default buffer size is 0 feet and the maximum size is 2,500 feet. Buffers are **limited** to the bounds of a municipality
- Delete individual objects with the X icon 

Save Your Map

- The disk icon saves your work to the map – once saved, the object is ready to be approved 

Approving Facility Objects

- *Approve a municipality with the thumbs up icon* 



You Are About To Approve

You are about to approve all facility objects, in progress or deleted, within: ALLEGHENY, WEST MIFFLIN BORO

They will be activated on 04/21/2014

Warning: This operation will remove all deleted objects from the map. Do you want to proceed?

What would you like to do?

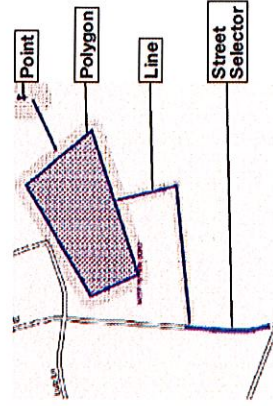
- *Un-approve a municipality with the thumbs down*

The Map Object Color Key Shows Object Status

The following colors are used to indicate the current processing status of map objects.

New Object (Red line)	Red – new object is being created and has not yet been saved
In-Progress, Pending Approval (Green line)	Green – the object(s) is saved and is pending approval
In-Progress, Pending Deletion (Maroon line)	Maroon – In-Progress object(s) is pending deletion with save
Approved (Orange line)	Orange – the object(s) is approved for activation (next business day)
Active (Blue line)	Blue – the object(s) is currently active for mapping
Active, Deletion Pending Approval (Cyan blue dashed line)	Cyan blue dashed line – the active object(s) is deleted and is pending approval
Active, Pending Deletion (Orange dashed line)	Orange dashed line – the active object(s) is approved for deletion (next business day)

Active Map



Upload Map Files into Member Mapping

PA One Call's Member Mapping process permits facility owners to submit their maps electronically rather than manually drawing them in the application. With the application link, you will also receive access to the Member Mapping upload link:



The electronic method allows members to prepare their maps by exporting from their GIS into a .zip file. A projection file (.prj) is required in order to align the objects with latitude longitude NAD 83 projection.

Upload Additions into our Member Mapping system

Right now, we only accept map data in ESRI format.

Step 1: Enter your CDDGQQ

Email Results To: (only one email address allowed)

CC Results To:

(Use Semi-Colon to separate, i.e. membership@pa1call.org;contact@pa1call.org)

Load .TAB format

Step 2: Choose file format: ESRI (R) Shapefile Format (*.shp)

Step 3: Are you including a .PRJ file that will define the projection?

Yes (skip to Step 4)

No

Step 4: Choose the buffer size you want applied to all objects: 150

Step 5: Press browse to locate your: .ZIP file.

Browse...

Upload your file

Note: The largest allowed combined file size for upload in this example is 100MB. If you attempt to upload files with total size greater than 100MB you will get "Page Not Found" error.

The uploaded file format must be ESRI Shapefile .shp. Please contact mapupload@pa1call.org to inquire about additional file format options. Complete replacements of existing mapped data may be done by sending a new Shapefile by email to mapupload@pa1call.org. Once the replacement is confirmed, return to the Member Mapping application and use the Approve Municipality Tool.

Reports on Member Mapping Activity

Once maps are active, reports for received and excluded notifications are available online. Login to the website, go to Applications, My POCS Links, and select Facility Owner Member Web Access to report on Notifications Delivered or Notifications Excluded.

Date Range Lookup

FROM: 3/31/2020

TO: 3/31/2020

SEARCH TYPE: Tickets Responses

Filter by Message Type

Action Type ALL

Request Type ALL

Request Class ALL

Filter by Ticket Data

County ALL

Municipality ALL

Ward ALL

Work Site

Excavator

Select the Delivered button to view notifications that intersect your map objects. Select Exclusions to view notifications that did not intersect but were taken in the municipality.

Mission Statement

Our purpose is to prevent damage to underground facilities. To promote safety, we provide an efficient and effective communications network among project owners, designers, excavators, and facility owners.





For additional help, contact us.

<http://www.paonecall.org/membermapping>

email: contact@pa1call.org

call: 1-800-248-1786 ext. 7168

PROVIDED BY



Pennsylvania 811

**Know what's below.
Call before you dig.®**

©2014 Pennsylvania One Call System, Inc.

PIOGA Exhibit D-2



Member Mapping

Improve your processes - cut your costs

Member Mapping is a Web application that allows a PA One Call member to refine their notification areas using map objects instead of municipal boundaries. *Member Mapping* reduces the number of locate request tickets received.

Overview: How *Member Mapping* Works

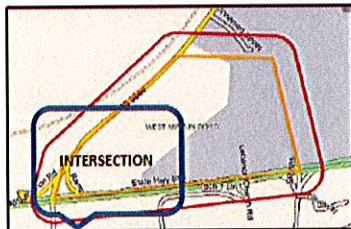
Two components of *Member Mapping* work together to identify if a ticket should be transmitted: the Ticket Notification Area and the Member Notification Area.

The *Member Mapping* online application is used to define facility object areas to be notified. When a Ticket Notification Area map intersects with the Member Notification Area map, a ticket will be transmitted, and the excavator will be notified of the member's involvement. When the Ticket Notification Area map does NOT intersect with the Member Notification Area map, the member transmission is EXCLUDED, specifically a ticket is NOT transmitted to the member and the excavator is not notified of an involvement.

When both areas overlap – the member receives the ticket

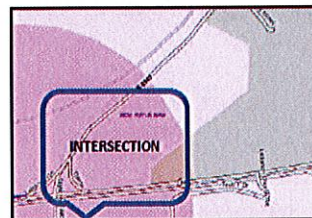
When both areas do NOT overlap – the member is excluded from the ticket

In example 1, both map sites intersect, and PA One Call will transmit this ticket to the Member.



Ticket Notification Area map

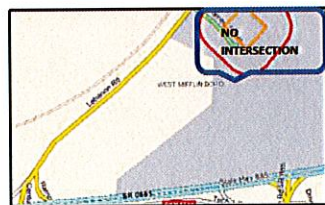
The orange line is the dig site, and the red area is the notification buffer.



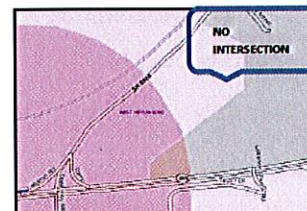
Member Notification Area map

The red area represents a member facility buffer.

In example 2, because the sites do NOT intersect, the ticket will NOT transmit.



Ticket Notification Area map



Member Notification Area map

Mission Statement

Our purpose is to prevent damage to underground facilities. To promote safety, we provide an efficient and effective communications network among project owners, designers, excavators, and facility owners.



Sign up for *Member Mapping*

Sign up is easy. First, contact Member Services at membership@pa1call.org, or call 412-464-7168 or 1-800-248-1786 x 7168 and request, execute, and return an Indemnity Agreement. PA One Call requires this Indemnity Agreement to be on file before using *Member Mapping*.

Next, from the Pennsylvania 811 website - <http://www.paonecall.org>, go to "Applications"> "Request Applications" and click the box for *Member Mapping*. A Member Service representative will confirm with your company representative, who will also determine your *Member Mapping* access rights (Writer, Editor, or Approver). After access is granted, login to the website, click "Applications"> "My

POCS Links" and see the new *Member Mapping* link: [Member Mapping](#)

Open this link and find a [Tutorial](#) button in the top left, under the CDC selection box. Click "Tutorial" and select "open" to view this PowerPoint. Please take the time to review the *Member Mapping* tutorial, which will detail how to navigate, use the map tools, locate an area, create and manipulate map objects, and approve maps. The tutorial will familiarize you with the process and steps to begin mapping your Member Notification Areas.

Member Reports in Facility Owner Web Access

Reports on tickets received and tickets excluded are available for *Member Mapping* members. For reporting, please login to the Pennsylvania 811 website and go to "Applications"> "Request Applications" and click the box for *Facility Owner Member Web Access*.

Questions? Please contact Member Services

WebChat using the "CONTACT">"CHAT" link on the homepage
email at membership@pa1call.org
call 1-800-248-1786, extension 7168

Mission Statement

Our purpose is to prevent damage to underground facilities. To promote safety, we provide an efficient and effective communications network among project owners, designers, excavators, and facility owners.

PIOGA Exhibit E-1

Markings

All marks and markers should indicate the name, initials or logo of the company that owns or operates the line and the width of the facility if it is greater than 2 inches. Facilities will mark in accordance to the Common Ground Alliance Best Practices for Temporary Marking temporary marking standards and should include the type of line.

After the markings have been made, excavators should maintain a minimum clearance of the 18 inches between a marked and unexposed underground facility and the cutting edge or point of any power-operated excavating or earth moving equipment. As the excavation operation approaches the estimated location of underground facilities, the excavator must determine the exact location of the marked facility by safe and acceptable means. This is usually accomplished by the use of hand tools or vacuum excavation techniques. After consulting with the facility owner, provide support or mechanical protection for known facility owners' lines at the construction site during excavation or demolition work, including backfilling operations, as may be reasonably necessary for the protection of the lines.

Once the locator has left the work site, the excavator is responsible for maintaining the markings.

An excavator should document the work they do and record what, if any, safety instructions are given to them by the locator or field representative at the work site. An excavator should communicate all information to their field and office personnel.

Damage Reporting Call

When a facility is damaged the notice is generally considered an emergency to that facility owner and those in close proximity to the damage.

If an excavator damages a line, they should call the center or the facility owner immediately. An excavator should report the details and particulars just as soon as they are sure the work site is safe. If a hazardous line has been struck it is most often best to evacuate the immediate area. Contact 911 or the appropriate emergency response unit in the immediate area, if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health or property. An excavator should keep all local information at the job site with the crew at all times where the crew can have access to it, along with a map or directions to the nearest emergency care facility.

Additional Information

This brochure has been prepared as a guideline for excavators. For additional information, visit the POCS web site at www.paonecall.org or call 1-800-248-1786.

Common Ground Alliance (CGA)

To learn more about the Common Ground Alliance or to a copy of the CGA "Excavation Task Team Best Practices" guidelines, visit the POCS web site under Links - Industry Related Links Common Ground Alliance (CGA) or www.commongroundalliance.com.

POCS DOES NOT MARK FACILITIES. POCS DOES NOT ARRANGE FOR THE MARKING OF FACILITIES. POCS takes the information from calling parties (excavators or designers) and relays it to its member underground facility owners. These facility owners are responsible for responding to the request and ensuring their facilities are properly marked.

Pennsylvania One Call System



Routine Notifications

PA Act 287 of 1974
as amended by
PA Act 181 of 2006

January 2008

www.paonecall.org



Excavator Responsibilities

Many people believe that by notifying POCS of intended excavation they have completed all of their responsibilities with respect to the locating process. This is not the case. Notifying POCS is only the first step and there are several other responsibilities, which need to be considered.

Call Before You Dig
Always Wait 3 Business Days
Respect the Markings
Excavate with Due Care
Safety is Your Responsibility

Who Should Call?

All excavators, including sub-contractors, should make their own notification. The Act states that the person doing the work shall make the call. Homeowners should be aware they need to call if performing the work themselves. The only party protected by the notification is the person as defined by the Act that placed the call.

Excavator Definition

Any person who or which performs excavation or demolition work for himself or for another person.

When to Call?

An excavator should plan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in a construction area. Excavation or demolition work, which requires temporary or permanent interruption of a facility owner's service, shall be coordinated with the affected facility owner in all cases.

In construction phase involving movement of earth with powered equipment or explosives the notice required is at least 3 business days but not more than 10 business days prior to actual excavation.

The notification should cover only the excavation work that can be completed in a reasonable period of time, based on the resources you plan to use and the time of the year.

Business Day Definition

Means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

Routine Location Request

The excavator should request the location and type of facility owner lines at each site by notifying the facility owner through a One Call System. Notification shall be not less than 3 business days nor more than 10 business days in advance of beginning excavation or demolition work.

The excavator should give as much descriptive information as you can to help the facility owners and the locator find the work site. It is very important to describe the work site in detail and give the distance from the street, structure, property line, fence or other landmarks. If an exact location cannot be given, it is required that the proposed route or boundary of the work site be marked in white. Identify the area with 12" dashed white lines; use only white to avoid confusion with color codes used by underground facility owners.

Guidelines for Preparing a Routine Notification

1. Provide Caller Company Information
2. Telephone Number - becomes your account number
3. County - the name of the county in which the work will be performed
4. Municipality - the name of the municipality in which the work will be performed
5. Street Name - use exact address numbers and the street suffix, i.e. ST, RD, WY, DR, LN, AVE
6. Nearest Intersections - the nearest intersecting streets or routes (within a reasonable distance)
7. Location Information - describe the work site in detail and give the distance from the street, structure, property line, fence or other landmarks. If specific work site information cannot be given, outline the work site in white.
8. Dig Date & Time - the date the work is scheduled to begin
9. Serial Number - POCS will assign a number to the notification.



**Know what's below.
Call before you dig.**

PIOGA Exhibit E-2

Excavator's Handbook



Pennsylvania One Call: The Keystone of Damage Prevention

Dial 8-1-1 Before You Dig!

www.paonecall.org

Notes

This document is to be used for reference only. For any legal requirements, please consult your attorney or refer to the most current amendment to Act 287 of 1974 which is available at www.paonecall.org/palaw.

This handbook, when applicable, will reference the section of PA Act 287 of 1974 as amended pertaining to the question below the answer.

To download this guide go to www.paonecall.org/excavatorhandbook or use the QR code below.



Additional reference materials can be found:

www.paonecall.org

www.commongroundalliance.com

www.dli.state.pa.us

www.apwa.net

www.FHWA.dot.gov

✦ ***Question: What do I need to do before I dig?***

Answer: Place a call to 8-1-1 at least 3 business days, but not more than 10 business days prior to starting excavation.

Act 287 as amended Section 5 Clauses 2.1 and 2.2

✦ ***Question: What is considered an excavation?***

Answer: The use of powered equipment or explosives in the movement of earth, rock or other material.

- There are very specific requirements as to what activities constitute excavation which should be reviewed on the website.

Act 287 as amended Section 1 Definitions

✦ ***Question: What hours are the one call center open?***

Answer: 24 x 7 every day of the year

✦ ***Question: Who must place the one call?***

Answer: The responsible person doing the excavation.

Act 287 as amended Section 1 Definitions and Act 287 as amended Section 5 Clause 2.1

✦ **Question: I'm a subcontractor, can I piggyback on my main excavator's one call?**

Answer: No. Each responsible excavator must make his own call.

Act 287 as amended Section 5 Clauses 2.1 and 2.2

✦ **Question: What is the tolerance zone?**

Answer: 18 inches horizontally from the exterior wall of the pipe or facility. (See back of guide)

Act 287 as amended Section 1 Definitions

✦ **Question: What is required within the tolerance zone?**

Answer: Exercise due care and use prudent techniques.

Act 287 as amended Section 5 Clause 4

✦ **Question: What is a serial number?**

Answer: Proof that you placed a one call notification.

Act 287 as amended Section 5 Clause 2.2

✦ **Question: For how long are the marks good?**

✦ **Answer:** When excavation begins within the lawful start dates, you can continue work as long as equipment is

on site and the marks are visible.

Act 287 as amended Section 5 Clauses 3 and 14

✦ ***Question: When do I need to call back for re-marking?***

Answer: You have an obligation to protect the marks. When the marks become obscured or when you remove equipment from the site for more than 2 business days, you must call one call for re-marks.

Act 287 as amended Section 5 Clauses 3 and 14

✦ ***Question: What color paint should I keep in my truck to mark my planned excavation?***

Answer: White

Act 287 as amended Section 5 Clause 11

✦ ***Question: Should I mark in white before I call?***

Answer: Yes, the perimeter of the worksite should be marked in white. (Do not use any other color.)

Act 287 as amended Section 5 Clause 11 and Section 2 Clause 5 (vi)

✦ ***Question: May I refresh anyone else's marks using their color?***

Answer: No. You must protect the marks but you may not refresh anyone else's marks.

Act 287 as amended Section 5 Clause 3

✦ ***Question: What is an emergency one call?***

Answer: A call involving an event that has an immediate effect on life or property.

Act 287 as amended Section 1 Definitions and Section 5 Clause 9

✦ ***Question: Must I physically protect the marked facility owner lines I expose in preparation for excavation?***

Answer: Yes, in consultation with the facility owner.

Act 287 as amended Section 5 Clause 6 (ii)

✦ ***Question: What should I do when I hit or damage a utility?***

Answer:

1. Stop digging!
2. If gas is escaping or blowing, you must call 9-1-1.
3. Call 8-1-1 to create a damage notification or notify the facility owner directly.

Act 287 as amended Section 5 Clauses 7 and 8

✦ **Question: When may I lawfully start digging?**

Answer: Read the one call ticket for your Lawful Start Date.

✦ **Question: Who is responsible for finding the precise location of the underground line?**

Answer: The excavator, using prudent techniques.









Act 287 as amended Section 5 Clause 4

✦ **Question: What should I do if I get to the worksite and there are no visible mark-outs?**

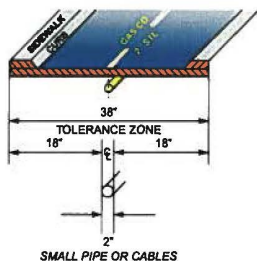
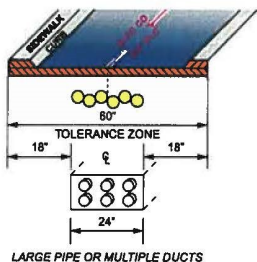
Answer: Check the KARL responses through the one call center.



APWA/CGA TEMPORARY MARKING COLOR CODE (ANSI Standard Z535.1)

	WHITE	Proposed Excavation
	PINK	Temporary Survey Markings
	RED	Electric Power Lines, Cables, Conduit and Lighting Cables
	YELLOW	Gas, Oil, Steam, Petroleum or Gaseous Materials
	ORANGE	Communication, Alarm or Signal Lines, Cables or Conduits
	BLUE	Potable Water
	PURPLE	Reclaimed Water, Irrigation and Slurry Lines
	GREEN	Sewer and Drain Lines

TOLERANCE ZONE



APWA/CGA Best Practices For Temporary Marking

Know what's below. Dial 811 before you dig.

PA Act 287, as amended, Section 5, Clause 11. An excavator **shall** use the color white to mark a proposed excavation site when exact site information cannot be provided. **THIS SHOULD BE DONE PRIOR TO THE NOTIFICATION 811 or 1-800-242-1776 (from outside PA).** Pennsylvania law requires no less than 3 nor more than 10 business days before you dig ANYWHERE IN THE COMMONWEALTH.

Any excavation within the tolerance zone is performed by using prudent techniques. The excavator observes a tolerance zone which is comprised of the width of the facility plus 18" on either side of the outside edge of the underground facility on a horizontal plane. Use pink temporary survey markings for all surveying and grade marks. *Reference CGA Best Practices, 5-19.*

Temporary Facility Markings by Facility Owners are:

To mark, stake, locate or otherwise provide the position of the facility owner's underground lines at the site within 18 inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate within the tolerance zone, to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the underground facility owner's lines. This shall be done to the extent such information is available in the facility owner's records or by use of standard locating techniques other than excavation. The marking can be done in one of two ways; either placing the marks over the approximate center of the facility or placing the marks over the actual outside edges of the facility with a line connecting the two horizontal lines to indicate there is only one facility. *Reference PA Act 287, as amended, Section 2, Clause 5(i), POCS User's Guide, Section VI and CGA Best Practices, Chapter 4.*

Best Practices - Locating & Marking Practices/Responsibilities

The APWA/CGA Temporary Marking Color Code and marking practices are specified in PA Act 287, as amended. Operator markings of facilities and appurtenances include the appropriate color of their facility type, their company identifier (name, initials or abbreviation), the number and width of their facilities and a description of the facility (HP, FO, STL). Use paint, flags, stakes or whiskers or a combination to identify the operator's facility(s) at or near an excavation site. *Reference CGA Best Practices, Chapter 4 and Appendix B.*

Uniform Color Code

The American Public Works Association's Uniform Color Code is PA law. The code uses ANSI Standard Z535.1 Safety Colors, as shown for temporary marking of excavation sites and underground facility identification (examples are provided on the previous page).

Pennsylvania 811

www.paonecall.org
DIAL 8-1-1 or 1-800-242-1776



WORK LOCATION REQUEST FORM

TELEPHONE NUMBER: () EXT.: CALLER:

COMPANY NAME:

ADDRESS:

CITY: STATE: ZIP:

EXCAVATOR:

WORKSITE INFORMATION:

COUNTY: MUNICIPALITY: WARD:

STREET ADDRESS: STREET NAME:

NEAREST INTERSECTION:

SECOND INTERSECTION:

SITE MARKED IN WHITE: ☐ Yes ☐ No

When specific site information is not provided the site must be marked in white.

LOCATION INFORMATION:

SUBDIVISION: TYPE OF WORK:

WORKING IN: ☐ STREET ☐ SIDEWALK ☐ PUBLIC PROPERTY ☐ PRIVATE PROPERTY
☐ OTHER (SPECIFY) _____

DEPTH: EXTENT OF EXCAVATION:

METHOD OF EXCAVATION: PROJECT OWNER:

DURATION OF JOB: PERSON TO CONTACT:

PHONE: () EXT: BEST TIME TO CALL:

FAX #: EMAIL ADDRESS:

PENNDOT CONTRACT/PERMIT #: JOB #:

REMARKS:

NOTIFICATION TYPE:

☐ CONSTRUCTION (Not less than 3 nor more than 10 Business Days) SCHEDULED EXCAVATION DATE: TIME:

☐ FINAL DESIGN (Not less than 10 nor more than 90 Business Days) ☐ PRELIMINARY DESIGN

TO BE COMPLETED AFTER PLACING ONE CALL

LAWFUL START DATES: THROUGH

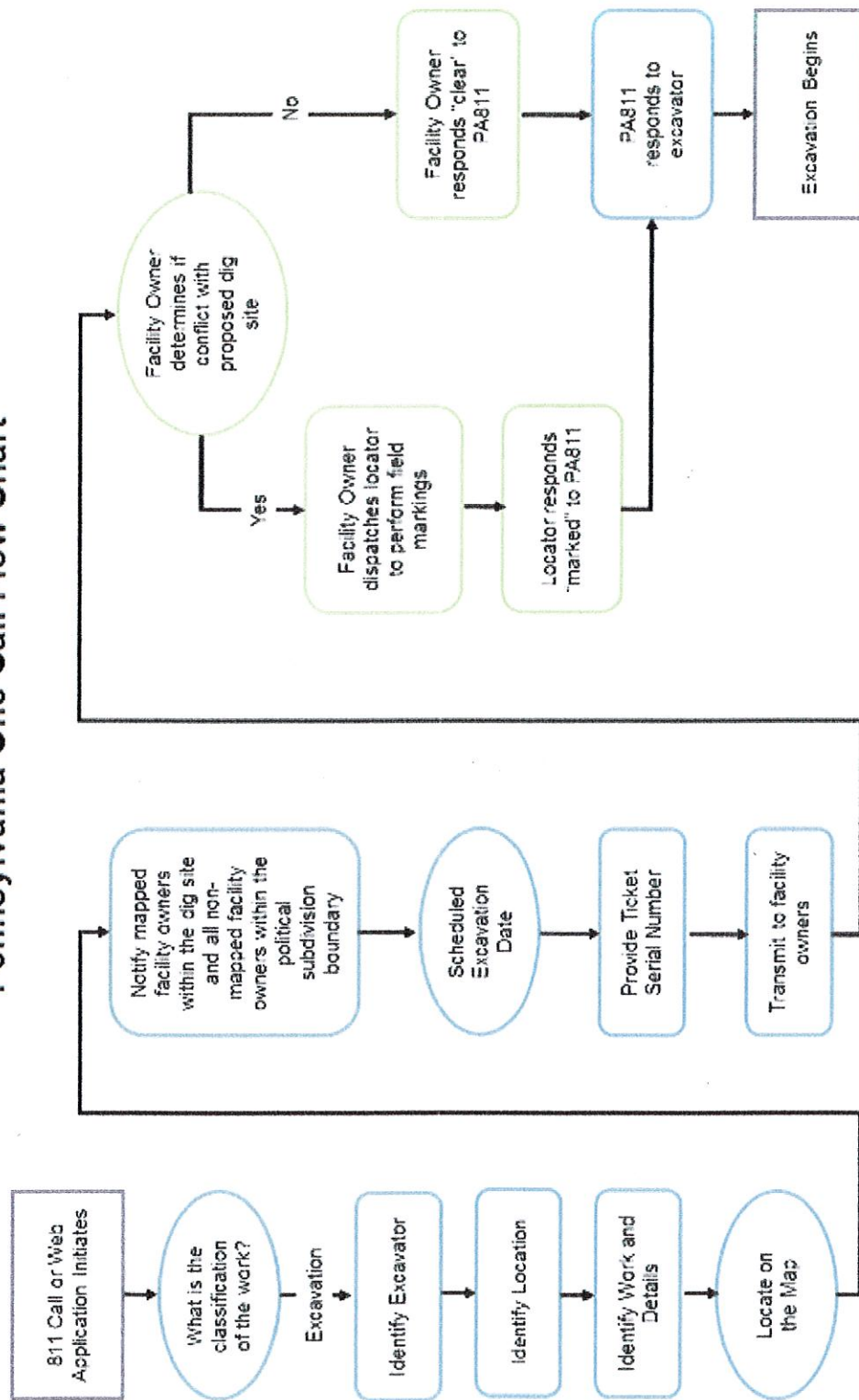
FACILITY OWNER MEMBERS NOTIFIED:

SERIAL NUMBER(S) ASSIGNED: DATE:

THERE IS AN ANNUAL FEE

PIOGA Exhibit E-3

Pennsylvania One Call Flow Chart



Source: PA One Call System, Inc.

PIOGA Exhibit E-4

Pennsylvania One Call System, Inc.

Complex Project Process Policy

- I. Terms used in this document are as defined in the Underground Utilities Protection Act (UULPA).
- II. Notifications will be handled through the Pennsylvania One Call System (POCS) Coordinate PA (CPA) Web Portal.
 - A. Designers:
 1. The designer creates a project within the CPA web portal.
 - a. Includes Project Description and proposed timeline.
 - b. Uploads drawings.
 2. Through permissions, the designer assigns access rights (View Only or Modify) to the project owner.
 3. Depending on the timeline of the project, the designer creates at least one Preliminary Design or Final Design notification ticket via the portal, from within the CPA project.
 - a. If multiple excavators will be working on the same project, the designer segments the project into phases based on bid requirements.
 - b. The designer creates at least one Final design ticket for each phase of the project.
 4. When the project moves to construction phase, the project owner or designer assigns access rights (Modify) to the excavator for the phases of the project in which they are involved.
 - B. Excavators:
 1. When a project exists in Coordinate PA:
 - a. The excavator creates a complex project notification ticket via the portal, from within the CPA project, and indicates if a preconstruction meeting is requested. The excavator follows Option 1 or Option 2 below.
 2. When a project does not exist in Coordinate PA:
 - a. The excavator creates a project within CPA.
 - b. The excavator creates a complex project notification ticket via the portal, from within the CPA project, and indicates if a preconstruction meeting is requested. The excavator follows Option 1 or Option 2 below.

Option 1: When a preconstruction meeting is requested, the excavator establishes the date, time and place of meeting in close proximity to the project work location. Electronic meetings are also acceptable. Meetings are strongly encouraged in the case of complex projects.

Pennsylvania One Call System, Inc.

- c. It is strongly recommended that in the case of a complex project that extends over a large geographic area, the party should consider scheduling multiple meetings throughout the site to accommodate travel needs.
- d. The excavator is responsible for notifying the project owner and the designer of the meeting. Note: The designer is the one that prepared the drawing, not necessarily the one that is managing the project.

Option 2: If the excavator determines that a pre-construction meeting is not necessary, the notice shall indicate. If an individual facility owner nonetheless wishes to have a meeting, a meeting shall take place between that facility owner and the excavator. Other facility owners need not attend. [Sec 5(3) of Act.] In the notice, the excavator shall state the reason for determining that a pre-construction meeting is not necessary.

- a. A facility owner requests a meeting by sending response code 092 (Requests Meeting) through POCS. This notice must be made prior to the third business day from the complex project notification.
- b. The facility owner then contacts the excavator to establish the date, time, and place of meeting in close proximity to the project work location. The meeting must be held prior to the seventh business day from the complex project notification. Electronic meetings are also acceptable.

III. Meeting Protocol

- 1. At the meeting the parties shall agree upon their individual obligations consistent with the project. These obligations may vary from project to project based upon the specifics of the project and it is not the intent of this process to provide a specific set of standards for all complex projects. Rather it is intended that the parties shall have the flexibility to make decisions consistent with the project's parameters.
 - a. Involved parties (facility owner, excavator, designer, project owners) are required to attend the meeting.
 - b. The entire scope of the project must be defined at the meeting. Detail on phases should be defined as much as possible.
 - c. Agreement on the scope of ticket will be left to the parties attending the preconstruction meeting.
 - d. If a facility owner cannot agree to the proposed locate schedule, everyone must work to find a schedule that the one facility owner can agree to.
 - e. If no agreement can be reached, the excavator must create single routine excavation notifications, from within the project, for the areas where the dissenting facility owner owns/operates lines.

Pennsylvania One Call System, Inc.

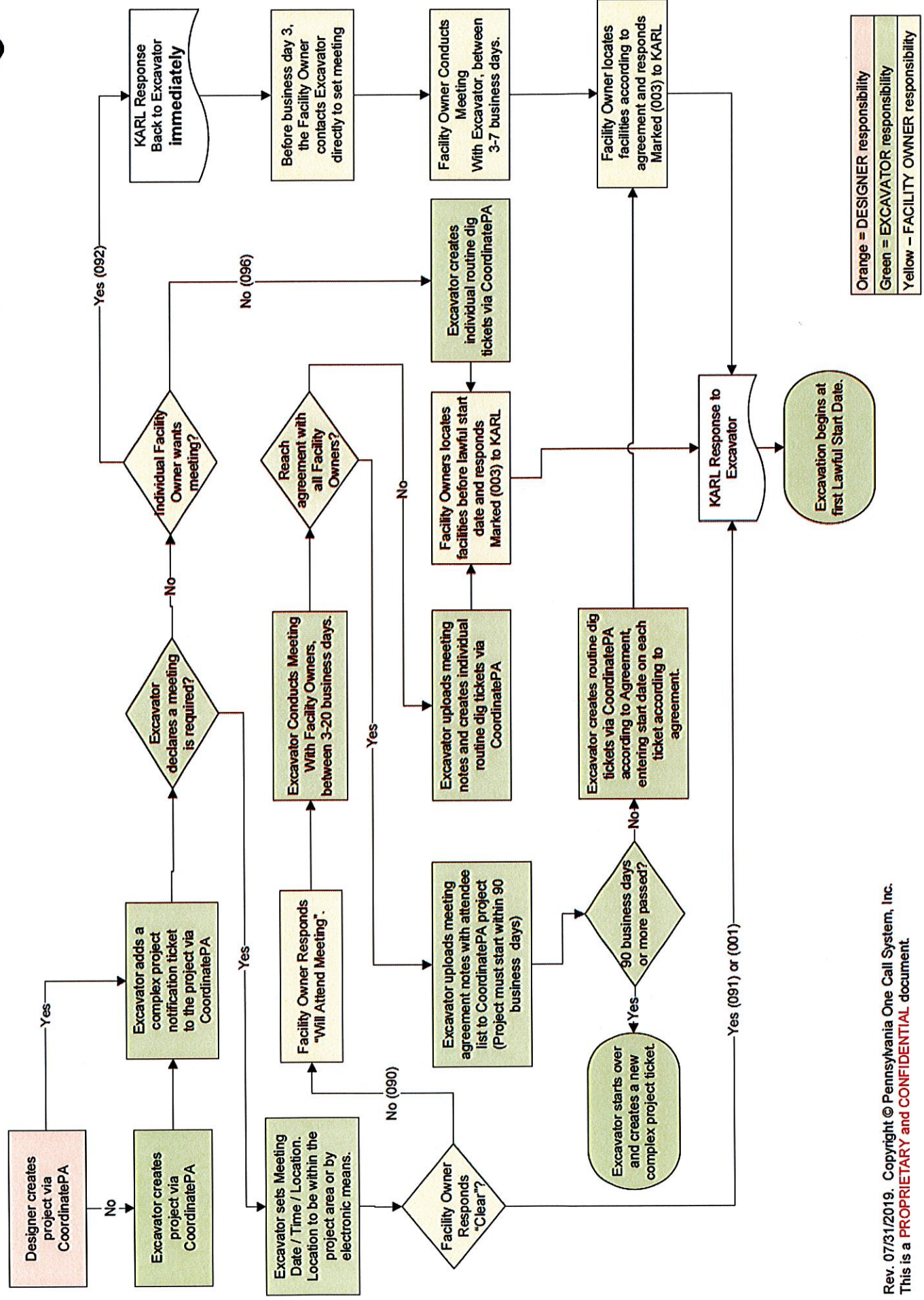
- f. If an involved party fails to attend the meeting, the excavator may proceed according to the agreement reached at the meeting.
2. Meeting notes shall be taken by the excavator calling the meeting using the POCS approved template and the minutes shall set forth the agreements made by the parties. Meeting notes shall be uploaded to the POCS web portal as soon as practicable. In the absence of minutes or a meeting the parties shall be bound by the provisions contained in the POCS Users Guide for non-complex excavation notifications.
3. Within 90 days of the pre-construction meeting the excavator shall provide the routine excavation notification required by Sec. 5 of the Act. The notification shall be consistent with the agreements reached at the pre-construction meeting, if such a meeting is called.
4. A complex project requires 10 business days' notice. The excavator shall not enter a routine excavation notification prior to the pre-construction meeting.
5. If the project start is delayed AFTER the complex project preconstruction meeting has been conducted and the mark out schedule agreed to, the following will apply:
 - a. If the start date that was agreed to is delayed more than 90 days:
 - i. A new Complex Project ticket and meeting will be required, from within the same CPA project.
6. If the scope of the project changes, a new complex project notification and meeting will be required, from within the same CPA project.

Additional Guidance:

1. In the case where an excavator creates multiple routine excavations tickets:
 - a. The facility owner may respond 092 (Requests meeting), via the KARL system and reach out to the excavator to work out a locate schedule.
 - b. The one call system may reach out to the excavator to educate them on complex projects.
2. In the event an impacted facility owner fails to attend the pre-construction meeting, it is highly encouraged the facility owner contact the excavator and schedule a one on one meeting, a minimum of at least 3 business days prior to the first lawful start date of the first routine excavation ticket.
3. If a party disagrees with the posted minutes, they communicate back to the excavator through the communication tool within the CPA portal.
4. Announcements will be sent to all parties for communication related activity in CPA.

PIOGA Exhibit E-5

COMPLEX PROJECT Flowchart for EXCAVATORS



PIOGA Exhibit F



Pennsylvania 811

A Privately funded non-profit Pennsylvania Corporation

Users Guide

**For Pennsylvania Underground Utility Line
Protection Law**

**PA Act 287 of 1974 as amended by Act 50 of
2017 73P.S. § 176 et. seq.**

Call Before You Dig!

www.paonecall.org

October 24, 2018

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References:

www.paonecall.org
www.puc.pa.gov
www.apwa.net
www.FHWA.dot.gov
www.commongroundalliance.com
<http://www.nastt.org/>

DISCLAIMER OF LIABILITY

This Guide has been prepared as an educational document for excavators, designers, operators, project owners, and facility owners. It is intended as a reference tool for interacting with the Pennsylvania One Call System, ("POCS"). It is also intended to explain in a general way the requirements provided for in Pennsylvania's Underground Utility Line Protection Law, Act 287 of 1974, as amended by Act 50 of 2017 (the "Act"). It is strongly recommended that all individuals who regularly contact POCS review the Act and this Guide. Familiarity with its contents will be valuable, but the Guide is meant to clarify and explain the law according to POCS' understanding of how it affects interaction with POCS. This Guide is not a substitute for the Act and it does not relieve anyone from discharging their responsibilities as set forth in the Act or as otherwise required by law.

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INTRODUCTION

The Pennsylvania One Call System Board provides this Guide for the participants of the Act to help clarify the responsibilities of each of the parties under the provisions of the law. Over 3,600 facility owners participate in the Pennsylvania One Call System currently, and a 35 member Board of Directors represents each of the industries involved in subsurface activity. All of the public utilities, public works, pipe line, telecommunications, the Commonwealth, construction and design industries were represented throughout the legislative process.

This Guide has been prepared to assist you in preparing your own operating procedures to comply with the Act, and to protect yourself and those you work with. It also provides insight into what you can expect to encounter underground. It is our hope to provide you with information to assist you in developing your own policy and procedures to guard against dangers and situations of working underground.

In addition to this Guide please reference the latest version of the Common Ground

Alliance (CGA) Best Practices. The Law specifically requires your best efforts to comply with the CGA standards.

SECTION I - ODDS ARE YOU COULD BE MOVING MORE THAN EARTH

Damage prevention is a shared responsibility. Communication between stakeholders is the key to ensuring safety and protecting vital facilities. Free-flow communication and cooperation allows all parties to focus on the common goals for safety and damage prevention.

Virtually anywhere you need to dig, there are probably underground facilities somewhere in the vicinity. Growing networks of telephone cables, power lines, and cable TV lines are joining the gas, water, sewer and petroleum pipes. The odds of an excavator moving something besides dirt are growing every day. Even if you see overhead lines that doesn't rule out the existence of buried power, television or telephone facilities. Many utility companies have long-term programs to weatherproof their plant by putting it underground. Both aerial and underground facilities may be in use during transitions. Some areas have overhead main lines with buried services going to the homes and other buildings. Even water-filled ditches and streams may have underground utilities in or under them. A ditch may have been dry when utilities were buried. A stream may have been diverted. Even "open country" may conceal buried utilities. Large pipelines and high capacity cables are especially expensive to place, so utilities often cut across country to reduce total miles for these major installations. There are buried utilities located in most road rights of way. Buried utilities are also found along property lines and between lots and serve any building located on a lot.

Damage to buried utilities most often occurs when excavators do not call for utility locations before they dig. In many cases, utilities are damaged even after notification has been made and utility locations clearly marked. That's usually because some excavators do not know the procedures for safely excavating around the buried facilities. See section 5(4) of the Underground Utility Line Protection Act, or "Act" (PA 73 P. S. § 176 et. seq.) for excavator requirements.

SECTION II - WHO AND WHEN TO NOTIFY THE ONE CALL SYSTEM

Notifications are referred to as Locate requests, dig notices, and tickets.

The Act; OSHA Standard 1926.651 (revised in 1990 and clarified in 2004); the Federal PIPES Act of 2016, protecting underground liquid (CFR 49 Part 195) and natural gas (CFR 49 Part 192.614) pipelines; and the National Electric Safety Code, ANSI C-2 (revised in 2016); require anyone who engages in any type of excavation or demolition work to provide advance notice. (See the Act for the definition of excavation or demolition work.)

Who should notify the One Call System?

- For excavation work, the person performing the excavation must make the notification. If the work is subcontracted, the subcontractor should make the notification. The only party protected by the notification is the person who notifies.
- A homeowner should notify the One Call System only if they are performing the

excavation work themselves. A homeowner should not place a notification on behalf of their excavator because the excavator will not be protected by the notification.

- For demolition work, the person performing the demolition must make the notification. If the work is subcontracted, the subcontractor should make the notification. The only party protected by the notification is the person who notifies.
- Designers who work on project plans that include a work operation which involves the movement of earth with powered equipment as part of the project must place the notification.
- Project Owners, who or which engages the contractor for construction on any project which requires excavation or demolition work should ensure their designers and excavators notify the one call system.

When should you notify the One Call System?

- Designers are obligated to notify "not less than ten nor more than ninety business days before final design is to be completed".
 - Designers may also choose to notify more than ninety business days in advance if they state that the work is preliminary.
- Excavators (including homeowners) are obligated to notify "not less than three nor more than ten business days in advance of beginning excavation or demolition work", unless the project is complex, then additional requirements apply. Complex project notices require ten business days notice.

"Business day" means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

Example of calculating the three business day notice for excavation:

- The notice is made on Monday.
- The first business day is Tuesday.
- The second business day is Wednesday.
- Excavation work can commence on the third business day which is Thursday.
 - For a notification made on Thursday, the earliest lawful start date for when excavation can commence is the following Tuesday. (The first business day is Friday, Saturday is not a business day, Sunday is not a business day, Monday is the second business day and Tuesday is the third business day.)
- A legal holiday (defined below) may add one or two business days between the notification date and the date excavation can commence.

To facilitate timely and accurate mark-outs of the work site before you excavate, the maximum Locate request size is 1000 feet, or intersection to intersection, whichever is greater, along the same road, within the same

political subdivision. Base your notifications on the resources you plan to use and the time of year (near term weather) for each date such information is provided to the system. All excavators, including subcontractors should make their own notification.

The Act states that the person doing the work shall make the notification/call. The only party protected by the notification is the caller.

PA One Call System is open 24 hours a day every day of the year. Pursuant to Sections 221 and 709 (e.1) of The Administrative Code of 1929, the Executive Board has determined that the administrative offices of State Government shall be closed on the following holidays for the purpose of transacting public business:

New Year's Day
Martin Luther King, Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

SECTION III - TYPES OF NOTIFICATIONS HANDLED BY PA ONE CALL

There are several variations to the excavation notifications, covered in detail in Section IV of this document. Each variation can be used to solve unique situations or problems.

The following is a brief explanation of each type of notification taken by Pennsylvania One Call System, Inc. (POCS):

1. DESIGN NOTICE

Any drawing that is prepared for an excavation requires a Design Notification that must comply with the provisions in Section 4 of the Act. The Design Notice is meant to allow the designer to plan the new work around existing facilities as the Act prescribes. The information provided should cover the entire scope of the plan or development with enough detail to allow the facility owners to provide the approximate locations of their lines in the proposed work area. Digging is not permitted on a design notification.

There are two types of design notices:

- **Final Design Notice:** Those planning work that disturbs the earth are **required** to notify POCS not less than 10, nor more than 90 business days in advance of the final design.

- **Preliminary Design Notice:** Designers may request line and facility information more than ninety days before final design is to be completed, however, they shall state in their requirements that such work is preliminary.

The designer is **required to send plans** to the involved Facility Owners for mark up when requested. PA One Call can assist with this process through its drawing exchange process, where plans and responses can be shared electronically. Once the facility owners have responded, the designer shall add their facility information to the drawing before the final design is approved.

As a designer, you are **required** to add the one call serial number and the 1-800-242-1776 or 8-1-1 number to the plan before you forward it to the involved facility owners.

2. EMERGENCY NOTICES

- **Emergency Notice** - An emergency is defined by Section 1 of the Act as "a sudden or unforeseen occurrence involving a clear and immediate danger to life, property and the environment, including, but not limited to, serious breaks or defects in a facility owner's lines."

When declaring an emergency excavation, excavators are required to describe the nature of the emergency within the Locate request. Once complete, the ticket will be queued for immediate transmission. Facility owners should respond as soon as practicable following receipt of notification from the One Call System.

- **Damage Report Notice** - When a facility is damaged the notice is generally considered an emergency to that facility owner and other facility owners in close proximity to the damage. If a line is damaged during excavation, call the One Call System or the facility owner immediately. Report the details and particulars once the work site is safe.

If the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health, or property, immediately notify 911 and the facility owner, as required by Section 5 clause (8). It is most often best to evacuate the immediate area. Local emergency contact information should be at the job site with the crew at all times where they have access to it, along with a map or directions to the nearest emergency care facility.

Damage notices can be the only notification received by the one call system of active excavation activity. Facility owners should respond to damage notices in the same manner as other emergency notifications.

- **Odor of Gas Notice** – POCS accepts non-excavation related calls from those who smell natural gas. A notification is created and is immediately sent to

the gas companies registered to receive such notices. Facility owners should respond to odor of gas notices in the same manner as other emergency notifications.

- **No One Call Notice** – POCS accepts notification from third parties who are not performing excavation work, but witness excavation work occurring and no physical markings are visible at or near the work site. Prior to processing a No One Call, the CSR performs a search of tickets created within the last 90 days to confirm no existing valid notification was created for the site. Facility owners should respond to no one call notices in the same manner as other emergency notifications.
- **Potential Cross Bore Notice** – When installing new utility lines in urban and suburban areas, utility providers typically dig horizontally underground, using a trenchless boring technique that avoids damage to sidewalks and landscapes. In the process, a new utility line may be unintentionally bored through a sewer pipe. Over time, a cross bore in a sewer pipe will cause a blockage. When a plumber or sewer operator plans to clear a clogged drain, he can notify the One Call System, and a ticket will be created and immediately sent to all facility owners in the area. Cross bores most often occur through sewer lines, but can be found in other types of lines and structures. Facility owners should respond to potential cross bore notices in the same manner as other emergency notifications.

Utility Cross Bore definition: An intersection of an existing underground utility or underground structure by a second utility resulting in direct contact between the transactions of the utilities that compromises the integrity of either utility or underground structure.

3. ROUTINE LOCATE REQUEST NOTICE

Notification for excavation work shall be made not less than 3 business days nor more than 10 business days prior to commencing excavation work starting the day the notification is received. Each Locate request must clearly identify the work site (See Section IV). When exact site information cannot be provided, use white paint to outline the proposed excavation site. The Locate request shall be limited to the area described in the notification and the maximum Locate request size is 1000 feet, or intersection to intersection, whichever is greater, along the same road, within the same political subdivision. Facility owners should respond to routine locate request notices by the response due date.

4. DEMOLITION NOTICE

Notification for demolition work shall be not less than 3 business days nor more than 10 business days prior to commencing demolition work starting the day the notification is received. *Caution: Demolition work may require more advance clearance from the facility owner if their service lines need to be disconnected.* You also may need a permit for the work. The One Call notification should not be

considered notice under any circumstance other than the Act. You must follow all local codes as a part of your compliance with the Act. Final billing and disconnect of the lines attached to the structure must be secured directly with the involved service provider. Facility owners should respond to demolition notices by the response due date.

5. COMPLEX PROJECT NOTICE

The Act defines complex project as: ***"Complex project means an excavation that involves more work than properly can be described in a single locate request or any project designated as such by the excavator or facility owner as a consequence of its complexity or its potential to cause significant disruption to lines or facilities and the public, including excavations that require scheduling locates over an extended time frame."***

And in Section 5, clause (2.1), the last sentence states: ***"In the case of a complex project, notification shall not be less than ten business days in advance of the beginning of excavation or demolition work."***

And Section 5 clause (3) states: ***"In a complex project or if an excavator intends to perform work at multiple sites or over a large area, to take reasonable steps to work with facility owners, including scheduling and conducting a preconstruction meeting, so that they may locate their facilities at a time reasonably in advance of the actual start of excavation or demolition work for each phase of the work. A preconstruction meeting may take place at any time prior to the commencement of excavation or demolition work, and the excavator, facility owners and designer, or their agents, shall attend the meeting. Notice of the meeting shall be given sufficiently in advance so as to permit attendance, either in person or electronically, by the excavator, facility owners and designer, or their agents, and shall include information sufficient to identify the scope of work. If the excavator does not believe that a preconstruction meeting is necessary under the circumstances of this clause it shall indicate such belief in its notice, but any facility owner with facilities at the work site may request a meeting with the excavator, and a meeting shall be held between the facility owner and the excavator. After commencement of excavation or demolition work, the excavator shall be responsible for protecting and preserving the staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility or by contacting the One Call System to request that the facilities be marked again in the event that the previous markings have been compromised or eliminated."***

And Section 5 clause (3.1) states: ***"To comply with the requirements by the One Call System as determined by the board of directors regarding the maximum area that a notification may cover."***

Excavators must make complex project notices via the One Call System complex project web portal.

The process starts with creation of a complex project request. The area

covered by the work must be reasonably described within the complex project request so the one call center can notify the proper facility owners, and so the facility owners can assess the potential impact, and accurately respond with their meeting intentions.

If, in the opinion of the excavator, a meeting is not necessary, he shall indicate this in the complex project request to give the involved facility owners the opportunity to request an individual meeting with the excavator.

The meeting can be in person or held electronically. If in person, a time and place for the meeting with any necessary directions shall be included in the request; if electronically, the participation instructions shall be included. The excavator should prepare for the meeting by having a competent person present with drawings depicting the proposed work site and schedule for the execution of the work. When an excavator schedules a meeting, the Act requires facility owners to participate. It is recommended that the excavator document those who attended the meeting, minutes taken, and distribute to attendees of the work site meeting.

During the meeting, the entire scope of the project should be defined, plans reviewed, project phases determined, and the locate schedule be agreed upon so a plan can be formed to ensure that the necessary markings will take place in advance of excavation as the job progresses through each area of work. The excavator and facility owners participating in the meeting may collectively agree on a maximum area for excavation notifications throughout the project that differs from the standard scope of ticket. This scope of ticket in a complex project agreement must be unanimous. The facility owner is obligated to propose mutually agreeable scheduling by which the excavator and facility owner may locate the facilities.

Excavators should hold the meeting on or before business day 7, to allow the excavator time to create routine excavation locate requests with the required 3 business day notice. Excavation may begin 10 business days following creation of the complex project request.

Changes in the scope or duration of the work require a new notification under the Act.

A working relationship should be established between the excavator and the facility owner representatives to reduce confusion at the work site. Emergency phone numbers and contacts should be identified for notifications of problems, delays, or changes in the mark out plan.

At the conclusion of the meeting, it is recommended that the excavator update the complex project web portal to include the contact information of all attendees. It is in the best interest of all involved parties for the excavator to upload pertinent documents such as project plans or meeting minutes for reference purposes.

Excavation notices must be made after the complex project preconstruction meeting and shall be launched from the complex project web portal, so the software can associate the excavation tickets with the complex project. At least one excavation

Locate request must be made. The scope of work on the Locate request must conform to the agreement reached during the preconstruction meeting. This will determine how many locate requests are necessary, and the timing for creating each excavation Locate request.

Locate request notices created outside of the complex project web portal which exceed the maximum routine Locate request notification area of 1000 feet or intersection to intersection, on the same street, within the same political subdivision, could be considered complex projects by some facility owners. If so, the facility owner will notify the excavator that they are declaring the project complex, in which case, the excavator must meet with the facility owner and attempt to reach a mutually agreeable locate schedule, to which both parties will adhere.

In the event a single facility owner deems the work complex to them, that facility owner assumes the responsibility of executing the excavator meeting responsibilities contained within this document.

"Large/Complex Project" is also included in the Common Ground Alliance (CGA) Best Practices, which are incorporated by reference in Act 287, as amended. Refer to chapter and sections: 2-2, 2-3, 2-4, 2-8, 3-14, 3-29, 4-11, 4-14, 4-17, 4-22, 5-4, 5-5, 5-6, 5-14, 5-23, 5-28, 6-18, and in the Glossary.

SECTION IV - GUIDELINES FOR PREPARING A LOCATE REQUEST

When initiating a Locate request, Section 5 clause (2.2) of the Act requires each excavator: ***"To provide the One Call System with exact information to identify the work site so that facility owners might provide indications of their lines. An excavator shall be deemed to have met the obligations of clause (2.1) if he calls the One Call System, provides the work site and other required information, and receives a serial number."***

And Section 5 clause (11): ***"To use the color white to mark a proposed excavation work site when exact work site information cannot be provided."***

We encourage excavators to visit the work site prior to placing a notification to outline their exact proposed work site in white, to assist the locator in marking only the area where the work will take place.

"If, after receiving information from the One Call System or directly from a facility owner, an excavator decides to change the location, scope or duration of a proposed excavation, the obligations imposed by this section [Section 5] shall apply to the new location."

ANNUAL FEE

Section 3 clause (f.1) states: ***"An excavator, designer or operator who proposes to commence excavation or demolition work and requests information from the One Call System shall pay to the One Call System an annual fee for the service provided by the One Call System under section 3. The fee shall be set by the One Call System board of directors and shall be used to offset a portion of the operating costs of the One Call***

System and a portion of the operation costs levied on the One Call System's political subdivision and municipal authority members. Failure to pay the fee shall constitute a violation of this act and shall subject the excavator, designer or operator to the enforcement authority of the commission for this nonpayment."

The annual fee will be charged on the first notification each calendar year.

LOCATE REQUEST CREATION

When calling in notifications, POCS Customer Service Representatives (CSRs) are trained to obtain specific information concerning locate requests. All telephone calls are recorded and kept for five years. Each question asked has a purpose. This section will provide a brief explanation of the reason for each question.

Locate request processing is more efficient if the caller is prepared to answer all questions. The best way to prepare for a call is to visit the website www.paonecall.org.

Excavators, Designers, Project Owners and Facility Owners can submit Locate requests via the website with valid log in credentials. Homeowners working on their own property may submit single address Locate requests via the website without logging in. Whichever input method is chosen, questions will be asked to complete specific data fields.

Field Definitions:

Information about the company making the Locate request: (fields 1-6)

1. Telephone Number & Extension:

The telephone number, including the area code, of the excavating company, design firm, or homeowner placing the call.

2. Caller Name: (or Web Ticket Entry User name)

The caller's name is taken in order to maintain records of what person placed the locate request.

3. Company:

The name of the company for whom the caller works. For homeowners placing their own Locate requests, this field will contain the name of the caller.

4. Address, City, State, Zip:

The mailing address of the company is recorded and stored as part of the Locate request.

5. Caller Email Address: (or Web Ticket Entry User Email Address)

The caller or web ticket entry user will be emailed a copy of the Locate request ticket. In addition, facility owners are required to respond back to the One Call System for all notifications, and the One Call System will collect and email the responses to the caller.

6. Caller Fax:

Needed when an email address cannot be provided. A dedicated fax line is recommended.

Description of the Work Site: (fields 7-16)

7. County:

The name of the county in which the work will be performed is required.

8. Municipality:

The name of the municipality in which the work will be performed is also required.

Ward: If the work is taking place in Allentown, Erie, Pittsburgh, or Philadelphia, the voting ward of the site is also required.

9. Street # & Street Name:

Name of the street and/or route number. Please use the exact address numbers, directional (N, S, E, W, etc.), and the street suffix (ST, RD, CT, AVE, LN, WY, etc.).

10. Nearest Intersection:

Name of the nearest intersecting street or route (within reasonable distance of the work site).

11. Second Intersection/Nearest Main Road:

The name of the second street if the work site is between two streets. If not working between two streets, the field can also be used to hold the nearest major intersection name, especially if the nearest intersection is a new or unnamed road. Directions and other clarifying information will be typed into location information so the facility owner knows which type of data has been entered in this field. Additional information is solicited to determine if the work is taking place in the intersection or between two intersections.

12. Site Marked In White?

Indicate by yes or no whether the proposed route or boundary of the work site had been marked in white. This field is not included for design notifications.

NOTE: If an exact location cannot be given, it is required that the proposed route or boundary of the work site be marked in white. Excavators should delineate the work site with 12 inch dashed white paint lines to avoid confusion with color codes used by facility owners (see Section V of this document). Marking the work site in white will provide locators with an accurate picture of the proposed excavation area, helps the locators complete the work and provides the excavator with the needed information, and prevents over marking. Over marking is a problem because in some areas, neighbors can get upset if the marks appear to be graffiti.

13. Location Information:

Clarifying information to specify the exact location of the dig. Include measurements and directional (N, S, E, W or variants) from known points, such as the curb line, street, structure, property line, or fence. If working on private property, note whether working in the front, rear, left, right or all sides. If known or visible, include utility pedestal or pole numbers, highway or railroad mile markers, landmark names, permanent pipeline marker identifiers, etc. You can also provide directions from the nearest town, or major intersection. Give as much descriptive information as you can to help the facility owners and the locator find the site.

14. Subdivision:

The name of the subdivision, housing development or building complex where the work will take place will be entered, if applicable.

15. Latitude and Longitude Coordinates:

Provide the GPS coordinates of the location, if available.

16. Type of Work Being Done:

Facility Owners need to know the specific reason for the excavation, demolition, or design work to help them evaluate the possible impact on their underground assets.

Be as specific as possible. For example, "installing a sanitary sewer lateral" is much more helpful than "digging a sewer line".

Formatted information based on specific notification types is also included here.

Demolition notice: the value will begin with the word DEMOLITION-.

Damage notice: the notice is qualified and will begin with the word DAMAGE- or EXPOSED-, followed by the facility type detail provided by the excavator.

Odor of Gas: the value will display ODOR OF GAS.

No One Call: the value will display NO ONE CALL

Cross Bore: the value will display POTENTIAL CROSS BORE

Specific qualifiers are added to the work site information: (fields 17-21)

17. Working In:

Identify if the work will take place in the street, sidewalk, public or private property. Other designations such as right of way, treelawn, berm, stream, etc., can also be specified.

Street: indicate yes or no

Sidewalk: indicate yes or no

Public Property: indicate yes or no

Private Property: indicate yes or no

If on Private Property, indicate Front, Rear, Left or Right side of the property

Other: where applicable

18. Depth:

Give the approximate depth of the excavation.

19. Extent of Excavation:

Give the approximate size of the excavation. Indicate the length and width, the diameter, or some other measurement to indicate the size of the opening.

20. Method of Excavation:

Indicate how the earth will be moved, i.e. anchoring, augering, backfilling, blasting, boring, compressing, digging, directional boring, ditching, dredging, drilling, driving-in, grading, grinding, hand-digging, milling, plowing-in, powered equipment, pulling-in, ripping, scraping, tilling, trenching, trenchless excavation, tunneling, or vacuum excavation.

21. Type of Equipment:

Indicate what kind of equipment will be used to perform the work, i.e. auger, backhoe, boring, directional drilling, drilling, excavator, explosives, farm equipment, grader, hand tools, milling equipment, probing device, scraper, trackhoe, trencher, vacuum equipment, or other (specify). If you don't know what type of equipment will be used, and have no way to determine the type, then indicate unknown.

Identification of the project owner and onsite contact information: (fields 22-26)

22. Work Being Done For (Project Owner):

Identification of whom the work is being performed for is another resource for obtaining additional information about a project. The Act refers to this as the "project owner". The "project owner" means any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.

23. Onsite Contact:

The name of the person at the work site with knowledge about the work being done, who a locator can speak with, or a facility owner can make direct contact with when clarification is needed about the Locate request.

24. Onsite Contact Phone Number and Extension:

Provide the telephone number of the onsite contact, including the area code. This number should be a mobile phone, but in the case where an office phone is auto-forwarded to a mobile device, an extension is permitted.

25. Best Time to Call:

When the onsite contact person is normally available to receive calls from facility owners.

26. Onsite Contact E-mail:

Provide the email address of the onsite contact person, as they will be sent a copy of the Locate request in addition to the caller.

Timeframes are identified: (fields 27-29)

27. Scheduled Excavation Date:

On non-design notifications, indicate the date the excavation work is scheduled to begin. Excavation work cannot begin prior to the date given. (See Lawful Start Dates below.)

Formatted information based on specific notification types is also included here.

Design notices: this field is populated with the word DESIGN.

28. Start Time:

Indicate the estimated time the excavation crew plans to be on site and digging.

29. Duration of Job:

To help the facility owner understand the complexity of notification, indicate the approximate number of hours, days, weeks, months, or years you will be actively working on the excavation or demolition. This information helps the facility owner determine the resources needed to deal with the Locate request or complex project. This field is not included on design notices.

Additional information: (fields 30-31)

30. Job Number:

This is an optional field for your use to help reference Locate requests to your internal work management systems.

31. Remarks:

Additional information you wish to include on the Locate request that was not asked in any other field, or exceeded a field size, can be entered here.

Formatted information based on specific notification types is also included here.

Demolition notices: Because disconnect of lines attached to a structure being demolished must be secured directly with the utility, the excavator is asked if they contacted utilities.

If yes, Remarks will display: CALLER HAS CONTACTED UTILITIES DIRECTLY FOR DISCONNECTS/METER REMOVAL.

If no, Remarks will display: CALLER HAS BEEN ADVISED TO TELL PROPERTY OWNER TO CONTACT UTILITIES DIRECTLY FOR DISCONNECT/METER REMOVAL.

Damage notices: The caller is asked if the damage resulted in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health, or property.

If yes, they are asked if they notified 911.

If no, they are advised to notify 911.

Based on the information they provided the Remarks will display:

HAZARDOUS RELEASE <YES> or <NO> and CALLER HAS NOTIFIED 911
or CALLER HAS BEEN ADVISED TO NOTIFY 911.

Odor of Gas notices: The caller is asked if they know the gas or pipeline company name. If yes, the Remarks will display: GAS COMPANY: <name of company provided>.

Update: The update action is available for design, non-emergency demolition and excavation Locate requests. An update banner is added in the Remarks and displays the serial number being updated. The banner will include a date/time stamp, CSR initials and channel number or web ticket entry user login followed by the requestor, the reason for the update, and whether lines need to be re-marked.

Example of what Remarks will display:

*****== UPDATE 20181231234-000 == 7/26/2018 1215 GRI
34==*****

UPDATE REQUESTED BY: SALLY SMITH

REASON FOR UPDATE: WORK NOT STARTED or WORK STOPPED
STARTING AGAIN or WORK IN PROGRESS

REMARK LINES or NO MARK OUTS NEEDED

Cancel: indicates the work will not take place, or the address provided on the notification was incorrect and a new serial number will be created to correct the bad information. A cancel banner is added in the Remarks and displays the serial number being cancelled. The banner will include a date/time stamp, CSR initials and channel number, the requester, and the reason for the cancel.

Example of what Remarks will display:

*****== CANCEL 20181231234-001 == 7/26/2018 1652 JEC
38==*****

CANCEL SERIAL NUMBER: 20181231234

CANCEL REQUESTED BY: JANE DOE

INCORRECT ADDRESS, NEW TICKET HAS BEEN PLACED.

MAPPING the Locate request

During the creation of a ticket, the system attempts to locate the described proposed excavation site using the data provided for county, municipality, street, nearest intersection, and second intersection. Up to two latitude/longitude points can also be provided to assist in the search. The mapping process is slightly different based on the method of input:

Caller: If the search is successful, the CSR will attempt to confirm the search results with the caller and draw a notification area polygon around the proposed excavation site.

If the search is unsuccessful, the CSR will work with the caller to determine if all data provided by the caller is accurate.

In the rare situations when a site cannot be found on the map, an unmapped notification will be sent and the facility owners notified will be based on the county and municipality given by the caller.

A single point with a 300 foot radius buffer, or a polygon delineated with up to six latitude/longitude points, with a 150 foot buffer, can be used to draw the notification area polygon.

Web Ticket Entry User: If the search is successful and the ticket is being created by a user via web ticket entry, the user must draw the notification area polygon.

If the search is unsuccessful, the user should ensure all data entered in the fields is accurate and try again.

If the user is still unable to map the ticket, they must abort the entry and call the One Call System to place their notification.

A single point with a 300 foot radius buffer, or a polygon delineated with up to six latitude/longitude points, with a 150 foot buffer, can be used to draw the notification area polygon.

Homeowner online: Homeowners do not draw a notification polygon. If the search is successful they are presented with geometry in the shape of their property parcel, and asked to verify and accept that the location found by the system is correct.

Important: The notification area polygon drawn by the CSR or the WTE user, and the geometry shape accepted by the homeowner, determines which member facility owners will be notified of the proposed work.

The type of notification area will be included on the Locate request.

LAWFUL START DATES: (3 business days) through (10 business days)

These dates are calculated for Locate requests, based on the business day the notification is originated. They indicate the earliest date that digging can begin and the last possible date when digging must begin. If digging does not start within these dates, a new one call notification must be placed. This information is provided to the caller by the CSR. The information is emailed to web ticket entry users and homeowners using online entry.

If the scheduled excavation date given by the caller falls between the lawful start dates and is not the third business day, the lawful start dates are recalculated and the scheduled excavation date becomes the earliest lawful start date. The last possible lawful start date remains the same, i.e., ten business days from the origination of the notification.

It is very important not to begin work prior to the lawful start dates. Beginning work before the lawful start date can result in forfeiture of the excavator's rights and protection provided for under Pennsylvania Act 287 as amended. Additionally, commencing work prior to the lawful dig date is a violation of the law.

SERIAL NUMBER

Once the available information for the notification is gathered, the system assigns a serial number to the notification.

The serial number is eleven digits comprised of the four digit year, three digit Julian date, and four digit sequential number. A three digit version number is then appended to the serial number to track its action type. On the original ticket, this version is -000, designating a NEW or UPDATE action type. Example: 20180010001-000 is the first ticket taken in 2018. On each subsequent action taken on the original, the version number is incremented as -001 or higher to designate a RENOTIFY, CANCEL or ANNOUNCEMENT. Example: 20180010001-001 is the first RENOTIFY of the original request.

The serial number is provided to the originator of the notification based on the method of input:

Caller: the serial number is read to the caller, who is also offered a list of the facility owners being notified. Callers who provided an email address will receive a **ticket confirmation** which includes a copy of the ticket information and the facility owners notified.

Web Ticket Entry User: the **ticket confirmation** is emailed and includes the serial number, a copy of the ticket information, and the facility owners notified.

Homeowner online: Notifications created by homeowners online are first reviewed by a CSR, then released and assigned a serial number. The **ticket confirmation** is emailed and includes the serial number, a copy of the ticket information, and the facility owners notified.

The serial number is proof of your notification and should be saved.

Ticket confirmations should be reviewed for accuracy when received. If a discrepancy is found, the One Call System should be notified immediately and a new notification placed.

It is considered a Best practice is to have a copy of the notification at the work site.

RESPONSE DUE DATE

The ticket output will include the system generated response due date, which differs based on the Message Type. **Facility owners must respond to all notifications** through the One Call System by the response due date. (Refer to Section VI for additional information.)

LOCATE REQUEST MESSAGE TYPE

The ticket output format will include one designation from each of the three components below that define the Message Type. Example: [NEW] [EXCAVATION] [ROUTINE]

- **Action Type:** (how the request was created, which also determines the serial number and version assignment)
 - NEW – a new Locate request – receives a unique serial number and version 000.
 - UPDATE – modifies the Lawful Start Dates on an existing Locate request due to work not starting, work stopped and is starting again, or work in

- progress when re-marking is needed, – receives a unique serial number and version 000.
- RENOTIFY – a re-transmit of an existing ticket, initiated by a caller, to advise one or more facility owners of locate related or response issues – the serial number does not change, however, the version number will increment with each successive renotify.
 - CANCEL – notification by the ticket originator that work will not be done – the version number will increment.
 - ANNOUNCEMENT – Complex project preconstruction meeting status information: Posted, Modified, or Closed – the version number will increment.
 - **Request Type:** (the kind of work being performed)
 - EXCAVATION – the movement of earth, rock, or other material.
 - DAMAGE – damaged or exposed underground facility or facilities.
 - ODOR OF GAS –third party reports of non-excavation related odor of gas.
 - DEMOLITION – partial/complete destruction of a structure served by/adjacent to underground lines.
 - NO ONE CALL –third party reports of excavation work where there is reason to believe no one call ticket exists.
 - CROSS BORE – called in by plumbers or sewer operators to provide notice of intent to clear a clogged sewer drain prior to using a cutting tool.
 - **Request Class:** (the timeframe of the work being performed)
 - FINAL DESIGN– a notification requiring not less than 10 nor more than 90 business days notice prior to final design.
 - PRELIMINARY DESIGN – a notification giving more than 90 business days notice.
 - ROUTINE – a notification requiring not less than 3 nor more than 10 business days notice.
 - EMERGENCY – the excavator declares work is an Emergency as defined by Act 287 as amended.
 - INSUFFICIENT NOTICE – the excavator fails to provide the required 3 business day notice and the work does not fall within the definition of emergency as defined by the Act.
 - COMPLEX PROJECT – used to schedule a complex project preconstruction meeting request.

Based on the Message Type, there may be variations in the data fields. Some variations impact the data fields described above, and have been noted where possible. Other data fields are based on conditionals or are specific to certain action or request types and the request class.

PennDOT Permit Number:

If the work is taking place on a PennDOT road, provide the permit number issued to you by PennDOT.

Project dates:

Used in lieu of Lawful Start dates on design notices. Project dates are calculated based on the designation as final design or preliminary design.

Project Contact, Project Contact Phone, and Project Contact Email:

Used in lieu of Onsite contact, Onsite Contact Phone, and Onsite Contact Email on

design notices.

CPA Project ID, CPA Phase ID, and CPA Location ID:

Used when a notice originates from the Coordinate PA (CPA) project coordination, collaboration and communication tool. (See Section XV Website Tools for more information on CPA.)

Geometry:

Used in lieu of Mapped Type and Mapped Latitude/Longitude on notices originating from CPA or Homeowners online.

RNO Caller, RNO Caller Phone, RNO Onsite Contact, RNO Onsite Phone, RNO Onsite Contact Email, Crew Onsite, Unmarked, Incorrectly Marked, RNO Remarks:

RNO is an abbreviation for the action type RENOTIFY. The original Lawful Start Dates, Scheduled Excavation Date, Start time and serial number do not change. Cancel and Complex Project action types are not eligible for renotify action.

Direct Contact with Excavator Required within two hours:

The locate request will indicate Y(es) or N(o) based on information given by the excavator.

The following is one example of the ticket output format with proper information used to identify identifying the location of a work site:

CDC ABC 00001 POCS MM/DD/YY TT:TT:TT 20181234567-000 NEW XCAV RTN

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20181234567]-[000] Channel#--[1234] [0123] [4567-89]

Message Type--[NEW] [EXCAVATION] [ROUTINE]

County--[ALLEGHENY] Municipality--[WEST MIFFLIN BORO]

Work Site--[925 IRWIN RUN RD]

Nearest Intersection--[NOBLE DR]

Second Intersection--[LUTZ LANE]

Subdivision--[BORLAND COMPLEX]

Site Marked in White--[Y]

Location Information:

[WORKING FROM THE FIRE HYDRANT ON THE LEFT SIDE OF THE BUILDING, CROSSING THE DRIVEWAY INTO THE TREELAWN, CONTINUING THROUGH THE MIDDLE OF THE TREELAWN PARALLEL TO THE BUILDING, FOR 100FT, CROSSING BACK OVER THE DRIVEWAY TO THE RIGHT CORNER OF THE BUILDING.]

Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--

[40.361226/-79.926977,40.361981/-79.924776,40.360903/-79.924907

40.361123/-79.927265]

Map Graphic--[<http://www.pa811.org/ViewMap/view.aspx?sn=20181234567>]

Type of Work--[INSTALL 2IN WATER SVC LINE] Depth--[3FT]

Extent of Excavation--[2FT X 230FT] Method of Excavation--[TRENCHING]

Equip Type--[BH]

Street--[N] Sidewalk--[Y] Pub Prop--[N] Pvt Prop--[Y] Other--[TREELAWN]

Private Front--[Y] Rear--[Y] Left--[Y] Right--[Y]

Lawful Dig Dates--[DD-MON-YY] thru [DD-MON-YY] Response Due Date--[DD-MON-YY]

Scheduled Excavation Date--[DD-MON-YY] Dig Time--[TTTT] Duration--[1 WEEK]

Caller--[ANNABELLE SMITH]

Caller Phone--[555-555-5555] Ext--[]

Excavator--[ABC CONSTRUCTION]

Address--[12345 MAIN ST]

City--[PITTSBURGH] State--[PA] Zip--[15236]

FAX--[555-444-4444] Caller Type--[B]

Email--[asmith@aol.com]

Work For--[PA ONE CALL SYSTEM INC]

Onsite Contact--[ANNABELLE SMITH]

Onsite Contact Phone--[555-555-5555] Ext--[]

Best Time to Call--[0800-1600]

Onsite Contact Email--[asmith@abconstruction.com]

Job Number--[]

Prepared--[DD-MON-YY] at [TTTT] by [CSR NAME]

Remarks--

[]

SECTION V - WHAT HAPPENS WHEN THE NOTIFICATION IS MADE

POCS records all conversations that pertain to the Locate request, and maintains a copy. The voice and data records are maintained for five (5) years.

When the Locate request is submitted, the computer processes the ticket, assigns a serial number to the notification, determines which member facility owners to notify, where to transmit the notification, creates the ticket output format, and delivers it to each involved member, separately tracking the sequence number of the day for each unique delivery address.

The system also determines if the notification is the first one placed by your company in the calendar year. If so, an invoice is generated for the annual fee for the service provided by the One Call System. (See Section IV for more information on the annual fee).

SECTION VI - RESPONSIBILITIES OF THE FACILITY OWNER (*After receiving the Locate request*)

Underground facility owners have the option to receive the information from the One Call System using a variety of delivery methods, such as email, fax, XML, or viewing Locate requests on the One Call System website. A sequence number is added to each transmission so a member can easily identify skipped transmissions.

To ensure successful delivery of Locate requests, an end of day (EOD) summary audit of messages transmitted from the One Call System is sent to each receiving site shortly after midnight each day. The summary lists by serial number, any messages the member should have received the day before. Members should check this audit for agreement with transmitted messages. If any serial numbers were missed, members can visit facility owner member web access or call the One Call System to request a resend. Members whose primary method of receiving tickets is web view should review the EOD online as they will not receive a transmission.

- A resend is a manual re-queue of a Locate request previously logged as a successful ticket delivery, initiated by the member facility owner. A resend does not change any data, but appends RSND to the delivery header, populates a new delivery sequence number and includes the date/time of the resend.
- A resend may also be manually forced to a facility owner not notified on the original list when the caller has cause to believe non-notified facilities are present at the work site and are requesting a locate/response.
- A resend conditionally adds one of two text lines at the end of the Locate request:
 - When the member was listed on the original transmission:
 - [Originally sent as sequence number NNNN at MM/DD/YY HHMM].
 - When a ticket is forced to a member not in the original list:
 - [Ticket (re) sent at your request.]

DETERMINING CONFLICT WITH EXISTING ASSETS

Once the information is successfully transmitted and received by the member facility owner, their personnel review the Locate request to determine possible conflicts. The review can include automated or manual comparison with asset maps and records, contact with the excavator to clarify data information about the request, or dispatching a locator to the work site. It is the facility owner's job to decide whether or not the location of the proposed excavation work is close to existing underground facilities.

If the work to be done or work site appears to be complex, or the lines at the site are considered critical, the facility owner may request to meet the excavator. In this case, the facility owner should respond via KARL with a "092-Requests Meeting" designation, and then contact the excavator to arrange a meeting date and time.

Some facility owners are required to be on site during excavation while work is in the vicinity of their line. Generally, there is no charge for this additional level of protection. Take advantage of their expertise and make sure you understand the safety precautions that are necessary to protect the line and yourself.

After receiving and screening the non-design Locate request, if a conflict exists within the excavation work site described on the Locate request, each underground facility owner is required to mark the location of the facility owner's underground lines within eighteen inches horizontally from the outside edge of the line, known as the tolerance zone, including known connections and appurtenances. At its option, the facility owner may timely elect to excavate around its facilities.

Under Section 2 clause (i.1), known as the Good Samaritan clause, as a helpful guide to the excavator or property owner, the facility owner may identify the location of a known facility connected to its facilities. The identification will not impose any liability upon the facility owner for the accuracy of the non-owned facility.

USE OF MARKING

Facility Owners may use standard locating techniques suitable to each type of line being located based on accepted engineering and operational practices, and mark with paint, stake, and/or flags, according to APWA/Common Ground Alliance Best Practices for Temporary Marking set in ANSI standard Z535.1 Safety Color Code. (See Appendix D of this document). Markings will be done in a reasonable manner; in order to enable the excavator to easily recognize the location of buried facilities.

WHITE	Proposed Excavation
PINK	Temporary Survey Markings
RED	Electric Power Lines, Cables, Conduit and Lighting Cables
YELLOW	Gas, Oil, Steam, Petroleum or Gaseous Materials and Hazardous Materials
ORANGE	Communication, Alarm or Signal Lines, Cables or Conduit, and Traffic Loops
BLUE	Potable Water
PURPLE	Reclaimed Water, Irrigation and Slurry Lines
GREEN	Sewers and Drain Lines

SYMBOLS

(These symbols further define the color-coding used in marking buried facility locations).

CH	Chemical	SS	Storm Sewer
E	Electric	SL	Street Lighting
FO	Fiber Optic	STM	Steam
G	Gas	SP	Slurry System
LPG	Liquefied Petroleum Gas	TEL	Telephone
PP	Petroleum Products	TS	Traffic Signal
RR	Railroad Signal	TV	Television
S	Sewer	W	Water
SD	Storm Drain	W	Reclaimed Water "Purple"

Use color-coded surface marks (paint or similar coating) to indicate the location and route of buried lines. To increase visibility, color-coded vertical markers (temporary stakes or flags) should supplement surface marks. All marks and markers should include the symbols of the underground facility owner or actual company abbreviation (i.e., VZPA, DLCO, PECO, UGI, PAWC, ATT, etc.) of the company that owns or operates the line, and the width of the facility if it is greater than 50 mm (2") as practicable.

Supplemental offset marking may also be added at the discretion of the facility owner, and is recommended if the surface over the buried line is to be removed or destroyed. Such markings will identify the direction and distance to the actual facility. Offset markings should be on a uniform alignment and must clearly indicate that the actual facility is a specific distance away. Please see the attached marking card for guidelines for marking of underground facilities.

Facility owners should consider documenting the completed mark out with photos.

LOCATION TOLERANCE ZONE

The width of the tolerance zone means the horizontal space within eighteen inches of the outside wall or edge of a line or facility. (see Section VIII of this guide for additional information on excavating within the tolerance zone.)

RESPONDING TO DESIGN NOTIFICATIONS

Facility owners are required to initially respond to a design request for information as to the position and type of the facility owner's lines based on the information in their possession, or to mark the plans which have been provided to them by the designer, by field location or by another method agreed to with the designer.

Designers may utilize the POCS drawing exchange portal which allows for the upload of drawings at the time the design notification is made. Facility owners can access the drawings and use the TerraGo® toolbar to annotate the drawings, or they can upload pdfs of their facilities in response to the design inquiry.

RESPONDING TO COMPLEX PROJECT MEETING REQUESTS

A facility owner is required to attend and participate in preconstruction meetings for a Complex Project and to work with excavators on a schedule to mark the underground lines reasonably in advance of the actual start of excavation or demolition work for each phase of the work.

If the excavator does not believe a preconstruction meeting is necessary, it will be noted in the Complex Project notice sent to the facility owner, however, facility owners with facilities at the work site may request a meeting with the excavator and a meeting shall be held between the two parties.

When notification(s) exceed the scope of a routine Locate request as defined by the Board, or the work otherwise is determined to be complex in nature, the facility owner may declare a project as complex, and request a meeting with the excavator to determine a mutually agreeable locate schedule. Facility owners must make direct contact with the excavator to set the meeting.

RESPONSE DUE DATE

Facility owners must respond to all notifications through the One Call System by the response due date.

Responses are due:

- **Emergency notifications:** Emergency Locate requests that fall within the definition of an emergency are given top priority. Underground facility owners are required to mark facilities within the emergency excavation area as soon as practicable. The response by the facility owner should be consistent with the nature of the emergency information received. The expectation is that within 2 clock hours of the notice the Facility Owner will respond to the site or make direct contact with the Excavator.
 - Damage, odor of gas, no one call, and potential cross bore notifications are classified as emergencies.
 - Note: In certain situations that fall within the definition of an emergency, but do not require immediate mark out, an emergency Locate request contains a scheduled excavation date greater than the current date. For example, a water line break during the winter months, which might freeze, causing a hazard, but can be kept safe until the next day using road salt. In such cases, the response due is 23:59:59 the calendar day prior to the scheduled excavation date.
- **Routine notifications:** When the scheduled excavation date is equal to three business days from the Locate request submit date then the response due is 23:59:59 the business day prior to the first Lawful Start date. When the scheduled excavation date is greater than three business days from the Locate request submit date, the response due is 23:59:59 the calendar day prior to the first Lawful Start date.
 - **Insufficient Notice:** the response due is 23:59:59 two business days from the Locate request submit date.
- **Complex Project meeting requests:** When a meeting is requested the response due is 23:59:59 the business day prior to the proposed meeting date. When a

meeting is not requested, the response due is 23:59:59 two business days from the meeting request submit.

- **Design notifications:** For Preliminary and Final Design, the response due is 23:59:59 ten business days from the Locate request submit date.

If necessary, the facility should propose mutually agreeable scheduling by which the excavator, facility owner or designer may locate the facilities.

Responses may be sent to the One Call System via its web service, or by using web ticket response on the website, or by calling the automated IVR service know as KARL at 800-222-6470 and following the prompts.

KARL receives the facility owner responses and emails or faxes the collected responses to the originator of the Locate request at the end of the business day on the response due date.

For a list of the Facility Owner responses used in the KARL system please see Appendix B - KARL System of this guide.

RESPONDING TO RENOTIFY LOCATE REQUESTS

Facility owners are required to respond to all notifications received from the one call system.

Excavators renotify facility owners when locate request issues arise. The timing of the renotify request determines the response required of a facility owner:

- Scenario 1:
 - On a correctly submitted *non-emergency* Locate request from an excavator, who, upon their initial arrival at the work site determines that "clear evidence of facilities" exists which are not marked or may be mismarked, and initiates a renotify through the one call system.
 - The facility owner is required to make "direct contact" with the excavator within two hours.
 - If the facility owner fails to provide sufficient information to the excavator within three hours after the renotify call to POCS, the Act does allow the excavator to begin work as scheduled, but not earlier than the lawful dig date, provided he exercises due care and uses prudent techniques in his work.
- Scenario 2:
 - An excavator disagrees with a response a facility owner made through the one call system, but it is not their initial arrival at the work site. The one call system will capture the locate issue in the text of the renotify.
 - The facility owner must respond as soon as practicable.

ABANDONED FACILITIES

Facility owners must make reasonable efforts to locate or notify excavators of the

existence and type of abandoned main lines.

Information regarding abandoned facilities, in possession of the Facility Owner, should be provided in the following instances:

- with a correctly submitted preliminary or final Design request
- at a Pre-construction meeting on a Complex Project request
- for a Routine Locate request where the specific excavation area is identified using white paint/flags. (CGA 4.11/APWA guidance)

The Act specifically requires your best efforts to comply with the CGA standards.

Alleged Violations of the Law

Facility Owners are required to submit a report of an alleged violation. Please review Section X for the specifics regarding reporting of alleged violations of Act 287 of 1974 as amended.

SECTION VII - RESPONSIBILITIES OF THE DESIGNER

A Designer is any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as defined by the Act. Each designer preparing a drawing requiring excavation or demolition work within the Commonwealth shall contact Pennsylvania One Call System. The Design Notice is meant to allow the designer to plan the new work around existing facilities as the law prescribes. The notice shall be placed not less than 10, nor more than 90 business days in advance of the final design. Designers can obtain such information more than 90 days before final design is to be completed, however, they shall state in their requirements that such work is preliminary.

According to the Act, Final Design means *"the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or date the project is set for construction in the absence of a bid"*.

In many instances engineering and construction drawings are prepared far in advance of the bid date or the start of construction; or last minute project owner/designer adjustments may result in changes to the proposed excavation area. Preliminary design notifications should be created. The date of the most recent design One Call Notification should never be more than 90 days prior to the project bid date or date of construction in the absence of a bid. This provides the designer with the opportunity to assess the possible impact of any recently installed underground facilities within the project area and to adjust the design accordingly prior to the bid or the start of construction. It is the Project Owner's responsibility to not release any project to bid or construction until after final design is completed. Good communication between the designer, project owner and involved facility owners is necessary to produce the most accurate construction drawings possible.

Notifying POCS is the first step and there are several other responsibilities which need to be completed. Use of the web based CoordinatePA tool will facilitate the process of notifying POCS.

When contacting POCS to request the line and facility information, the information provided should cover the entire scope of the plan or development with enough detail to allow the facility owners to provide the location of their lines in the proposed work area. As much descriptive information as you can provide shall be given to help the facility owner identify the proposed construction area. Please be as specific as you can with the location information. It is very important to describe the site in detail.

The designer shall make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in a proposed construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities, where practical, if no easement restriction exists, or other clearance permitted or agreed upon.

A copy of the project plans shall be forwarded to each facility owner who requests a copy. If a designer is unable to provide a copy because of security of the project or proprietary concerns regarding the design of the project, the designer shall negotiate in a timely manner with the facility owner the means of obtaining the necessary data.

Designers are encouraged to utilize the POCS drawing exchange portal which allows for the upload of drawings at the time the design notification is made. Facility owners can access the drawings and use the TerraGo® toolbar to annotate the drawings, or they can upload pdfs of their facilities in response to the inquiry.

The designer shall show upon the drawing the position and type of each facility owner's line derived pursuant to the request made, the name of the facility owner as shown on the list from the One Call System, the serial number of the Locate request and the toll free number of the One Call System.

The designer should consult with and advise the project owner regarding the project owner's requirement to utilize sufficient quality levels of subsurface utility engineering. Design stage responsibilities of the designer and project owner are contained within the law and in the latest version of the Common Ground Alliance (CGA) Best Practices. The Act specifically requires your best efforts to comply with the CGA standards.

As with notifications of excavation work, the facility owners shall respond to design notifications through the KARL System. Note that there is a response dedicated specifically for design notifications, "082 Design Conflict. Please send plans to: <facility owner name & address>". In addition to responding through the KARL System, facility owners:

- can send plans to the designer directly, or through the Drawing Exchange portal (described above);
- mark the plans provided by the designer by field location or by another method agreed to by the designer, excavator and facility owner or their agent;
- or mark the facilities in the field.

The designer is required to attend and participate in preconstruction meetings on complex projects when the excavator determines that the project is a Complex Project and actually schedules a meeting. Project owners are required to participate in design and preconstruction meetings either directly or through a representative. In many

instances the designer may be the project owner's representative. Such meetings are encouraged to improve communications between all parties.

Annual Fee

The Act requires designers request line and facility information from facility owners and to pay the applicable fee to the One Call System. The fee is billed on the date of the first notification placed each calendar year.

During Excavation

The designer is reminded that responsibilities under the law apply to all design activities, including changes of and additions to a project on which excavation is already underway. At the end of the project all SUE data shall be forwarded to the One Call Center in enhanced .pdf format.

Alleged Violations of the Law

Designers are required to submit a report of an alleged violation. Please review Section X for the specifics regarding reporting of alleged violations of Act 287 of 1974 as amended.

SECTION VIII - RESPONSIBILITIES OF THE EXCAVATOR *(After Making the Call)*

Many people believe that by notifying the One Call System of intended excavation they have completed all of their responsibilities with respect to the locating process. This is not the case. Notifying is only the first step, and there are several other important considerations.

Prior to the Start of Excavation

When planning excavation activities, the excavator should consider all available site information relating to the existence of underground facilities. The position of facility marks, any Subsurface Utility Engineering information contained on the project plans and the existence of visible landmarks such as meters, valve boxes, manhole covers and similar evidence should be included in the excavator's site assessment. If working on private property, check with the property owner to help identify any privately owned underground lines.

The excavator must inform each powered equipment operator employed at the site of the information obtained as a result of his notification to POCS. It also is good practice to provide this information to all workers at the site.

The excavator should plan the excavation or demolition work to avoid damage to or minimize interference with underground facilities in the construction area. If the work requires temporary or permanent interruption of the facility owner's service the excavator must coordinate the work with the affected facility owner(s) in all cases.

If the excavator is using horizontal directional drilling (HDD), he must, at a minimum, utilize the best practices published by the HDD Consortium.

If requested to do so by a facility owner, the excavator must assist a facility owner in determining involvement of their lines by disclosing additional available information including dimensions and the direction of the proposed excavations.

The excavator, except in an emergency with proper notification to POCS, may not begin excavation or demolition earlier than the scheduled excavation date which can be on or after the third business day after the notification to POCS was made. In a Complex Project, the excavator may not begin excavation earlier than ten business days after notification to POCS.

Consider documenting the position of marks as soon as possible after they are placed. Be watchful for possible removal and tampering of marks. This can occur unintentionally as a result of things such as lawn mowing, normal street maintenance, activities of children playing in the neighborhood as well as normal construction activities. Please remember that weather and wear can obliterate markings. Do not pile brush or spoilage on the marking. You are responsible for the marks once the locator has left the site. If the excavator suspects that marks may have been compromised or eliminated he should contact POCS to request that the facilities be marked again.

During the Excavation Process

All underground facilities encountered during the excavation work should be considered in use and potentially dangerous unless specific information from the facility owner indicates that the facility is abandoned or otherwise not in use and does not contain any dangerous elements or by-products.

If and when the excavation operation approaches the estimated location of underground facilities, the excavator must determine the precise location of the marked facility by safe and acceptable means. This must be accomplished by the use of hand tools or vacuum excavation techniques. The Act requires the use of prudent techniques for the area considered the "TOLERANCE ZONE", which means **the horizontal space within eighteen inches of the outside wall or edge of a line or facility**. After locating the precise location of underground facilities through the use of prudent techniques, excavators must continue to exercise due care within the tolerance zone to avoid interference, injury or damage to the underground lines.

If a marked facility is not found within the established Tolerance Zone during excavation, the excavator should contact POCS and renotify the facility owner. If excavation continues, prudent techniques must be used until the precise location of the facility is identified or until it has been otherwise determined that the excavation is not in conflict with the facility. The excavator may be entitled to compensation from the project owner for this extra work as set forth in clauses (4) and (15) of section 5 of the Act. **The project owner under the Act is any person who or which engages the excavator for construction or any project which requires excavation or demolition work as herein defined.**

Work with the locator to reduce the confusion at the work site. Scheduling and cooperation can keep your job moving efficiently. Discuss your schedule and resources with the locators and set up a working relationship that can save everyone significant delays and confusion. It is always a good practice to document the work you do and record what safety instructions are given by the locator or field representative at the site.

Some facility owners have special policies because of the critical nature of their lines, (i.e. liquid pipelines, fiber optic communications, high pressure natural gas, chemical lines), and want to be on site when you are near their lines. Some facilities demand special consideration and are significant enough that your risk management policy should dictate extreme care be taken when working around these lines.

The One Call System is a mandatory organization, however, exemptions do exist. Pennsylvania One Call System (POCS) is the only One Call System in operation in Pennsylvania. Some underground facility owners have elected not to belong; in violation of the Act. Excavators are not required to make an effort to contact these nonparticipating facility owners directly before attempting an excavation, but realistically there could be a safety issue if you see indications of facilities that are not marked. It is your safety that's at risk. Entities exempt from membership under the Act are listed in the definition of "Facility Owner" and excavators should also be aware of exemptions within the definition of "Line or Facility" within the Act.

POCS is not responsible for the actual marking of facilities. It takes information from the excavator and relays it to the underground facility owners. The facility owners are responsible for ensuring that their facilities are properly marked.

Facility owners are required to respond to all notifications. POCS will collect the responses from the facility owners through the KARL system and relay it to the excavator by email or fax. When one underground facility owner indicates that there are no facilities in conflict with specific excavation, the excavator must realize that this does not mean that POCS has cleared the site, nor does it mean that other facilities are not at that location. Excavators are encouraged to verify the current status of their one call request prior to commencing excavation or demolition work by calling the POCS KARL system at 1-800-222-6470. Please see Appendix B - KARL System of this guide for further details.

Failure to Locate Facilities Prior To the Start Date

In cases where a facility owner has not responded to a correctly submitted *non-emergency* excavation request, or they have responded and the excavator, upon their initial arrival at the work site determines that "clear evidence of facilities" exists and are not marked or may be mismarked, the excavator must re-notify POCS. The facility owner(s) must make "direct contact" with the excavator. Excavation within the location of the unmarked or mismarked lines may not begin until receiving sufficient information from the facility owner to safely excavate. If the facility owner(s) fails to provide sufficient information to the excavator within three hours after the call to POCS, the Act does allow the excavator to begin work as scheduled, but not earlier than the lawful dig date, provided he exercises due care and uses prudent techniques in his work.

When Damage Occurs

If during the course of excavation, a facility has been exposed and/or damaged, it is the excavator's responsibility to promptly notify the facility owner so that it may be inspected and repaired, if necessary, before being backfilled. Damage can also occur from improper backfilling around exposed utilities. The excavator should support these exposed facilities until such time as the facility owner inspects them. Failure to notify the facility owner can result in the excavator being held responsible for any and all damages attributable to the damaged facility.

Cathodic Protection techniques are often used to deal with the earth's stray electric current where steel and other metal lines are buried. If these are damaged they cause problems to the pipe or cable and must be repaired by the facility owner, and the damage should also be reported.

If the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property the excavator must **immediately notify 911** and the facility owner. The excavator must also take reasonable measures, based on his knowledge, training, resources, experience and understanding of the situation to protect himself and those in immediate danger, the general public, property and the environment until the facility owner or emergency responders have arrived and completed their assessment of the situation. The excavator must also remain on site to convey any pertinent information to responders that may help them to safely mitigate the situation. The requirement to notify 911 is mandated by the Act and by the Federal Pipeline Safety Act.

ANNUAL FEE

The Act requires excavators to make a locate request to the One Call System prior to excavation or demolition work and to pay the applicable fee for the request. The fee is billed on the date of the first Locate request placed each calendar year.

Alleged Violations of the Law

Excavators are required to submit a report of an alleged violation. Please review Section X for the specifics regarding reporting of alleged violations of Act 287 of 1974 as amended.

SECTION IX - RESPONSIBILITIES OF THE PROJECT OWNER

It is the Project Owner who is in the best position to influence damage prevention measures applied in the design and preconstruction phases, as well as once excavation begins, as they control the finances, scope of project, and terms in the contract.

This section of the Users Guide recognizes the value of communication between all parties to the Act. To that end POCS has launched CoordinatePA, a planning tool intended to promote collaboration, cooperation, coordination and communication among all stakeholders. It is a tool that requires participation by Project Owners or their designees

to populate future projects to be successful at improving project quality, eliminating potential conflicts in advance of construction, and reducing damages to existing infrastructure.

It is the duty of project owners to utilize and pay for Subsurface Utility Engineering (SUE) in accordance with the Act. It is the project owner who initiates design projects that will require excavation or demolition and they are its principal beneficiary. The use of SUE or other similar techniques is required on large or complex projects costing \$400,000 or more. SUE provides a way to accurately identify the quality of subsurface utility information. The highest level of SUE, Level A, provides precise location information permitting the designer to avoid conflicts with underground facilities where possible.

Project Owners must furnish the pertinent data obtained through subsurface utility engineering to the One Call System in a mutually agreeable format.

Project Owners must not release to bid or construction any project until after final design is completed.

For new construction and where practicable in the opinion of the project owner, color-coded permanent markers must be installed to indicate the type and location of all laterals installed by the project owner. These markers will assist in locating efforts in the future.

Project owners are obligated to timely respond to notifications received from the excavator when facility owners cannot accurately locate or identify all lines. When not resolved in the design phase, and an excavator must ascertain the location or lines, including unclaimed or abandoned lines, as outlined in the Act in Section 5, clause (15), the excavator is entitled to compensation from the project owner as outlined in said clause. The project owner has responsibility to respond to such notifications, and to compensate the excavator for such work. By choosing and utilizing the highest level of SUE, Level A, in the Design Phase, this potential is minimized. (Refer to Section III of this User Guide, Type of Calls, #1 for information on Preliminary and Final Design notifications.)

Project Owners are required to participate in design and complex project preconstruction meetings and shall encourage such meetings, as appropriate, for work they put forth that is larger than the maximum area that a routine Locate request may cover to provide for a mark out plan with existing facility owners that can be maintained and help keep the project on track.

Alleged Violations of the Law

Project Owners are required to submit a report of an alleged violation. Please review Section X for the specifics regarding reporting of alleged violations of Act 287 of 1974 as amended.

SECTION X - ENFORCEMENT AND REPORTING ALLEGED VIOLATIONS

The UULPL assigns enforcement authority to the Pennsylvania Public Utility Commission (PUC) and established a Damage Prevention Committee (DPC). The DPC has the authority to review reports of alleged violations, issue warning letters, issue informal determinations that impose administrative penalties, and require persons to attend a damage prevention educational program. Affected parties have various rights regarding informal determinations, including the right to be heard, and the right to appeal administrative penalties; however, most cases are likely to be resolved at this level.

The DPC appointed by the PUC, consists of members of various stakeholder groups, as well as the PUC, the Department of Transportation, and Pennsylvania One Call System, with the PUC representative serving as the chairman. (See Section 7.8 of the UULPL.)

The PUC also has the right, in appropriate cases, to file criminal and civil complaints against violators. Such action is more likely to occur where there is death, personal injury, or significant property damage, or in the case of repeat offenders.

The PUC has established a full-time enforcement staff specifically for the UULPL. In addition, the PUC will issue regulations that describe how both enforcement and the DPC will operate, consistent with the UULPL. Initially, these will be temporary or interim regulations, but, eventually, they will become permanent regulations. The PUC has the power to amend the regulations, as well.

Alleged Violations

All Alleged Violation Reports are to be submitted via the POCS website under the Enforcement section.

Excavators, designers, project owners, and facility owners shall submit an alleged violation report to the commission through the One Call System for instances when a person by action or inaction fails to fulfill the obligation of the Act. The report of alleged violation shall be in a form and manner as required by the commission. **An Alleged Violation Report (AVR) is submitted from the POCS website under the Enforcement section.**

- **Facility Owner** - Submit a report of alleged violation not more than thirty business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition work or if the facility owner believes a violation of this act has been committed in association with excavation or demolition work. No report may be required where the cost to repair the damage to the facility owner's lines is less than two thousand five hundred dollars (\$2,500), unless the same person damaged the facility owner's lines two or more times within a six-month period.
- **Designer** - Submit a report of alleged violation not more than thirty business days from the time the designer becomes aware that a violation of this act may have been committed in association with excavation or demolition work.

- **Excavator** - Submit a report of an alleged violation not more than ten business days after striking or damaging a facility owner's line during excavation or demolition or if the excavator believes a violation of this act has been committed in association with excavation or demolition work.
- **Project Owner** - Submit a report of alleged violation not more than ten business days after striking or damaging a facility owner's line during excavation or demolition work activities, after a project owner's contracted excavator strikes or damages a facility owner's line during excavation or demolition activities or if the project owner believes a violation of this act has been committed in association with excavation or demolition.

When notified of an alleged violation, the stakeholder should fully investigate circumstances involved with alleged violation.

Designate one person from your organization as a "contact person" to administer these alleged violation reports.

Pennsylvania One Call System is not responsible for the issuance of citations or enforcement under this statute.

Alternate Dispute Resolution

Pennsylvania One Call System has the authority under the statute to create and administer a voluntary payment dispute resolution process for all parties involved with the statute. This process may not be used to settle or resolve alleged violations of the law.

SECTION XI - TAMPERING WITH MARKS

Under the law owners of underground facilities such as pipe lines, electric, communication and other types of lines are required to place physical marks on the surface of the ground within 18" of the actual underground position of the lines, identifying the size, type and number of lines when an excavator makes a request to locate through Pennsylvania One Call System, Inc. These marks help the excavator determine, *in advance of excavation*, where the safety (tolerance) zone of the buried lines is so the excavator can use prudent techniques to safely excavate without causing damage to the underground facility within the tolerance zone. This process greatly reduces the chance that an existing line will be damaged during excavation activities.

It is important that these marks remain visible and unaltered until all excavation in the area is completed. Accurate marks for underground lines result in safer excavations with fewer damaged lines. Removing, moving or otherwise tampering with marks for underground facilities increases the chance of damage to the line. This can result in injury and even death to those in the immediate vicinity. It also can cause interruption of service to you and your neighbors and may result in costly repairs that could increase your monthly utility bills.

Marks that have been removed, moved or otherwise tampered with are **never** accurate and could prove to be deadly! The color, style, method and location of marks communicate critical information to the excavator. If you witness or otherwise have reason to believe that someone has tampered with underground utility marks, please immediately notify the excavation company and Pennsylvania One Call System, Inc. POCS may be contacted by dialing 8-1-1 or 1-800-242-1776.

Tampering with underground facility marks, even if those marks are placed on private property, violates Section (10) of PA Act 287, as amended.

Accurate marks result in safer excavations for everyone!

SECTION XII - WEBSITE TOOLS

POCS provides a variety of online tools to stakeholders: Excavators, Designers, Facility owners (members), and homeowners. All are available at www.paonecall.org to authenticated users.

A user account is needed to gain access to any and all of POCS's online tools. To create a user account, navigate to www.paonecall.org and select "Create Account" in the black bar at the top of the homepage. The following information, at a minimum, is needed to create a user account:

- First and Last Name;
- Company;
- Email address;
- Street Address;
- City, State, Postal Code;
- Desired user name and
- Password.

Other information (such as title, company name, telephone number) is helpful to POCS but not required to create an account.

When the form is completed, click the <save> button at the bottom of the form. The website will validate the information provided and create an account.

To gain access to online tools, navigate to www.paonecall.org and select "Sign In" from the black bar at the top of the homepage. Then choose "Request Applications" from the "Applications" menu selection in the red bar near the top of the screen. Then check the applications you wish to gain access to and click the <Request> button at the bottom.

The request will be pending until a Member Services Representative reviews the request and grants access. Not all applications are available to all users – for example, the "Member Database Verification" application is only available to users who work at a member company and are responsible for maintaining their information on file with PA One Call.

When access is granted, the user is notified via email or a telephone call.

What online applications are available to authenticated users?

Coordinate PA. This web service application developed to support Public Works (governmental) and Utility advance planning to aid in design and project planning collaboration and cooperation.

POCS maps are used to display participating project scopes and phases to make it easy for contributors to identify collaborative project opportunities far enough in advance to recognize cost savings and minimize disruption to the public through sharing and coordination of their effort.

Coordinate PA integrates with POCS's Web Ticket Entry process to create Design and Excavation notifications from the project coordination tool to increase project safety and reduce project costs as required by Pennsylvania's Underground Utility Line Protection Law.

Pennsylvania coordinating committees meet to share their projects and project plans in an effort to find overlap in construction work. A list of coordinating communities is available in the Resource Center of the PA One Call website.

Drawing Exchange Portal. This application facilitates the exchange of electronic design files between a facility owner and a designer for design tickets. Instead of sending paper copies of design files to facility owners that request them, the designer can upload an electronic file for the facility owner to electronically mark and electronically return to the designer.

Excavator/Designer Web Access. This application for excavators and designers facilitates viewing the ticket database from the excavator or designer perspective. The excavator or designer can query the database for their tickets within a specified date range and filter on a variety of ticket attributes such as ticket action type, ticket county or ticket municipality.

Facility Owner Billing. This application for underground facility members to view and pay PA One Call invoices electronically.

Facility Owner Member Web Access. This application for facility owners facilitates viewing the ticket database from the facility owner perspective. The facility owner can query the database for their tickets within a specified date range and filter on a variety of ticket attributes such as CDC, ticket action type, ticket county or ticket municipality.

Member Database Verification. This application facilitates online verification without the need for a paper form. POCS verifies facility owner information on file every year. The member is asked to verify all information on file, including business address, contact information, municipalities where the member owns or operates underground facilities, and maps of their notification area(s).

Member Mapping. This application is a geospatial mapping tool used by facility owners to describe notification areas within the municipalities where the member owns or operates underground lines. The member draws points, lines or polygons on a map to

indicate where they want to be notified of excavation activities. POCS accepts shapefiles. These notification areas are compared to the proposed excavation area on a ticket. No overlap between the proposed excavation area and the member notification area indicates that excavation will not occur near the member's underground facilities, and ticket receipt to the member is suppressed.

Complex Project Portal. This application is for excavators working on a complex project can use a Web-based tool to enter Complex Project Request Notices and track information regarding the project. (Note: After January 2019, the Complex Project portal can be found within the Coordinate PA web application.)

Tickets Nearby. This application is a geospatially aware mobile application that pinpoints the location of tickets on a map relative to the user's current geographic location. It is used on a mobile device in the field and presents a map centered at the user's location along with dots to represent tickets nearby. The dots are color coded to represent routine and emergency tickets, and the user can drill down to ticket detail within the application.

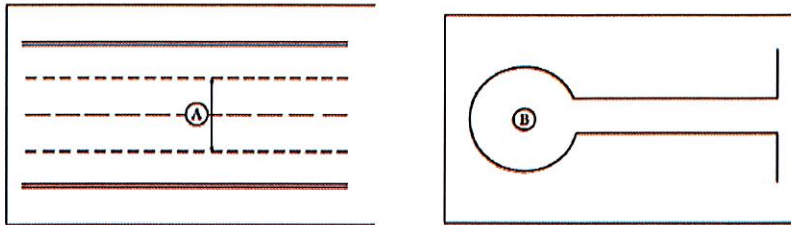
Web Ticket Entry. This application is an online or mobile application for excavators to enter design, construction or emergency location requests without contacting POCS by telephone.

Web Ticket Response. This application is an online or mobile application that records ticket responses from facility owners. The facility owner logs in to the system and can view a color coded list of tickets, including tickets that need a <CLEAR> or <MARKED> response.

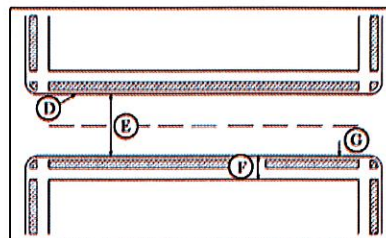
Appendix A

Terminology often used when creating a notification

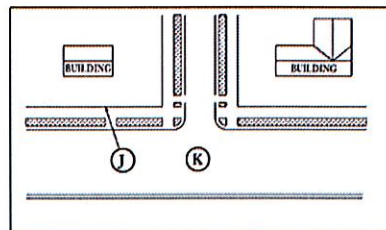
- A. **Center Lane(s)** – In a four-lane street, the two lanes at the center of the pavement.
- B. **Cul-de-sac** – A local street open at one end with a special provision for turning around.



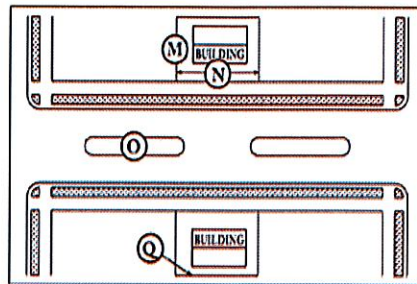
- C. **Culvert** (not pictured) – Any pipe or structure under a roadway or driveway to facilitate drainage of surface water.
- D. **Curb Lane(s)** – Traffic or parking lane immediately adjacent to the curb.
- E. **Curb to Curb** – The paved area of a road right of way between the two curb lines.
- F. **Curb to Property Line** – The area between the curb and the front property line.
- G. **Curb Line** – The point where the curb meets the edge of the street pavement.



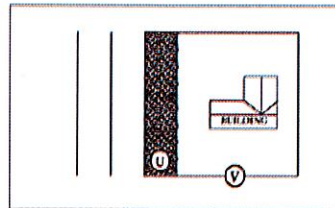
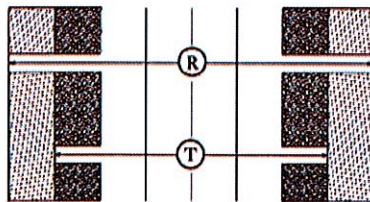
- H. **Easement** (not pictured) – A right to use or control the property of another for designated purposes.
- I. **Frontage Road** (access road - not pictured) – A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control access.
- J. **Front Lot Line** – (Same as street right of way line) the property line adjacent to the street right of way.



- K. **Intersection** – The general area where two or more highways join or cross, within which are included the roadway and roadside facilities for traffic movements in that area.
- L. **Interchange** (not pictured) – A system of inter-connecting roadways in conjunction with one or more grade separations providing for the movement of traffic between two or more roadways on different levels.



- M. **Lot Line** – A line marking the legal limits of an individual's property.
- N. **Lot Line to Lot Line** – The area between the two side lot lines on private property and the entire road right of way (See R.)
- O. **Median** – The portion of a divided highway separating the traveled ways for traffic in opposite directions.
- P. **Property Line** – See Lot Line (M).
- Q. **Rear Lot Line(s)** – Property lot line at the rear of the lot (area opposite street that connects the two side lot lines).
- R. **Right of Way** – Dedicated street areas bounded by two generally parallel lines called right-of-way lines. Another name for these lines is front property lines.



- S. **Road** (not pictured) – Highway in rural area.
- T. **Roadway** – The portion of a highway, including shoulders, for vehicular use.
- U. **Shoulder** – The edge of a road (generally gravel) between normal traffic lanes and grass areas. The term normally used in areas where there is no curb.
- V. **Side Lot Line(s)** – The two property lines, which normally extend away from the street right-of-way.
- W. **Street** (not pictured) – Highway in an urban area.

The KARL System (Kathy Automated Response to Location requests)

Overview

Pennsylvania One Call System, Inc. (POCS) has created a voice relay and response solution that automates the call out process to facility owner members requesting supplemental voice relay of information on emergency notifications; allows facility owner members to respond to all notifications; faxes or emails excavators/designers with the collected responses; and allows excavators/designers to retrieve information about their responses.

When an excavator/designer calls into the system a customer service representative (CSR) will enter the ticket information into the POCS computer system as a Locate request (WLR). Excavators and designers who have registered with POCS may also create their own WLRs utilizing Web Ticket Entry. Each WLR is assigned a unique serial number. Based on information within the ticket the computer system assigns a message type and determines if voice notification has been requested by a facility owner member. This information is passed to the KARL System.

KARL determines the priority of the voice message and queues a voice call out request for each pertinent facility owner. When a facility owner answers a voice call out KARL speaks the WLR information. Upon completion of the callout, KARL records the outcall status as successful or failed.

Anytime during voice relay of an emergency, KARL will accept responses to the spoken WLR information. When a facility owner responds, KARL will record their response in the database. On all other WLR's, KARL will accept responses through telephone input, data transfer, or web ticket response.

On the response due date, KARL will fax or email the results to the excavator/designer who initiated the WLR, to inform them of the status. If a response is not received for a facility owner by the response due date, KARL will send a "No response" indication for that facility owner. At any time, the excavator/designer may call into KARL to inquire the current status of the WLR.

RESPONSE CODES	
001	Clear, no facilities.
002	Conflict, lines nearby, direct contact to follow by facility owner.
003	Field Marked.
004	Insufficient information, do not dig.
005	Not marked due to no access.
006	Scheduled date of mark.
007	Voice Message (temporary communication valid for 30 days)
082	Design conflict – Please send plans to (facility owner's address will be provided).
083	Engineering Completed – A PDF file or marked up plans were sent to the requestor

090	Will Attend Meeting
091	Clear – Will Not Attend Meeting
092	Requests Meeting
096	Agrees No Meeting Required
999	Did Not Respond Through PA One Call. (system generated response when no response received from facility owner)

KARL Responses - Uses and Constraints

- 001 **CLEAR – NO FACILITIES**
- Facility Owner has no underground lines at the site as described in the Locate request.
 - This is considered a final response under the law.
- 002 **CONFLICT. LINES NEARBY. DIRECT CONTACT TO FOLLOW BY FACILITY OWNER**
- Facility Owner may have underground lines at the site and will contact excavator directly at the contact information provided on the Locate request.
 - This is considered an interim response under the law and should be updated with a Clear or Field Marked response after contact is established with the excavator.
- 003 **FIELD MARKED**
- A locator was dispatched and physically marked lines at the work site.
 - This is considered a final response under the law.
- 004 **INSUFFICIENT INFORMATION. DO NOT DIG**
- Facility Owner cannot make a determination of their involvement based on the information provided by the excavator on the Locate request.
 - The facility owner should attempt to contact the excavator to obtain additional information, or instruct the excavator to call in a new Locate request. This response should be updated with a Clear or Field Marked response after contact is established with the excavator.
 - This is considered an interim response under the law.
- 005 **NOT MARKED - DUE TO NO ACCESS**
- Facility Owner has a conflict but could not mark their lines at the site because the locator could not gain access to the location caused by things such as a bad dog, locked gate or other security measures.
 - The facility owners should attempt to contact the excavator to arrange for access. This response should be updated with a Clear or Field Marked response after contact is established with the excavator.
 - This is considered an interim response under the law

006 SCHEDULED A DATE AND TIME LINES WILL BE MARKED BY: <facility owner enters date and time>

- Facility Owner will mark the lines at the site by this date and time.
- This response should be updated with a Field Marked response once marking is complete.
- This is considered an interim response under the law.

007 VOICE MESSAGE

- Facility Owner recorded a message to convey information to the excavator that is different from the standard KARL responses. It is important to note that this is a temporary message that is only saved for 30 days and is not considered a final response under the law.
- This response should be updated with a Clear or Field Marked response once contact is established with the excavator.
- This is considered an interim response under the law.

082 DESIGN CONFLICT, SEND PLANS TO: <system completes facility owner name & address from file>

- Facility Owner has lines at the site and the design drawings should be sent to them for markup.
- This response should be updated with an Engineering Completed response once plans are marked up and returned to the designer, or updated with a Clear response if after review of the plans, the facility owner determines no conflict exists.
- This is considered an interim response under the law.

083 ENGINEERING COMPLETED – A PDF FILE OR MARKED UP PLANS WERE SENT TO THE REQUESTOR

- The Facility Owner has answered the designer's request for plans by uploading a PDF of their lines, or marked up the PDF provided by the designer. Both options are available via the Drawing Exchange Portal. Alternately, the Facility Owner may mail hard-copy, marked up drawings to the requestor.
- This is a final response under the law.

090 WILL ATTEND MEETING

- Facility Owner may have underground lines in the area of the complex project and will attend the meeting.
- The law requires facility owners to attend complex project meetings when requested by the excavator.
- This is considered an interim response under the law and should be updated with a Clear or Field Marked response.

091 CLEAR – WILL NOT ATTEND MEETING

- Facility Owner has no underground lines in the area of the complex project and will not attend the meeting.
- This is a final response under the law.

092 REQUESTS MEETING

- The Facility Owner is declaring the work as complex. The Facility owner will contact the excavator. DO NOT DIG until the facility owner and excavator agree on a mark out schedule.
- Excavators are required by law to conduct a meeting with any facility owner that requests it.
- This is considered an interim response under the law and should be updated with a Clear or Field Marked response.

096 AGREES NO MEETING REQUIRED

- Facility Owner agrees that a meeting is not required for this complex project.
- This is an interim response under the law and should be updated with a Clear or Field Marked response.

099 DID NOT RESPOND THROUGH PA ONE CALL

- System generated response when no response is received from facility owner prior to the response due date.
- This is a violation of the law.

INTERACTING WITH THE VOICE RESPONSE UNIT (KARL):

Users of the KARL system will be required to enter numeric and alphabetic answers to interact with the voice response unit. These responses may be entered verbally or by using the telephone keypad. At different times in the script, KARL may ask facility owners for the member call directing code (CDC), for the initials of the person entering responses or accepting supplemental voice outdials, and to confirm the company telephone numbers. KARL will ask excavators and designers for their company telephone number, for serial numbers, and the initials of the person performing the inquiry. It is best to speak the answers.

If you choose to enter your alphabetic response by using the telephone keypad you must translate the letters into numbers. To translate letters into numbers for entry into KARL, look at the letter on the telephone keypad and the letter's position on the key. For the letter Q enter 11 and for the letter Z enter 12.

For example, if your initials are SAM, you would enter the number 7 matching the key where the S is found, followed by the position of the letter S which is 3. The numeric representation for the letter S would be 73. The A would be 21 and the M would be 61.

K	A	R	L
5 2	2 1	7 2	5 3

1	ABC 2	DEF 3
GHI 4	JKL 5	MNO 6
PRS 7	TUV 8	WXY 9
*	0	#

Facility Owner Response and Excavator/Designer Inquiry

Responses are initiated by facility owners after they have researched the serial number information delivered to them during the notification phase. Facility owners are required to respond to design stage serial numbers within ten business days of the creation date of the serial number, and by the response due date on construction serial numbers. Responses will be accepted from the facility owner after entering the member CDC and the initials of the person initiating the response. Serial number responses may be updated by a facility owner multiple times. The last response made will be included on the Response to Caller email/fax transmission.

Inquiries can be initiated by excavators and designers, who can listen to the current status of the serial number they entered. The date/time of the inquiry will be recorded in the database.

Facility Owner Response

Action required: Call KARL at 1-800-222-6470
 KARL will say: *"Thank you for calling the Pennsylvania One Call serial number response system. " Please indicate the type of caller you are. Press or say 1 for excavator, press or say 2 for facility owner, press or say 3 for homeowner. To speak with a customer service representative, press or say 0."*
 Action required: PRESS or SAY 2

KARL will say: *"Please enter your CDC code. Press or say 7 for help on how to enter your cdc code numerically."*

Action required: Enter your two or three digit cdc.

KARL will say: *"CDC <cdc> is for <facility owner name>. If this is correct, press or say 1. If this is not correct, press or say 2. To speak with a customer service representative, press or say 0."*

Action required: PRESS or SAY 1

KARL will say: *"Please enter or say your initials. Press or say 7 for help on how to enter your initials numerically."*

Action required: Enter or say at least two initials (4 numbers). KARL will accept three initials (6 numbers).

KARL will say: *"The initials you have entered are <initials>. If this is correct, press or say 1. If this is not correct, press or say 2. To speak to a customer service representative press or say 0"*

Action required: PRESS or SAY 1

KARL will say: *"Please enter or say the one call serial number."*

Action required: Enter your 11 digit serial number.

KARL will say: *"The work location for ##### is for <work site address>. If this is correct, press or say 1. If this is not correct, press or say 2. To speak with a customer service representative, press or say 0."*

Action required: PRESS or SAY 1.

KARL will say: *"What is the status of this ticket?"*

"If this location is clear, no facilities press or say

1.

If this location has Conflict, lines nearby direct contact to follow by facility owner, press or say 2.

If this location is field marked, press or say 3.

If this location has insufficient information, do not dig, press or say 4.

If this location is not marked due to no access, press or say 5.

If you will schedule a date and time for the mark, press or say 6.

If you would like to leave a voice message, press or say 7.

If there is a design conflict, press or say 82.

If a PDF file is marked up plans were sent to the requestor, press or say 83.

If you will attend the meeting, press or say 90.

If you are clear and will not attend the meeting, enter or say 91.

If you have a possible conflict and require a meeting, enter or say 92.

If you agree that no meeting is required, enter or say 96."

Action required: PRESS or SAY 1, 2, 3, 4, 5, 6, 7, 82, 83, 90, 91, 92, or 96.

KARL will say:

- If 1: *"You selected, clear, no facilities."*
- If 2: *"You selected, conflict, lines nearby direct contact to follow by facility owner."*
- If 3: *"You selected, field marked."*
- If 4: *"You selected, insufficient information, do not dig."*
- If 5: *"You selected, not marked due to no access."*
- If 6: *"You selected, to mark by <date> 2359."*
- If 7: *"You will now be given the opportunity to record a message to be left with this serial number, to continue press or say 1, to return to the previous menu, press or say 2."*
- If 82: *"You selected, design conflict."*
- If 83: *"You selected, a PDF file or marked up plans were sent to the requestor."*
- If 90: *"You selected, will attend meeting."*
- If 91: *"You selected, clear - will not attend meeting."*
- If 92: *"You selected, requests meeting."*
- If 96: *"You selected, agrees - no meeting required. Your response to serial number ##### has been accepted. If you would like to enter a response for another ticket, press or say 1. If you would like to enter ticket response for a different CDC press or say 2. If you have no more ticket responses, please hang up."*

Excavator/Designer Inquiry

- Action required: Call KARL at 1-800-222-6470
- KARL will say: *"Thank you for calling the Pennsylvania One Call serial number response system." Please indicate the type of caller you are. Press or say 1 for excavator, press or say 2 for facility owner, press or say 3 for homeowner. To speak with a customer service representative, press or say 0."*
- Action required: PRESS or SAY 1.
- KARL will say: *"Please enter or say the One Call serial number."*
- Action required: Enter or say your 11digit serial number.
- KARL will say: *"Please enter or say your company's 10-digit phone number."*
- Action required: Enter or say the phone number used when the dig notice was created.

KARL will compare the phone number entered against the phone number associated with the serial number. If they match, KARL will speak the phone number and company name.

- KARL will say: *"If this is correct, press or say 1, If this is not correct, press or say 2. To speak to a customer service representative press or say 0."*
- Action required: PRESS or SAY 1.

KARL will say: *Please enter or say your initials. Press or say 7 for help on how to enter your initials numerically.*

Action required: Enter or say at least two initials (4 numbers). KARL will accept three initials (6 numbers).

KARL will say: *"The initials you have entered are <initials>. If this is correct, press 1. If this is not correct, press or say 2. To speak to a customer service representative press or say 0."*

Action required: PRESS or say 1

KARL will say: *"The work location for serial number ##### is for <work site address>. If this is correct, press or say 1. If this is not correct, press or say 2. To speak to a customer service representative press or say 0."*

Action required: PRESS or say 1.

KARL will retrieve the status of each utility that has responded to the current ticket and speak the response to the excavator/designer. If an excavator/designer presses 2, they will be given another opportunity to enter a different serial number.

KARL will say: *"To hear this serial number's information again, press or say 1. To enter a new One Call serial number, press 2. To speak with a customer service representative, press 0. To end this call, please hang up."*

Action Required: Hang Up.

Facility Owner Notification

As directed by the facility owner, on serial numbers requiring supplemental outcall notification, such as emergency notifications out of normal business hours, KARL will attempt to deliver information for all serial numbers that apply to the contacted facility owner within the same call. The outcall will be considered a success and removed from the outcall queue after the field "location information" has been spoken to the facility owner member. Outcalls will be limited to one attempt per member CDC. After each outcall attempt the resulting successful or failed status of the outcall will be entered into the database.

To ensure successful facility owner out-dials please follow these instructions when KARL calls you:

Action required: Answer the telephone

KARL will say: *"Hello, this is the Pennsylvania One Call. We have an emergency location request for you. Press or say one to continue."*

Action required: PRESS or say 1

KARL will say: *"Please enter or say your company's ten-digit phone number."*

Action required: Enter the telephone number designated for emergency notifications, which is the telephone number KARL dialed.

KARL will say: *"Please enter or say your initials. Press or say 7 for help on how to enter your initials numerically."*

Action required: Enter or say at least two initials (4 numbers). KARL will accept three initials (6 numbers).
KARL will say: *"The initials you have entered are <initials>. If this is correct, press or say 1. Press or say 7 for help on how to enter your initials numerically."*
Action required: PRESS or SAY 1.

KARL will speak the serial number, the proposed dig date and time; the work-site county, municipality, address, nearest intersection and location information of the WLR.

KARL will say: *"To repeat this information, press or say 1. To respond to this serial number now, press or say 2. To continue, press or say 3. To speak with a service representative, press or say 0. To end this call, please hang up."*

Action required: PRESS or SAY 1, 2, or 3.
If 1: KARL will repeat the information.
If 2: KARL will accept your response to the serial number (see Response Section).
If 3: KARL will continue and speak the excavator name.
KARL will say: *"The excavator is<excavator name>. For detailed information on this excavator, press or say 1. To continue, press or say 2."*
Action required: PRESS or SAY 1 or 2.
If 1: KARL will speak the excavator address, caller name, caller phone number, person to contact and contact phone number.
If 2: KARL will speak the type of work, the extent of excavation, if the excavation is on the street, sidewalk, public property, private property, who the work is being done for, and remarks.

**Underground Utility Line Protection Law
AKA PA One Call Law**

SB242	ACT 50	Signed: 10/30/2017
PN1227	2017	Effective: 4/28/2018

73 P. S. § 176 et. seq.

Reprinted by Pennsylvania One Call System, Inc. The purpose of this reprinting is to provide those affected with a complete copy of the ACT.

www.paonecall.org/userguide

<http://commongroundalliance.com/programs/best-practices>

Note: Changes are shown in bold italics.

Notes in red are POCS clarifications.

AN ACT

Amending the act of December 10, 1974 (P.L.852, No.287), entitled, "An act to protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, propane, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties," further providing for title and for definitions; providing for lawful start date; further providing for duties of facility owners, for duties of the One Call System, for duties of other parties, for duties of excavators, for duties of designers, for duties of project owners, for audits and for penalties; providing for enforcement, for damage prevention committee and for compliance; and further providing for One Call System authority and for expiration.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

SECTION 1. The title and section 1 of the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, are amended to read:

AN ACT

To protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, propane, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties.

TERMS TO BE USED IN THIS ACT - DEFINITIONS

Section 1. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abandoned" means no longer in service and physically disconnected from a line.

"Alleged violation" means an instance when a person by action or inaction fails to fulfill the obligations of this act.

"Business day" means any day except a Saturday, Sunday or legal holiday prescribed by statute. A business day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

"Chairman" means the Chairman of the Pennsylvania Public Utility Commission.

"Commission" means the Pennsylvania Public Utility Commission.

"Committee" means the damage prevention committee established under section 7.8.

"Common Ground Alliance best practices" means the damage prevention industry recommended standards issued by the Common Ground Alliance, a not-for-profit corporation created pursuant to the issuance of the United States Department of Transportation's Common Ground Task Force report in 1999.

"Complex project" means an excavation that involves more work than properly can be described in a single locate request or any project designated as such by the excavator or facility owner as a consequence of its complexity or its potential to cause significant disruption to lines or facilities and the public, including excavations that require scheduling locates over an extended time frame.

"Consumer Price Index" means the index of consumer prices developed and updated by the Bureau of Labor Statistics of the United States Department of Labor.

"Conventional oil and gas well" means a conventional oil and gas well as defined in section 2 of the act of June 23, 2016 (P.L.375, No.52), known as the Pennsylvania Grade Crude Development Act.

"Demolition work" means the partial or complete destruction of a structure, by any means, served by or adjacent to a line or lines.

"Designer" means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

"Emergency" means a sudden or unforeseen occurrence involving a clear and immediate danger to life, property and the environment, including, but not limited to, serious breaks or defects in a facility owner's lines.

"Excavation work" means the use of powered equipment or explosives in the movement of earth, rock or other material, and includes, but is not limited to, anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling. The term does not include soft excavation technology such as vacuum, high pressure air or water, tilling of

soil for agricultural purposes to a depth of less than eighteen inches, performing minor routine maintenance up to a depth of less than eighteen inches measured from the top of the edge of the cartway or the top of the outer edge of an improved shoulder, in addition to the performance of incidental de minimis excavation associated with the routine maintenance and the removal of sediment buildup, within the right-of-way of public roads or work up to a depth of twenty-four inches beneath the existing surface within the right-of-way of a State highway, ***work performed by persons whose activities must comply with the requirements of and regulations promulgated under the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act, or the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, that relate to the protection of utility facilities or the direct operations on a well pad following construction of the well pad and that are necessary or operations incidental to the extraction of oil or natural gas.***

"Excavator" means any person who or which performs excavation or demolition work for himself or for another person.

"Facility owner" means the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line. The term does not include the Department of Transportation within a State highway right-of-way. The term does not include any of the following:

- (1) A person serving the person's own property through the person's own line, if the person does not provide service to any other customer.
- (2) A person using a line which the person does not own or operate, if the use of the line does not serve more than a single property.

"Federal pipeline safety laws" means the provisions of 49 U.S.C. Ch. 601 (relating to safety), including the regulations promulgated under 49 U.S.C. Ch. 601.

"Final design" means the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction in the absence of a bid.

"Fiscal year" means the fiscal year utilized by the commission.

"Horizontal directional drilling" means the use of horizontal boring devices that can be guided between a launch point and a reception point beneath the earth's surface.

"Injury" means a bodily harm to a person, who, as a result of the bodily harm, immediately receives medical attention away from the scene of the incident.

"Lawful start date" means the scheduled start date as provided under section 1.1.

"Line" or "facility" means an underground conductor or underground pipe or structure used in providing electric or communication service, or an underground pipe used in carrying, gathering, transporting or providing natural or artificial gas, petroleum, propane, oil or petroleum and production product, sewage, water or other service to one or more transportation carriers, consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-

of-way. The term shall include unexposed storm drainage and traffic loops that are not clearly visible. The term ***shall include unconventional oil and gas well production and gathering lines or facilities***. The term shall not include ***stripper well lines*** unless the line or facility is a regulated onshore gathering line as defined in regulations promulgated after January 1, 2006, by the United States Department of Transportation pursuant to the Pipeline Safety Act of 1992 (Public Law 102-508, 49 U.S.C. § 60101 et seq.), if the regulated gathering line is subject to the damage prevention program requirements of 49 CFR § 192.614.

"Locate request" means a communication between an excavator or designer and the One Call System in which a request for locating facilities is processed. Locate requests submitted by an excavator performing work within the right-of-way of any State highway, either under contract to the Department of Transportation or under authority of a permit issued by the Department of Transportation, shall include the number of the Department of Transportation contract or permit.

"Minor routine maintenance" means shaping of or adding dust palliative to unpaved roads, removal and application of patches to the surface or base of flexible base, rigid base or rigid surface roads by either manual or mechanized method to the extent of the existing exposed base material, crack and joint sealing, adding dust palliative to road shoulders, patching and cutting of shoulders and shoulder bases by either manual or mechanized methods to the extent of the existing exposed base, and cleaning of inlets and drainage pipes and ditches.

"One Call System" means the communication system established within this Commonwealth to provide a single nationwide toll-free telephone number or 811 number for excavators or designers or any other person covered by this act to call facility owners and notify them of their intent to perform excavation, demolition or similar work as defined by this act. The One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

"Operator" means any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work.

"Person" means an individual, partnership, corporation, political subdivision, a municipal authority, the Commonwealth and its agencies and instrumentalities, or any other entity.

"Powered equipment" means any equipment energized by an engine or motor and used in excavation or demolition work.

"Preconstruction meeting" means a scheduled event held by the excavator, designer, project owner and facility owner, or an agent of the excavator, designer, project owner and facility owner, prior to the commencement of excavation or demolition work in a complex project.

"Project owner" means any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.

"Report of alleged violation" means a recorded account of an alleged violation.

"Stripper well" means a conventional oil and gas well with a maximum daily

average production which does not exceed fifteen barrels of oil and ninety thousand cubic feet of natural gas during any twelve-month consecutive time period.

"Stripper well lines" means a production or gathering line or facility that has a nominal inside diameter of eight inches or less, only carries oil or natural gas produced exclusively from one or more stripper wells and is not regulated under the Federal pipeline safety laws and subject to the pipeline damage prevention requirements in 49 C.F.R. § 192.614 (relating to damage prevention program) or 49 C.F.R. § 195.442 (relating to damage prevention program).

"Subsurface utility engineering" or "SUE" means those techniques set forth in the American Society of Civil Engineers (ASCE) most recently published standard CI/ASCE 38-02, or its successor document as determined by the One Call System.

"Tolerance zone" means the horizontal space within eighteen inches of the outside wall or edge of a line or facility.

"Traffic loop" means a device that detects metal objects such as cars and bicycles based on the change in inductance that they induce in the device.

"Unconventional formation" means a geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where oil or natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

"Unconventional oil and gas well" means a bore hole drilled or being drilled for the purpose of or to be used for the production of oil or natural gas from an unconventional formation.

"Well pad" means area, under the control of an oil or natural gas company, occupied by equipment or facilities necessary or required for the drilling, production or plugging of an oil or natural gas well.

"Work site" means the specific place denoted on the locate request where excavation or demolition work is being or is planned to be performed. A work site should be denoted as a clearly defined, bounded area, including relevant identifiable points of reference such as the specific address with a specific description as to the portion of the property, including descriptions such as front, back, left side, right side and direction such as N, S, E, W or variants. Where possible, the points should also reference, without limitation, the size and radius or circumference of the excavation, utility pad or pedestal numbers, utility pole numbers, landmarks, including trees, fountains, fences, railroads, highway and pipeline markers, and latitude and longitude.

SECTION 2. The act is amended by adding a section to read:

SECTION 1.1. *The lawful start date shall be three business days through ten business days following notification to the One Call System.*

SECTION 3. Sections 2, 3, 3.1, 4, 5, 6.1 and 7 of the act are amended to read:

RESPONSIBILITIES OF THE FACILITY OWNER

Caution Some "Class 1" (RURAL) Stripper Well Gas & Oil Lines 8" or less are still exempt from Mandatory Participation along with PENNDOT in their Right of Way.

SECTION 2. It shall be the duty of each facility owner:

(1) To be a member of and give written notice to the One Call System. Such notice shall be in a form acceptable to the One Call System and include:

(i) the legal name of the facility owner and their official mailing address;

(ii) as follows:

(A) The names of the counties and municipalities, down to and including wards in Philadelphia, Pittsburgh, Allentown and Erie, in which its lines are located and other related information as may be required by the One Call System regarding the location of a member's facilities.

(B) The One Call System may not require its members to locate lines or facilities installed before the effective date of this clause unless the member has existing maps of the lines or facilities and the member's existing maps meet the specifications of the One Call System's Member Mapping Solutions. Nothing under this clause shall prohibit the One Call System members from voluntarily submitting to the One Call System maps of lines or facilities installed before the effective date of this clause.

(iii) the facility owner's address (by street, number and political subdivision) and the telephone number and fax number, if available, to which inquiries may be directed as to the location of such lines;

(iv) the street identifications or like information within each of the municipalities in which its lines are located. This information shall be in a form acceptable to the One Call System. Upon acceptance of the information from a facility owner, the One Call System shall provide the facility owner with notification within the boundaries described. All facility owners shall agree to indemnify and hold harmless the One Call System for any errors and omissions on the part of the facility owner or the excavator or designer providing the information as the agent of the facility owner; and

(v) any other information required by the One Call System.

(2) To provide the One Call System, within five business days, with any revised information required under this section.

(4) Not more than ten business days after receipt of a request from a designer who identifies the work site of excavation or demolition work for which he is preparing a drawing, to initially respond to his request for information as to the position and type of the facility owner's lines at such work site based on the information currently in the facility owner's possession or to mark the plans which have been provided to it by the designer by field location or by another method agreed to by the designer, excavator and facility owner, or their agent. The facility owner shall so advise the person making the request of the facility owner's status at the work site through the One Call System.

(5) After receipt of a timely request from an excavator or operator who identifies the work site of excavation or demolition work he intends to perform and not later than the business day prior to the lawful start date of excavation:

(i) To mark, stake, locate or otherwise provide the position of the facility

owner's underground lines at the work site within eighteen inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate, to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the underground facility owner's lines. This shall be done to the extent such information is available in the facility owner's records or by use of standard locating techniques other than excavation. Standard locating techniques shall include, at the utility owner's discretion, the option to choose available technologies suitable to each type of line or facility being located at the work site, topography or soil conditions or to assist the facility owner in locating its lines or facilities, based on accepted engineering and operational practices. Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines.

(i.1) To identify the location of an actually known facility's point of connection to its facilities, where the point of connection is not owned or operated by the facility owner. A facility owner may identify the location of a known facility connected to its facilities, but not owned or operated by the facility owner, as a helpful guide to the excavator or owner. The identification shall not be deemed to impose any liability upon the facility owner for the accuracy of the other facility's identification.

(ii) To timely elect to excavate around its facilities in fulfillment of this subparagraph, at its option.

(iii.1) To propose mutually agreeable scheduling by which the excavator, facility owner or designer may locate the facilities.

(v) To respond to all notices through the One Call System, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date or, in the case of an emergency, to respond through the One Call System as soon as practicable following receipt of notification of the emergency by the One Call System.

(v.1) To, if a facility owner failed to respond to an original, proper, nonemergency locate request from the One Call System or to a renotification under section 5(20), communicate directly to the excavator within two hours after renotification of the information about its facility location and, if necessary and possible, go to the proposed work site to mark, stake or locate its underground lines or to verify to the excavator that the facility owner's underground lines are not within the area of the proposed work site.

(vi) In marking the approximate position of underground lines or facilities, to follow the Common Ground Alliance Best Practices for Temporary Marking set forth in ANSI standard Z535.1. Should the Common Ground Alliance Best Practices be amended, the amended guidelines shall be applied and followed. If the Common Ground Alliance Best Practices no longer publishes guidelines for temporary markings or if the responsibility for publishing the guidelines is transferred to or assumed by another entity, the facility owner shall follow the guidelines approved by the One Call System's board of directors.

(vii) To respond to emergency notifications as soon as practicable following receipt of notification of such emergency. The response by the facility owner shall be consistent with the nature of the emergency information received by the facility owner.

(viii) To participate in preconstruction meetings for a complex project or as described in section 5(3).

(ix) If notification is received pursuant to section 5(8), to give priority to responding to notification as an emergency.

(9) If a facility owner fails to become a member of the One Call System in violation of this act and a line or lines of such nonmember facility owner are damaged by an excavator by reason of the excavator's failure to notify the facility owner because the facility owner was not a member of the One Call System serving the location where the damage occurred, such facility owner shall have no right of recovery from the excavator of any costs associated with the damage to its lines. The right herein granted shall not be in limitation of any other rights of the excavator.

(10) To submit a report of alleged violation to the commission through the One Call System not more than thirty business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition work or if the facility owner believes a violation of this act has been committed in association with excavation or demolition work. The report of alleged violation shall be in a form and manner as required by the commission. No report may be required where the cost to repair the damage to the facility owner's lines is less than two thousand five hundred dollars (\$2,500), unless the same person damaged the facility owner's lines two or more times within a six-month period.

(11) To comply with all requests for information by the **commission** relating to the **commission's** enforcement authority under this act within thirty days of the receipt of the request.

(12) To participate in the One Call System's Member Mapping Solutions as determined by the One Call System's board of directors.

(13) To maintain existing records of main lines abandoned on or after the effective date of this paragraph and to mark, locate or identify the main lines if possible, based upon the existing records. The records shall include written or electronic documents or drawings in the possession of the facility owner that show the location of an existing line or facility.

RESPONSIBILITIES OF THE ONE CALL SYSTEM

SECTION 3. It shall be the duty of the One Call System:

(1.1) to assign one or more serial numbers and the date that the work site may legally be excavated and to log the entire voice transaction on logging recorders in appropriate digital form and maintain these logs for five years. All records shall be indexed and available to the parties involved at a reasonable cost and at reasonable times set by the One Call System.

(1.2) to perform the obligations, as set forth under this section, on behalf of the facility owner, excavator or designer as established by the board of directors of the One Call System.

(1.3) to provide access to municipal lists provided to the One Call System for those interested parties. This list shall contain facility owners having lines in the municipality, including wards as indicated in section 2(1)(ii), and to maintain, for each municipality, a list containing the information as required to be submitted by the facility owner. Such list shall be updated as revised information is received from the facility owner within five business days.

(3) To, per memoranda of understanding between the commission and the One Call System, provide reports of alleged violations and other information, such as photographs, photocopies and drawings, that are submitted with the report of alleged violation. The One Call System shall provide access to or photocopies of One Call System response records, tickets or other similar information related to matters covered by this act under investigation by the commission, pursuant to its enforcement authority under this act. The One Call System may provide reports of alleged violations to the Pennsylvania Emergency Management Agency, per memoranda of understanding.

(4) To determine the maximum geographic area that shall constitute a valid single notification and to determine when multiple notifications shall be required of any person, including the method, the type and the number of notifications in a complex project.

Which has been set by the Board 1/2007 as: "1000' or Intersection to Intersection, whichever is greater, along the same street, within the same political subdivision" by the Board.

(5) If approved by the board of directors of the One Call System, to offer a service for the application and obtaining of State or municipal permits for excavation work. Issuance of the required permits shall be the responsibility of the appropriate State or municipal agency which has jurisdiction over the type of excavation work being performed.

(6) Pursuant to policies adopted by the One Call System's board of directors, to provide a secure repository for and access to subsurface utility engineering data received from project owners to affected facility owner members.

(7) To inquire, when an excavator has notified the One Call System of the existence of a release of natural gas or other hazardous substance or of potential danger to life, health or property, whether the excavator has notified the 911 system. If the 911 system has not been notified, the One Call System shall notify the excavator of the excavator's responsibility to notify the 911 system and shall make a record of the conversation.

(8) To notify the facility owner as soon as possible that an excavator has identified an unmarked or incorrectly marked facility and of the facility owner's responsibilities under section 2(5)(v.1).

SECTION 3.1. (a) The duties of the One Call System are those duties as set forth in section 3. Duties assigned to other parties in other sections of this act shall be the duties of those parties and shall not be imputed to the One Call System, including the duty to provide accurate information to the One Call System concerning proposed excavation and the duty to locate facilities at a work site.

(b) The One Call System shall not be liable for damages to the person or the

person's property arising out of its non-negligent actions in furtherance of the duties imposed under this act and shall be liable only if the failure to comply was the proximate cause of any damages claimed.

(c) (Reserved).

(d) The One Call System shall be governed by a board of directors to be chosen by the facility owners. No less than twenty percent of the seats on the board shall be held by municipalities or municipal authorities. The board shall include all of the following:

(1) The chairman or his designee.

(2) The Director of the Pennsylvania Emergency Management Agency or his designee.

(4) The Secretary of Transportation or his designee.

(5) An excavator or excavation industry representative.

(6) A designer or designer industry representative.

(7) An owner or operator or a representative of an owner or operator of pipelines associated with conventional oil and gas wells. The owner or operator may be a facility owner or a pipeline owner or operator who voluntarily submits maps of its lines or facilities to the One Call System.

(8) A facility owner or facility owner representative of pipelines associated with unconventional oil and gas wells.

(e) Operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than two thousand people or municipal authorities having an aggregate population in the area served by the municipal authority of less than five thousand people shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the contractor fees.

(f) All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

(f.1) An excavator, designer or operator who proposes to commence excavation or demolition work and requests information from the One Call System shall pay to the One Call System an annual fee for the service provided by the One Call System under section 3. The fee shall be set by the One Call System board of directors and shall be used to offset a portion of the operation costs of the One Call System and a portion of the operation costs levied on the One Call System's political subdivision and municipal authority members. Failure to pay the fee shall constitute a violation of this act and shall subject the excavator, designer or operator to the enforcement authority of the commission for the nonpayment.

(h) Any request for information shall be reviewed and provided as determined in accordance with the procedure established by the One Call System's board of directors.

RESPONSIBILITIES OF A DESIGNER

SECTION 4. It shall be the duty of each designer preparing a drawing which requires excavation or demolition work within this Commonwealth:

(2) To request the line and facility information prescribed by section 2(4) from the One Call System not less than ten nor more than ninety business days before final design is to be completed. This clause is not intended to prohibit designers from obtaining such information more than ninety days before final design is to be completed; however, they shall state in their requirements that such work is preliminary. *The Designer is required to send plans to the involved Facility Owners to mark up. PA One Call can assist thru its electronic "Drawing Exchange" and through "CoordinatePA".*

(2.1) To forward a copy of the project plans to each facility owner who requests a copy. If a designer is unable to provide a copy because of security of the project or proprietary concerns regarding the design or the project, the designer shall negotiate in a timely manner with the facility owner the means of obtaining the necessary data.

(3) To show upon the drawing the position and type of each facility owner's line, derived pursuant to the request made as required by clause (2), and the name of the facility owner as shown on the list referred to in section 3.

(4) To make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in the construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities if no easement restriction exists.

(5) A designer shall be deemed to have met the obligations of clause (2) if he calls the One Call System and shows, as proof, the serial number of one call notice on drawings. The designer shall also show the toll-free number of the One Call System on the drawing near his serial number.

(6) If, after receiving information from the facility owners, the designer decides to change the work site of a proposed excavation, the obligations imposed by this section shall apply to the new work site.

(7) The designer who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, owners or other persons who sustain injury to person or property as a result of the excavation or demolition planning work of the designer.

(8) To submit a report of alleged violation to the commission through the One Call System not more than thirty business days from the time the designer becomes aware that a violation of this act may have been committed in association with excavation or demolition work. The report of alleged violation shall be in a form and manner as required by the commission.

(9) To request line and facility information required under section 2(4) from the One Call System and to pay the applicable fee for the request.

RESPONSIBILITIES OF THE EXCAVATOR

SECTION 5. It shall be the duty of each excavator who intends to perform excavation or

demolition work within this Commonwealth:

(2.1) To request the location and type of facility owner lines at each work site by notifying the facility owner through the One Call System. Notification shall be not less than three nor more than ten business days in advance of beginning excavation or demolition work. No work shall begin earlier than the lawful start date which shall be on or after the third business day after notification. The lawful start date shall exclude the date upon which notification was received by the One Call System and notification received on a Saturday, Sunday or holiday, which shall be processed on the following business day. In the case of a complex project, notification shall not be less than ten business days in advance of the beginning of excavation or demolition work.

(2.2) To provide the One Call System with exact information to identify the work site so that facility owners might provide indications of their lines. An excavator shall be deemed to have met the obligations of clause (2.1) if he calls the One Call System, provides the work site and other required information and receives a serial number.

(3) In a complex project or if an excavator intends to perform work at multiple work sites or over a large area, to take reasonable steps to work with facility owners, including scheduling and conducting a preconstruction meeting, so that they may locate their facilities at a time reasonably in advance of the actual start of excavation or demolition work for each phase of the work. A preconstruction meeting may take place at any time prior to the commencement of excavation or demolition work, and the excavator, facility owners and designer, or their agents, shall attend the meeting. Notice of the meeting shall be given sufficiently in advance so as to permit attendance, either in person or electronically, by the excavator, facility owners and designer, or their agents, and shall include information sufficient to identify the scope of work. If the excavator does not believe that a preconstruction meeting is necessary under the circumstances of this clause it shall indicate such belief in its notice, but any facility owner with facilities at the work site may request a meeting with the excavator, and a meeting shall be held between the facility owner and the excavator. After commencement of excavation or demolition work, the excavator shall be responsible for protecting and preserving the staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility or by contacting the One Call System to request that the facilities be marked again in the event that the previous markings have been compromised or eliminated.

(3.1) To comply with the requirements established by the One Call System as determined by the board of directors regarding the maximum area that a notification may cover.

(4) To exercise due care and to take all reasonable steps necessary to avoid injury to or otherwise interfere with all lines where positions have been provided to the excavator by the facility owners pursuant to section 2 (5). Within the tolerance zone the excavator shall employ prudent techniques, which may include hand-dug test holes, **vacuum excavation or similar devices** to ascertain the precise position of such facilities. If insufficient information to safely excavate is available pursuant to section 2(5), the excavator shall employ like prudent techniques which shall be paid for by the project owner pursuant to clause (15).

(5) If the facility owner fails to respond to the excavator's timely request as

provided under section 2(5) or the facility owner notifies the excavator that the line cannot be marked within the time frame and a mutually agreeable date for marking cannot be arrived at, the excavator may proceed with excavation as scheduled, but not earlier than the lawful dig date, provided he exercises due care in his endeavors, subject to the limitations contained in this clause and clauses (2.1) through (4) and (20).

(6) To inform each operator employed by the excavator at the work site of such work of the information obtained by the excavator pursuant to clauses (2.1) through (5), and the excavator and operator shall:

(i) Plan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in the construction area. Excavation or demolition work which requires temporary or permanent interruption of a facility owner's service shall be coordinated with the affected facility owner in all cases.

(ii) After consulting with a facility owner, provide such support and mechanical protection for known facility owner's lines at the construction work site during the excavation or demolition work, including during backfilling operations, as may be reasonably necessary for the protection of such lines.

(7) To report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work. The One Call System board of directors may adopt procedures to permit reporting under this clause through the One Call System.

(8) To immediately notify 911 and the facility owner if the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property. The excavator shall take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation, to protect themselves and those in immediate danger, the general public, the property and the environment until the facility owner or emergency responders have arrived and completed their assessment and shall remain on the work site to convey any pertinent information to responders that may help them to safely mitigate the situation.

(9) The time requirements of clause (2.1) shall not apply to a facility owner or excavator performing excavation or demolition work in an emergency, as defined in Section 1; nonetheless, all facility owners shall be notified as soon as possible before, during or after excavation or demolition work, depending upon the circumstances.

(11) To use the color white to mark a proposed excavation work site when exact work site information cannot be provided.

(11.1) To assist a facility owner in determining involvement of a facility owner's lines by disclosing additional available information requested by the facility owner, including dimensions and the direction of proposed excavations.

(11.2) If using horizontal directional drilling (HDD), at a minimum, to utilize the best practices published by the HDD Consortium.

(12) The following standards shall be applied in determining whether an excavator shall incur any obligation or be subject to liability as a result of an excavator's demolition work or excavation work damaging a facility owner's facilities:

(i) The excavator who has complied with the terms of this act and who was not otherwise negligent shall not be subject to liability or incur any obligation to facility owners, operators, project owners or other persons who sustain injury to person or property as a result of the excavator's excavation or demolition work damaging a facility owner's lines.

(ii) Where an excavator has failed to comply with the terms of this act or was otherwise negligent, and the facility owner or designer has misidentified, mislocated or failed to identify its facilities pursuant to this act, then in computing the amount of reimbursement to which the facility owner is entitled, the cost of repairing or replacing its facilities shall be diminished in the same proportion that the facility owner's or designer's misidentification, mislocation or failure to identify the facilities contributed to the damage. Should the facility owner or designer not have misidentified, mislocated or failed to identify its facilities pursuant to this act, there shall be no diminution of the facility owner's right of recovery.

(13) If, after receiving information from the One Call System or directly from a facility owner, the excavator decides to change the location, scope or duration of a proposed excavation, the obligations imposed by this section shall apply to the new location.

(14) If an excavator removes its equipment and vacates a work site for more than two business days, to renotify the One Call System unless other arrangements have been made directly with the facility owners involved in his work site.

(15) When the information required from the facility owner under section 2(5)(i) cannot be provided or, due to the nature of the information received from the facility owner, it is reasonably necessary for the excavator to ascertain the precise location of any line or abandoned or unclaimed lines by prudent techniques, which may include hand-dug test holes, vacuum excavation or other similar devices, the excavator shall promptly notify the project owner or the project owner's representative, either orally or in writing. If oral notification is given, the notice shall be reduced to writing within a reasonable time by the project owner or excavator. After giving such notice, the excavator shall be entitled to compensation from the project owner for this additional work as provided in the latest edition of the Pennsylvania Department of Transportation Form 408 specifications for extra work performed on a force account basis. The provisions of this subsection shall not be deemed to limit any other rights which the excavator has under its contract with the project owner or otherwise. Provisions in any contract, public or private, which attempt to limit the rights of excavators under this section shall not be valid for any reason, and any attempted waiver of this section shall be void and unenforceable as against public policy and any such attempted waiver shall be reported to the commission.

(16) To submit a report of an alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition or if the excavator believes a violation of this act has been committed in association with excavation or demolition work. The report of an alleged violation shall be in a form and manner as required by the commission.

(17) To comply with all requests for information by the commission relating to

the commission's enforcement authority under this act within thirty days of the receipt of the request.

(18) To, if it chooses to do so and if working for a facility owner, a municipality or a municipal authority, delegate the power to discharge the duties set forth in clauses (2.1) and (2.2) to its project owner, with the project owner's consent. If the power is delegated pursuant to this clause, both the excavator and the project owner shall be responsible for providing the required notices.

(19) To ensure the accuracy of any information provided to the One Call System pursuant to this section.

(20) To renotify the One Call System of an unmarked or incorrectly marked facility, if an original, proper, nonemergency locate request has been made to the One Call System and, upon initial arrival at the proposed work site, it is apparent to the excavator that there is an unmarked or incorrectly marked facility. An excavator may not begin excavating in the affected area of the work site until after receiving sufficient information from the facility owner to safely excavate. If the facility owner fails to provide sufficient information to the excavator within three hours after the excavator has notified the One Call System of the unmarked or incorrectly marked facility, the excavator may proceed with excavation subject to the limitations under clause (5).

(21) To make a locate request to the One Call System prior to excavation or demolition work and to pay the applicable fee for the request. See www.paonecall.org for additional detail.

LEGISLATIVE INTENT

SECTION 6. Except as otherwise provided in this act, this act shall not be deemed to amend or repeal any other law, Commonwealth regulation or any local ordinance enacted pursuant to law concerning the same subject matter, it being the legislative intent that any such other law or local ordinance shall have full force and effect where not inconsistent with this act.

RESPONSIBILITIES OF THE PROJECT OWNER

SECTION 6.1. It shall be the duty of each project owner who engages in excavation or demolition work to be done within this Commonwealth:

(1) To utilize sufficient quality levels of subsurface utility engineering or other similar techniques whenever practicable to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more.

(2) To timely respond to notifications received from excavators pursuant to section 5(15).

(3) To not release to bid or construction any project until after final design is completed.

(4) To participate in design and preconstruction meetings either directly or through a representative.

(5) To furnish the pertinent data obtained through subsurface utility engineering to the One Call System in a mutually agreeable format.

(6) For new construction and where practicable in the opinion of the project owner, to install color-coded permanent markers to indicate the type and location of all laterals installed by the project owner.

(7) To submit a report of alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition work activities, after a project owner's contracted excavator strikes or damages a facility owner's line during excavation or demolition activities or if the project owner believes a violation of this act has been committed in association with excavation or demolition. The report of alleged violation shall be in a form and manner as required by the commission.

PERFORMANCE CRITERIA

SECTION 7. (a) The Auditor General may review management and financial audits of the One Call System, which audits shall be performed by a qualified auditing firm within this Commonwealth. A copy of the audit shall be submitted to the Auditor General upon its completion and to the General Assembly by October 31 of the year following the end of the audit period. The cost of reasonable expenses incurred by the Auditor General in performing the obligations under this section shall be reimbursed by the One Call System. The fees shall not be inconsistent with those of commercial auditing firms for similar work.

(b) The Auditor General, for the purposes set forth in subsection (a), and any contractor, excavator, facility owner or member of the One Call System shall have the right during regular business hours to inspect and copy any record, book, account, document or any other information relating to the provision of one call services by the One Call System, at the cost determined by the board of directors.

(c) The One Call System shall submit an annual report to its members, and a copy of the report shall be submitted to the Auditor General.

(d) The One Call System shall cause a financial audit to be performed annually by a qualified auditing firm within this Commonwealth.

SECTION 4. Section 7.2 of the act is repealed:

SECTION 5. The act is amended by adding sections to read:

ENFORCEMENT – NOW under the PA Public Utility Commission. www.puc.state.pa.us

SECTION 7.8. (a) A damage prevention committee shall be established as follows:

(1) The committee shall consist of the following members, appointed by the commission:

(i) The chairman or his designee from the commission's professional staff.

(ii) The Secretary of Transportation or the secretary's designee.

(iii) The president of the One Call System or his designee from the One Call System professional staff.

(iv) One representative from each of the following nonmunicipally owned or affiliated facility owner industries: electric, natural gas or petroleum pipelines,

telephone, water or wastewater and cable television, nominated by facility owners or affiliated organizations.

(v) Three representatives of excavators, nominated by excavators or affiliated organizations.

(vi) One representative of municipal governments, nominated by municipal governments or affiliated organizations.

(vii) One representative of municipal authorities, nominated by municipal authorities or affiliated organizations.

(2) A person appointed to the committee must have expertise within the operation of this act.

(3) A nomination under clause (1)(iv), (v), (vi) and (vii) shall be forwarded to the secretary of the commission. The executive director of the commission shall provide recommended candidates to the commission for approval.

(4) Except for an unexpired term or for committee members under clause (1)(i) and (iii), the following shall apply:

(i) An appointment to the committee shall begin January 1.

(ii) Except for initial terms under clause (5), a committee member's term shall be for a term of three years.

(5) The initial term of committee members shall be as follows:

(i) Two representatives of facility owners shall serve three years, one representative shall serve two years and two representatives shall serve one year.

(ii) One representative of excavators shall serve three years, one representative shall serve two years and one representative shall serve one year.

(iii) The representative of municipal governments shall serve two years.

(iv) The representative of municipal authorities shall serve three years.

(6) The commission member shall serve as the chairman of the committee and shall be a nonvoting member, except if the chairman's vote is necessary to break a tie. The chairman's attendance shall not be counted to establish a quorum.

(7) At least seven members of the committee who are present shall constitute a quorum for the transaction of business. A simple majority vote of the committee members present at a meeting shall be deemed to be the position of the committee.

(b) The committee shall meet regularly to carry out the following purposes:

(1) Review a report of an alleged violation of this act and damage prevention investigator findings and recommendations.

(2) Issue a warning letter to a person as deemed appropriate by the committee or as recommended by the damage prevention investigator.

(3) Issue an informal determination that imposes an administrative penalty.

(4) Require a person to attend a damage prevention educational program.

(5) Issue an informal determination that modifies or dismisses a recommendation of committee staff.

(c) The following shall apply to alleged violations:

(1) A person determined, in a report issued by a damage prevention investigator, to have committed an alleged violation shall do one of the following:

(i) Provide a written acknowledgment of the findings and administrative penalty contained in the report issued by the damage prevention investigator to the committee.

(ii) Appear before the commission to present its position.

(2) A person who is subject to an informal determination of the committee may accept or reject the result. If an informal determination is rejected, the matter shall be returned to the damage prevention investigator for further action, if appropriate, including referring the matter to the commission prosecutor staff for the purpose of issuing a formal complaint.

(d) Except for alleged violations involving injury or death, the provisions of subsection (c) may be applied in advance or instead of filing a formal complaint against a person determined, in a report issued by a damage prevention investigator, to have committed an alleged violation. An informal determination of the committee shall be binding on the commission unless the person rejects the informal determination.

(e) The committee shall have the following additional duties:

(1) Upon the request of the commission, the committee shall hold a special meeting to advise the commission on a matter related to damage prevention for underground facilities under this act.

(2) As soon as practicable after establishment, the committee, with input from the One Call System, shall develop and implement bylaws. The bylaws shall:

(i) Establish a schedule for the frequency of regular meetings.

(ii) Delineate the committee's practice and procedure concerning the performance of duties assigned under this act and commission orders and regulations.

(iii) Be approved by the commission.

(3) Submit an annual report containing relevant damage prevention data to the commission, the Committee on Consumer Protection and Professional Licensure of the Senate and the Committee on Consumer Affairs of the House of Representatives.

(f) Except for willful misconduct, members of the committee shall be immune, individually and jointly, from civil liability for an act or omission done or made in performance of the members' duties while serving as members of the committee.

(g) The commission shall have the following powers to carry out the purposes of this act:

(1) To employ individuals.

(2) To issue orders.

(3) To promulgate regulations. If the commission promulgates regulations that limit reporting to a specific type of incident, including contact with a line, damage to a line or line coating, personal injury, third-party damage and failure to comply with this act, the commission may consider the resources available for enforcement and other factors.

(4) For one year following the effective date of this section, to promulgate temporary regulations. Regulations under this clause shall:

(i) Expire no later than two years following the effective date of this section.

(ii) Be exempt from all of the following:

(A) Sections 201, 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(B) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

SECTION 7.9. (a) Program costs for commission enforcement of this act shall be included in the commission's proposed budget and shall be subject to the review and approval of the Governor and the General Assembly as described under 66 Pa.C.S. § 510(a) (relating to assessment for regulatory expenses upon public utilities). The assessment of the commission's program costs for commission enforcement of this act shall not include Federal and State funds provided for the enforcement of this act and shall be allocated in the following manner:

(1) Eighty percent of the program costs shall be included within the amount assessed to public utilities under 66 Pa.C.S. § 510.

(2) Twenty percent of the program costs shall be assessed as a fee upon the One Call System, with the fee to be paid to the commission. The One Call System's board of directors shall determine the manner in which the fee may be recovered from facility owners, excavators, designers and other involved persons, provided that the One Call System's board of directors' manner of recovery may not include facility owners that are public utilities.

(b) (Reserved).

SECTION 7.10. (a) The commission may issue a warning and order requiring compliance with this act and may levy an administrative penalty for a violation of this act. A warning, order or penalty shall be served on the person or entity violating this act at the person's last known address. A party aggrieved by the imposition of an order or administrative penalty imposed by the commission may appeal the order or penalty as provided under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) The following shall apply:

(1) A person or entity violating this act may be subject to:

(i) an administrative penalty of not more than two thousand five hundred dollars (\$2,500) per violation; or

(ii) if the violation results in injury, death or property damage of twenty-five thousand dollars (\$25,000) or more, an administrative penalty of not more than fifty thousand dollars (\$50,000).

(2) The commission and committee shall consider the following factors in determining the administrative penalty to be assessed:

(i) The history of the party's compliance with the act prior to the date of the violation.

(ii) The amount of injury or property damage caused by the party's noncompliance.

(iii) The degree of threat to the public safety and inconvenience caused by the party's noncompliance.

(iv) The party's proposed modification to internal practices and procedures to ensure future compliance with statutes and regulations.

(v) The degree of the party's culpability

(vi) Other factors as may be appropriate considering the facts and circumstances of the incident.

(c) An administrative penalty recovered under this section shall be payable to the commission and collected in the manner provided for by law.

(d) This act shall not affect a civil remedy for personal injury or property damage, except as provided for under this act.

(e) The commission may issue a subpoena, on application of an attorney responsible for representing the Commonwealth in actions before the commission, for the purpose of investigating an alleged violation of this act. The commission shall have the power to subpoena witnesses and compel the production of books, records, papers and documents.

(f) No provision of this act shall be construed or interpreted to do any of the following:

(1) Affect the ability of a district attorney or the Attorney General to investigate or file a claim for the same conduct.

(2) Deprive a governmental agency, including a law enforcement agency, the Auditor General and a district attorney, of any jurisdictional power or duty.

(g) A facility owner may petition a court of competent jurisdiction to enjoin excavation or demolition work conducted in violation of this act. Local law enforcement or emergency management personnel may, in the interest of public safety, order an excavator on a work site to stop further excavation if the excavation is being conducted in violation of this act.

Note: This may also be enforced under Section 3302 of PA Title 18 Section b - Risking catastrophe.

SECTION 6. Section 8 of the act is amended to read:

DISPUTE RESOLUTION

SECTION 8. The One Call System shall have the authority to design, establish and administer a voluntary payment dispute resolution process which may be used by excavators, facility owners, designers, project owners and other involved persons. The process shall provide for dispute resolution panels selected from among a list of representatives of stakeholder groups, including facility owners, excavators, designers and regulators. The process established under this section may not be used to settle or resolve alleged violations of this act nor may involve any issues related to the commission's enforcement activities.

COMMON GROUND ALLIANCE BEST PRACTICES

SECTION 9. Except as otherwise provided for by this act, persons shall use their best efforts to comply with the Common Ground Alliance best practices.

SECTION 10. No person shall intentionally remove or tamper with a marking provided for under this act.

SECTION 11. Nothing in this act shall impair the rights or immunities provided to political subdivisions under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against local parties) or any other State law.

SUNSET PROVISION

SECTION 39. This act shall expire on December 31, 2024.

SECTION 8. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) The addition of section 7.9 of the act.
- (ii) The amendment of section 39 of the act.
- (iii) This section.

(2) The remainder of this act shall take effect in 180 days.

APPROVED--The 30th day of October, A.D. 2017.

GOVERNOR TOM WOLF

APWA/CGA Best Practices for Temporary Markings

PA Act 287, as amended

An excavator shall use the color white to mark a proposed excavation site when **exact** site information cannot be provided. **THIS SHOULD BE DONE PRIOR TO THE NOTIFICATION, DIAL 811 or 1-800-242-1776 (from outside PA).** Pennsylvania law requires no less than 3 nor more than 10 business days before you dig **ANYWHERE IN THE COMMONWEALTH.** Any excavation within the tolerance zone is performed by using prudent techniques. The excavator shall observe a tolerance zone comprised of the width of the facility plus 18 inches on either side of the outside edge of the underground facility on horizontal plane (see graphic on following page). Use pink temporary survey markings for all surveying and grade marks. *Continue using Prudent Techniques until you find the Line. Notify Project owner and charge PennDOT 408 Spec for necessary work.*

Temporary Facility Markings by Facility Owners

To mark, stake, locate or otherwise provide the position of the facility owner's underground lines at the site within 18 inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate within the tolerance zone, to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the underground facility owner's lines. This shall be done to the extent such information is available in the facility owner's records or by use of standard locating techniques other than excavation. The marking can be done in one of two ways: either placing the marks over the approximate center of the facility, or by placing the marks over the actual outside edges of the facility with a line connecting the two horizontal lines to indicate there is only one facility. **PA One Call does not locate or mark lines.**

Best Practices for Locating & Marking Practices/Responsibilities









The APWA/CGA Temporary Marking Color Code and Chapter 4 marking practices are specified in PA Act 287, as amended. Operators are responsible for marking the facilities and appurtenances in the appropriate color of their facility type, their company identifier (name, initials or abbreviation), the number and width of their facilities and a description of the facility (HP, FO, STL). Use paint, flags, stakes or whisksers or a combination to identify the operator's facility(s) at or near the excavation site. It is against the Law to tamper with these markings.

Uniform Color Code

The American Public Works Association/CGA's Uniform Color Code is PA law. The code uses ANSI Standard Z535.1 Safety colors, as shown for temporary marking of excavation sites and underground facility identification (examples are provided on the following page).

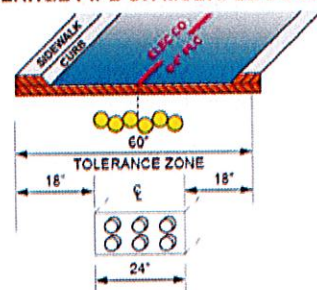
Release 11/18

APWA/CGA Temporary Marking Color

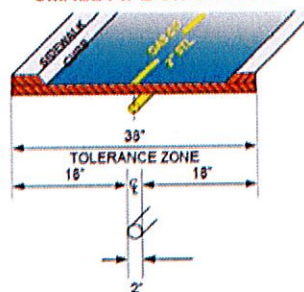
	WHITE - Proposed Excavation
	PINK - Temporary Survey Markings
	RED - Electric Power Lines, Cables, Conduit and Lighting Cables
	YELLOW - Gas, Oil, Steam, Petroleum, Gaseous and Hazardous Materials
	ORANGE - Communications, Alarm or Signal Lines, Cables or Conduit, and Traffic Loops
	BLUE - Potable Water
	PURPLE - Reclaimed Water, Irrigation and Slurry Lines
	GREEN - Sanitary and Storm Sewer Lines

TYPICAL MARKING

LARGE PIPE OR MULTIPLE DUCTS



SMALL PIPE OR CABLES



PA One Call does not locate or mark underground lines.



**THREE BUSINESS DAYS BEFORE
YOU DIG – DRILL – BLAST**

Dial 8-1-1 or 1-800-242-1776

www.paonecall.org

Contact Us

Call Before You Dig



Know what's below.
Call before you dig.

KARL System

POCS Administrative Offices

Administrative Fax

800-242-1776

412-464-7100

8-1-1

800-222-6470

800-248-1786

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570-939-7042

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Norm Parrish, Liaison Representative (South East)

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484-366-6647

Maria White, Liaison Representative (North East)

mawhite@pa1call.org

570-954-3545



www.paonecall.org
DIAL 8-1-1 or
1-800-242-1776

WORK LOCATION REQUEST FORM

TELEPHONE NUMBER: () EXT.: CALLER:

COMPANY NAME:

ADDRESS: CITY: STATE: ZIP

EMAIL ADDRESS: FAX #: ()

NOTIFICATION TYPE:

☐ FINAL DESIGN (Not less than 10 nor more than 90 Business Days) ☐ PRELIMINARY DESIGN (Greater than 90 Business Days)
☐ CONSTRUCTION (Not less than 3 nor more than 10 Business Days) ☐ DEMOLITION (Not less than 3 nor more than 10 Business Days)

WORKSITE INFORMATION:

COUNTY: MUNICIPALITY: WARD:

STREET ADDRESS: STREET NAME:

NEAREST INTERSECTION:

WORKING BETWEEN 2 INTERSECTIONS ☐ YES ☐ NO

SECOND INTERSECTION/NEAREST MAIN ROAD:

SUBDIVISION: LATITUDE/LONGITUDE COORD.:

WORKING IN: ☐ STREET ☐ SIDEWALK ☐ PUBLIC PROPERTY ☐ PRIVATE PROPERTY (☐ Front ☐ Rear ☐ Left ☐ Right)
☐ OTHER (SPECIFY) SITE MARKED IN WHITE: ☐ Yes ☐ No

LOCATION INFORMATION:

TYPE OF WORK: DEPTH:

EXTENT OF EXCAVATION: METHOD OF EXCAVATION:

PROJECT OWNER: ONSITE CONTACT:

ONSITE CONTACT PHONE: () EXT: BEST TIME TO CALL:

ONSITE CONTACT EMAIL:

SCHEDULED EXCAVATION DATE: TIME: DURATION OF JOB:

JOB #: PENNDOT CONTRACT/PERMIT #:

REMARKS:

COMPLEX PROJECT REQUEST NUMBER (if applicable)

TO BE COMPLETED AFTER PLACING ONE CALL

LAWFUL START DATES: THROUGH

OTHER SERIAL NUMBERS REFERENCED:

FACILITY OWNER MEMBERS NOTIFIED:

SERIAL NUMBER ASSIGNED: DATE/TIME:

THERE IS AN ANNUAL FEE PLEASE DO NOT FAX THIS FORM TO POCS

PIOGA Exhibit G

PA ONE CALL SYSTEM, INC.

REVENUE REQUIREMENT/ RATE ANALYSIS STUDY

APRIL 2019

Resource Development & Management, Inc.
1500 Ardmore Blvd., Suite 409
Pittsburgh, PA 15221-4468
412-244-1736
www.rdm-inc.com



PA ONE CALL RATE STUDY

Introduction

The Pennsylvania One Call System, Inc. (POCS) is a non-profit Pennsylvania corporation providing underground utility notification service under Act 50-2017 signed 10/30/2017 to be effective 4/28/2018. The Law is amending the act of December 10, 1974 (P.L. 852, No. 287), referred to as the Underground Utility Line Protection Law, entitled "An act to protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders or deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties," further providing for the title and for definitions; providing for lawful start date; further providing for duties of facility owners, for duties of the One Call System, for duties of other parties, for duties of providing for enforcement, for damage prevention committee and for compliance; and further providing for One Call System authority and for expiration.

The Pennsylvania One Call System services approximately 3,578 members throughout the Commonwealth of Pennsylvania. POCS continues to examine its financial and rate recovery structures building financial resiliency to meet its current and future financial needs while balancing revenue stability, equity of cost recovery, and member affordability. As part of these continuing efforts, in May of 2018 POCS initiated a comprehensive rate study. The purpose of the rate study is to examine the existing rate structure and evaluate alternative rate structures to ensure the financial stability of POCS.

Section 3.1 (e) of the Underground Utility Line Protection Law states that operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than 2,000 people or municipal authority having an aggregate population in the area served by the municipal authority of less than 5,000 people shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the annual service fees.

(f) All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

(f.1) An excavator, designer or operator who proposes to commence excavation or demolition work and requests information of the One Call System shall pay to the One Call System an annual fee for the service provided by the One Call System under section 3. The fee shall be set by the One Call System board of directors and shall be used to offset a portion of the operation costs of the One Call System and a portion of the operation costs levied on the One Call System's political subdivision and municipal authority members. Failure to pay the fee shall constitute a violation of this act and shall subject the excavator, designer or operator to the enforcement authority of the commission for the nonpayment.

DEFINITIONS

Facility Owner – means the public utility or agency, political subdivision, municipality, authority, rural electric cooperative, or other person or entity who or which owns or operates a line. The term does not include the Department of Transportation within a State highway right-of-way. The term does not include any of the following:

- (1) A person serving the person's own property through the person's own line if the person does not provide service to any other customer.
- (2) A person using a line, which the person does not own or operate if the use of the line does not serve more than a single property.

Excavator – means any person who or which performs excavation or demolition work for himself or for another person.

Designer – means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

Operator – means any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work.

One Call System – means the communication system established within this Commonwealth to provide a single nationwide toll-free telephone number or 811 number for excavators or designers, or any other person covered by the act, to call facility owners and notify them of their intent to perform excavation, demolition or similar work as defined by this act. The One Call System shall be incorporated and operated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations).

Municipal Activity – A municipal activity occurs for a member when a one call is received by PA One Call and the member has facilities located within the municipality (wards in Philadelphia, Pittsburgh, Erie and Allentown) that the excavation is scheduled.

FINANCIAL PLANNING

The first building block in determining rates is the development of POCS financial plans. The financial planning process helps to establish the annual revenue requirements that are necessary to meet all POCS's operating fund obligations.

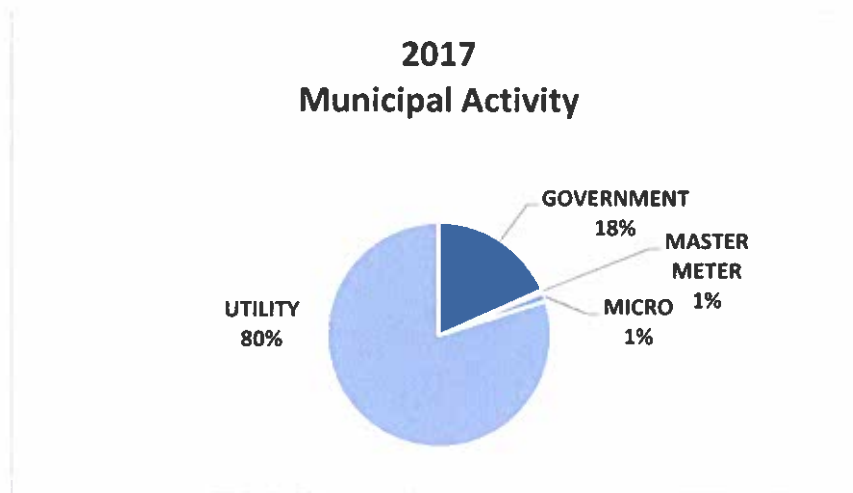
The key components of a financial plan are: (i) projection of revenues from the members and other sources; (ii) development of a capital financing plan to decide the mix of debt and cash funding for the capital program; (iii) projection of revenue requirements (O&M and capital costs, and target reserves); and (iv) determination of the level and timing of revenue adjustments needed to maintain financial viability.

The operating fund's annual revenue requirements are typically developed on a cash basis. The revenue requirements, under the cash basis approach, include the following:

- Operations & maintenance;
- Debt service expenses;
- Cash financing of capital program; and
- Contributions to operating reserves

POCS must receive sufficient total revenues to ensure proper operation and maintenance (O&M); development and perpetuation of the damage prevention program provided through the one call system; and preservation of POCS's financial integrity. Over 82% of the total revenue requirements for POCS are met from revenues derived from user fees of facility-owner members. Other revenue not derived from user fees may come from a variety of sources such as supplemental services, annual service fees, billbacks, rents, and miscellaneous income. These alternative revenue sources are used to offset the revenue required from the facility-owner members. Adequacy of user rates can be measured by comparing revenue requirements to be met from user fees under the existing or future authorized rates.

The chart below illustrates the revenue distribution by member classification in the existing municipal activity rate structure:



To establish financial stability, a financial plan is typically prepared for a multi-year period. Projecting future revenues can be prepared for any length of time depending on the purpose of the projection. POCS projects its revenue requirements one year in advance for budgetary purposes. From a revenue-adequacy standpoint, projections beyond 10 years tend to be quite speculative and are of questionable value. A projection period of five years is considered adequate to forecast anticipated future revenue needs. A five-year projection of revenue requirements will assist management and board members to forecast potential financial shortfalls or excess cash when future changes in rate levels are requested or announced. Five-year projections are typically sufficient.

Regardless of the projection period used, POCS should review its projections at least annually to incorporate changed conditions. Projections should be considered a living document subject to change as conditions change. In making projections for more than one year, measures of adequacy, i.e., indicated annual deficiencies, do not necessarily imply that an immediate rate change sufficient to cover deficiencies for the entire projection period is required or recommended. Rate changes for only a portion of the projection period may be appropriate.

The generally accepted practice to projecting total revenue requirements is the “cash-needs” approach. Historical data must be normalized or adjusted to reflect conditions that may not continue. The objective of the cash-needs approach for projecting revenue requirements is to ensure that POCS revenues are sufficient to recover total cash needs for a given projection period.

As used in this study, the term cash-needs, as it applies to measuring revenue requirements of POCS, should not be confused with the accounting term cash as compared to accrual as an accounting method. Cash-needs refer to the total revenues required by POCS to meet its cash expenditures, whereas the accounting term cash refers to revenues being recognized as earned when cash is received, and expenses charged when cash is disbursed. The cash-needs approach to measuring revenue requirement of POCS may be evaluated on the cash, accrual, or modified accrual basis of accounting.

Revenue-Requirement Components

Basic revenue-requirement components of the cash-needs approach include O&M expenses, long-term debt payments, contributions to specified reserves, and the cost of capital expenditures that are not debt-financed. Depreciation expense is not included.

The operation and maintenance expense component is projected based on actual expenditures and adjusted to reflect anticipated changes in expenditures during the projection period. Proforma adjustments to historical O&M expenses are determined by incorporating known and measurable changes to recorded expenses, and by using well-considered estimates of future expenses.

Generally, O&M expenses include salaries and wages; fringe benefits; utilities; other purchased services; materials and supplies; small equipment that does not extend the useful life of major facilities; and general overhead.

The long-term debt component of the cash-needs approach usually consists of principal and interest payments on debt instruments. Reserves are often required to provide for emergency repairs and equipment replacements, as well as for routine equipment replacements.

Capital expenditures are classified as normal annual (routine) replacement of facilities and equipment, and major capital replacements and improvements. POCS should periodically review and update its needs in each of these areas to recognize changing conditions. Projections for such needs are essential in developing overall revenue requirement projections.

Revenue requirements are frequently expressed in terms of a test year for purposes of allocating costs and designing rates. The test year may represent a specific 12-month period, or it may be an annualization of a rate-design period of more or less than one year.

Test-year periods are usually of three general types—historical, current, and future. A historical test-year period is defined as the prior 12-month period for which actual operating data is available. A current test-year period may be defined as any 12-month period that includes both historical and projected data, but, in some cases up to nine months of projected data are used. A future test-year period is defined as any 12-month period beginning after the date the rate changes are to be made. The test year for this study will be 2017.

Typically, a future test year is selected in recognition of budgetary requirements, debt payments, and rates being designed for a future period. The test year may simply correspond to an upcoming fiscal year or represent the annualization of the period for which rates are intended to be effective.

Sources of Revenue

There are two basic sources of revenues available to POCS: operating revenues derived from members and non-operating revenues. Operating revenues include all revenues received from member fees. Non-operating revenues include supplemental services, annual service fees, billbacks, rent, miscellaneous, and reimbursement for litigation expenses. Non-operating revenues are used to offset the ticket price for delivery of tickets to facility owners.

Again, in accordance with Act No. 2017-50 the operation costs for the One Call System shall be shared, in an equitable manner for services received, by facility owner members as determined by the One Call System's board of directors. Political subdivisions with a population of less than 2,000 people or municipal authorities having an aggregate population in the area served

by the municipal authority of less than 5,000 people shall be exempt from the payment of any service fee. The One Call System may be reimbursed for its costs in providing this service from the annual service fees.

All fees shall be set by the board of directors and shall be based on the latest annual audited cost factors of the One Call System. Fees shall be set and adjusted to a rate not more than five percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added, if the improvement receives a majority vote of the board of directors.

An excavator, designer or operator who proposes to commence excavation or demolition work and requests information from the One Call System shall pay to the One Call System an annual fee for the service provided by the One Call System. The fee shall be set by the One Call System board of directors and shall be used to offset a portion of the operation costs of the One Call System and portion of the operation costs levied on the One Call System's political subdivision and municipal authority members.

Rate Structure

In projecting revenue required, historical data must be collected as a basis for projecting future revenue requirements. POCS revenue requirements are directly associated with the expenses the organization incurs. The current rate structure is designed to take the total expenses or revenue requirement, subtract all revenue generated by the one call system not related to the charges for municipal activity, and divide the municipal activity to establish a rate for notification. Each facility owner member must register in each municipality they have facilities located. For each inbound call that comes in for a given municipality each facility owner member located within the municipality will be charged a municipal activity fee.

A limit in the fee charged to the facility owner members is set by the act. POCS is limited to the charge fees set at five percent (5%) above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania. Capital improvements may be added, if the improvements receive a majority vote of the board of directors. The current calculation for the municipal fee is outlined in the table below:

Pennsylvania One Call System, Inc. Municipal Activity Fee Calculation as of December 31, 2017 Final	
<u>POCS Operating Costs</u>	Allowable 2018
Total Expenses	\$ 11,808,948
- Sales/Fax Delivery Charge	\$ (185,386)
- Sales/Data Delivery Charge	\$ (16,203)
- Sales/Email Delivery Charge	\$ (116,216)
- Income from Mapped Members	\$ (724,312)
- Income from Supplemental Sales	\$ (413,653)
- Income from Excavator Fees	\$ (1,169,976)
- Billbacks (passthroughs)	\$ (259,766)
- Rental Income & Tenant Billback	\$ (43,827)
- Other Income	\$ (371,423)
- Miscellaneous Income	\$ (2,464)
Adjusted Expenses	\$ 8,505,722
Depreciation Expense	\$ (1,090,504)
Capital Expenditure	
2018 Capital Budget	\$ 1,032,425
Net Expenses	\$ 8,447,642
Municipal Activity	\$ 11,738,453
<i>Municipal Activity Fee (Base)</i>	\$ 0.72
Allowable Upper Limit 5%	\$ 0.04
Consumer Price Index 2.1% (Dec 2017)	\$ 0.02
Allowable Fee Per Legislation	\$ 0.78
<p>Allowable Fee Calculation: The previous year audited total expenses minus non-municipal activity income; minus depreciation, expense because it is a non-cash item; plus the current year capital budget yields the net expenses. Divide the net expenses by the previous year municipal activity plus the allowable upper limit of 5%; plus the previous year Consumer Price Index to determine the allowable fee per legislation.</p>	

The following table is a historical overview of POCS five-year history of revenues and expenses:

	2013	2014	2015	2016	2017
Revenues from Members:	\$ 9,616,536	\$ 10,649,884	\$ 10,791,154	\$ 10,940,197	\$ 12,016,057
Operating Expenses:					
Communications	\$ 1,114,326	\$ 1,036,496	\$ 1,103,443	\$ 1,085,904	\$ 1,001,180
Public awareness	\$ 608,845	\$ 700,114	\$ 515,752	\$ 659,432	\$ 688,410
Salaries and benefits	\$ 5,333,529	\$ 5,746,368	\$ 6,161,754	\$ 6,370,228	\$ 6,600,752
Depreciation and amortization	\$ 1,025,307	\$ 1,012,282	\$ 933,184	\$ 1,229,863	\$ 1,090,504
Building expenses	\$ 245,064	\$ 259,203	\$ 269,045	\$ 279,155	\$ 277,419
Office expenses	\$ 197,842	\$ 192,874	\$ 188,784	\$ 196,089	\$ 182,490
Travel and meetings	\$ 323,632	\$ 340,770	\$ 355,850	\$ 408,472	\$ 401,990
Delivery and postage	\$ 73,454	\$ 75,144	\$ 79,382	\$ 70,298	\$ 75,539
Consulting, legal and accounting	\$ 320,798	\$ 305,002	\$ 332,670	\$ 414,769	\$ 404,794
Insurance	\$ 145,861	\$ 150,808	\$ 144,869	\$ 141,029	\$ 144,215
Pension Plan	\$ 372,968	\$ 412,702	\$ 437,798	\$ 457,116	\$ 465,144
Bank Service Charges	\$ 107,094	\$ 115,627	\$ 129,899	\$ 152,288	\$ 185,326
Miscellaneous	\$ -				
Total Operating Expenses	\$ 9,868,720	\$ 10,347,390	\$ 10,652,430	\$ 11,464,643	\$ 11,517,763
Profit (Loss) From Operations	\$ (252,184)	\$ 302,494	\$ 138,724	\$ (524,446)	\$ 498,294
Other Revenue (expenses):					
Realized and unrealized losses on investments	\$ 212,757	\$ 36,806	\$ (218,111)	\$ 53,711	\$ 239,165
Finance charges	\$ 6,325	\$ 3,149	\$ 6,797	\$ 14,994	\$ 10,999
Investment income	\$ 28,388	\$ 91,590	\$ 166,595	\$ 94,697	\$ 92,305
Rental income	\$ 38,745	\$ 41,755	\$ 42,758	\$ 43,293	\$ 43,827
Insurance reimbursement	\$ -		\$ 913,900		
Bad debt recovery				\$ 6,716	
Grant revenue	\$ 39,536	\$ 70,481	\$ -		
Total Other Revenue (Expense)	\$ 325,751	\$ 243,781	\$ 911,939	\$ 213,411	\$ 386,296
Increase (Decrease) in Unrestricted Net Assets	\$ 73,567	\$ 546,275	\$ 1,050,663	\$ (311,035)	\$ 884,590

As illustrated, net income over the previous five years have met the revenue required to cover the expenses incurred by POCS. The current rate structure has built-in safeguards to ensure that revenues generated from member facility-owners will sufficiently cover the expenses to operate the one call system.

The current rate structure takes the total expenses and subtracts all revenue generated from other sources. The budgeted capital expenditures are added, and the total is divided by the number of members located in each municipality where digs occur (municipal activity). This amount is considered the cost for municipal activity charged to each facility-owner member.

After review of the previous five-year history of revenues and expenses, the next step is to project the next five-year period. The following chart is a five-year projection based on the previous five-year history using 2017 as the base year. Revenues are projected to increase 2.0% and expenses are projected to increase 2.7%.

	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Revenues from Members:	\$ 12,256,378	\$ 12,501,506	\$ 12,751,536	\$ 13,006,567	\$ 13,266,698
Operating Expenses:					
Communications	\$ 1,011,192	\$ 1,021,304	\$ 1,031,517	\$ 1,041,832	\$ 1,052,250
Public awareness	\$ 702,178	\$ 716,222	\$ 730,546	\$ 745,157	\$ 760,060
Salaries and benefits	\$ 6,798,775	\$ 7,002,738	\$ 7,212,820	\$ 7,429,205	\$ 7,652,081
Depreciation and amortization	\$ 1,000,000	\$ 1,030,000	\$ 1,060,900	\$ 1,092,727	\$ 1,125,509
Building expenses	\$ 285,742	\$ 294,314	\$ 303,143	\$ 312,238	\$ 321,605
Office expenses	\$ 184,315	\$ 186,158	\$ 188,020	\$ 189,900	\$ 191,799
Travel and meetings	\$ 414,050	\$ 426,471	\$ 439,265	\$ 452,443	\$ 466,017
Delivery and postage	\$ 76,294	\$ 77,057	\$ 77,828	\$ 78,606	\$ 79,392
Consulting, legal and accounting	\$ 408,842	\$ 412,930	\$ 417,060	\$ 421,230	\$ 425,443
Insurance	\$ 145,657	\$ 147,114	\$ 148,585	\$ 150,071	\$ 151,571
Pension plan	\$ 488,401	\$ 512,821	\$ 538,462	\$ 565,385	\$ 593,655
Bank service charges	\$ 187,179	\$ 189,051	\$ 190,942	\$ 192,851	\$ 194,779
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -
Total Operating Expenses	\$ 11,702,625	\$ 12,016,180	\$ 12,339,087	\$ 12,671,645	\$ 13,014,160
Profit (Loss) From Operations	\$ 553,753	\$ 485,326	\$ 412,448	\$ 334,922	\$ 252,537
Other Revenue (expenses):					
Realized and unrealized losses on investments					
Finance charges	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Investment income	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000	\$ 90,000
Rental income	\$ 44,265	\$ 44,708	\$ 45,155	\$ 45,607	\$ 46,063
Insurance reimbursement					
Bad debt recovery					
Grant revenue					
Total Other Revenue (Expense)	\$ 144,265	\$ 144,708	\$ 145,155	\$ 145,607	\$ 146,063
Increase (Decrease) in Unrestricted Net Assets	\$ 698,019	\$ 630,034	\$ 557,603	\$ 480,528	\$ 398,600

Under the current rate structure, POCS will have sufficient revenues generated to pay operating expenses and maintain financial stability.

ALTERNATIVE RATE STRUCTURES

COST SHARING BASED ON PREVIOUS YEAR'S ACTIVITY

Some one call centers charge rates based the percent of notifications facility-owners incurred during the previous year. Under this rate structure charges would be based on the percentage of notifications, each member facility-owner incurred during the previous year.

The POCS staff would calculate the percentage of notifications for each facility owner member from the previous year. The percentage of notifications each facility-owner incurred during the previous year would be the percentage each facility-owner member would be responsible for in the next budget year. The calculation would be to take the approved budgeted expenses for the upcoming year, less alternative revenues received, plus capital expenditures add the 5% allowance and the Consumer Price Index increase. The total amount of the revenue required would be multiplied by the cost allocation percentage each facility-owner member would be responsible for to establish the annual contribution to the one call operational costs. Members would be billed their share of the budgeted cost for the upcoming year.

Utilizing the cost sharing method based on previous year's utilization would be based on the current years budgeted expenses and not on current year's actual costs. The data establishing the rates would not be timely. The current rate structure is timely and utilizes the current operational costs and the current operational call volume to establish rates. Members are billed on their monthly utilization of the One Call system. The cost sharing based on previous year's activity is not a better solution than the current rate structure.

EXISTING MAPPING RATE APPLIED TO ALL MEMBERS

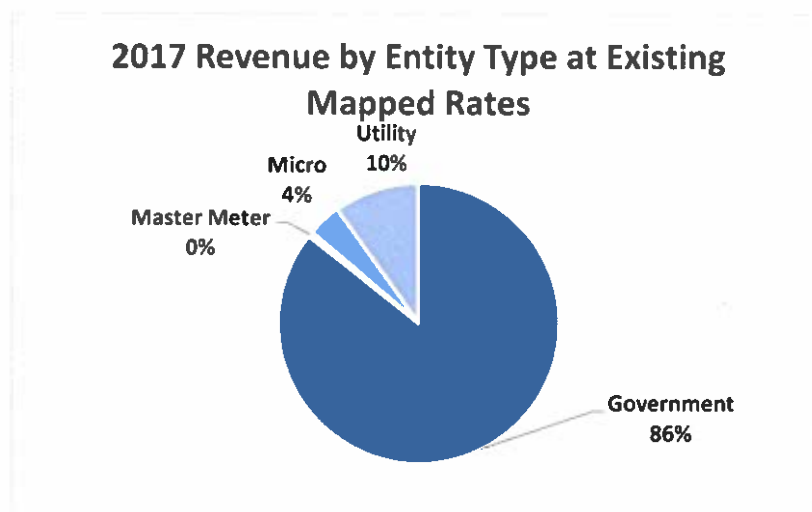
Applying the existing mapping rate to all facility owner members would have a major negative impact on facility-owners. There will be a major shift in the revenue generated from facility-owners.

A model was developed evaluating the information from the current members that are mapped. Currently, approximately 1,100 members are mapped. This is a sample size of approximately 30% of the membership.

The model illustrates the comparison of applying the current rate structure to the members that are currently being mapped. The total billing for the mapped members under the Municipal Activity rate structure would be \$8,227,976. Applying the current mapped rate structure to the same members would invoice them \$5,684,925. The result was an approximate \$2.6 million loss in revenue to POCS or a 31% decrease in revenue generated.

Applying the mapped rate structure to all members of POCS would shift the revenue generated from the membership

The chart below illustrates the revenue distribution by member classification if all members are invoiced at the existing mapped rate structure:



The table below illustrates the major change that would occur for the top 10 and bottom 10 members. The bottom 10 members would see an increase in cost that would range from \$103,478 to \$11,521. The top 10 members that would have a decrease in cost would range from \$239,694 to \$68,674. The total increase cost for the bottom 10 is \$335,980 and the cost savings to the top 10 members totals \$1,321,165. The result would be that the savings by members of \$1,321,165 would be redistributed throughout the membership. The table below illustrates the cost differential:

PA ONE CALL RATE STUDY

<i>Tickets Delivered</i>	<i>Mun Act Rate Cost</i>	<i>Mapped Rate Cost</i>	<i>Difference Mun Act/Mapped</i>	<i>Percentage Mapped</i>
<i>Column18</i>	<i>Column19</i>	<i>Column20</i>	<i>Column21</i>	<i>Column22</i>
33,235	\$ 319,458.40	\$ 79,764.00	\$ (239,694.40)	92%
34,866	\$ 321,876.00	\$ 83,678.40	\$ (238,197.60)	91%
14,471	\$ 179,585.60	\$ 34,730.40	\$ (144,855.20)	94%
21,755	\$ 175,606.40	\$ 52,212.00	\$ (123,394.40)	90%
2,510	\$ 123,116.00	\$ 6,024.00	\$ (117,092.00)	98%
13,512	\$ 145,160.00	\$ 32,428.80	\$ (112,731.20)	93%
36,212	\$ 198,375.20	\$ 86,908.80	\$ (111,466.40)	85%
23,044	\$ 150,000.00	\$ 55,305.60	\$ (94,694.40)	88%
3,396	\$ 78,516.00	\$ 8,150.40	\$ (70,365.60)	97%
27,447	\$ 134,547.20	\$ 65,872.80	\$ (68,674.40)	84%
48,129	\$ 46,233.60	\$ 57,754.80	\$ 11,521.20	17%
23,229	\$ 25,260.00	\$ 37,166.40	\$ 11,906.40	26%
45,696	\$ 41,121.60	\$ 54,835.20	\$ 13,713.60	11%
41,755	\$ 46,491.20	\$ 66,808.00	\$ 20,316.80	28%
43,402	\$ 48,715.20	\$ 69,443.20	\$ 20,728.00	29%
85,986	\$ 75,468.00	\$ 103,183.20	\$ 27,715.20	9%
73,926	\$ 81,112.80	\$ 118,281.60	\$ 37,168.80	27%
115,747	\$ 144,532.00	\$ 185,195.20	\$ 40,663.20	36%
130,353	\$ 159,796.00	\$ 208,564.80	\$ 48,768.80	35%
197,584	\$ 212,656.00	\$ 316,134.40	\$ 103,478.40	26%

The member's invoice would change depending on the level of screening that each member would obtain. Revenues generated from this rate format would not provide the stability that POCS needs to assure financial stability. Revenues would be dependent upon the percentage of screened calls and there would be a major shift in the current invoices charged to the members. This alternative does not meet the desired effect the finance committee and the executive board discussed as an alternative rate structure.

REVISED MAPPING RATE STRUCTURE

A model was developed to identify a rate structure necessary to obtain the required revenue stream to support the operational needs of POCS if all members were utilizing a revised mapped rate structure. A new mapped rate structure was designed, based on a sample size, to capture revenue and redistribute the costs in each classification for screening:

0% - 25%	\$0.91 per ticket
26% - 50%	\$1.28 per ticket
51% - 75%	\$2.13 per ticket
76% - 100%	\$6.40 per ticket

By applying the new mapped rates to all members, we cannot guarantee POCS would be able to generate enough revenue to cover the cost of operations. Rates would need to be continually monitored to assure the revenue generated would continue to cover ongoing operational costs. The revenue would be directly contingent on the level of screened tickets to the membership. By applying the new mapped rates the changes in member invoicing would be substantial. This alternative does not meet the desired effect the finance committee and the executive board discussed as an alternative rate structure. The chart below identifies the shift in billing for the top ten and the bottom ten members with the application of the new mapped rate structure.

PA ONE CALL RATE STUDY

Municipal Activity	Tickets Delivered	Mun Act Rate Cost	New Mapped Rate	New Rate Mapped Cost	Difference Mun Act - New Mapped Rate
Column11	Column18	Column19	Column30	Column31	Column32
182,569	41,370	\$ 146,055.20	6.40	\$ 264,768.00	\$ 118,712.80
142,415	25,364	\$ 113,932.00	6.40	\$ 162,329.60	\$ 48,397.60
168,184	27,447	\$ 134,547.20	6.40	\$ 175,660.80	\$ 41,113.60
265,820	197,584	\$ 212,656.00	1.28	\$ 252,907.52	\$ 40,251.52
52,733	12,439	\$ 42,186.40	6.40	\$ 79,609.60	\$ 37,423.20
247,969	36,212	\$ 198,375.20	6.40	\$ 231,756.80	\$ 33,381.60
50,306	10,077	\$ 40,244.80	6.40	\$ 64,492.80	\$ 24,248.00
28,075	6,883	\$ 22,460.00	6.40	\$ 44,051.20	\$ 21,591.20
30,099	6,883	\$ 24,079.20	6.40	\$ 44,051.20	\$ 19,972.00
27,673	6,475	\$ 22,138.40	6.40	\$ 41,440.00	\$ 19,301.60
219,508	21,755	\$ 175,606.40	6.40	\$ 139,232.00	\$ (36,374.40)
159,661	40,356	\$ 127,728.80	2.13	\$ 85,958.28	\$ (41,770.52)
304,738	90,789	\$ 243,790.40	2.13	\$ 193,380.57	\$ (50,409.83)
98,145	3,396	\$ 78,516.00	6.40	\$ 21,734.40	\$ (56,781.60)
181,450	13,512	\$ 145,160.00	6.40	\$ 86,476.80	\$ (58,683.20)
224,482	14,471	\$ 179,585.60	6.40	\$ 92,614.40	\$ (86,971.20)
402,345	34,866	\$ 321,876.00	6.40	\$ 223,142.40	\$ (98,733.60)
399,323	33,235	\$ 319,458.40	6.40	\$ 212,704.00	\$ (106,754.40)
153,895	2,510	\$ 123,116.00	6.40	\$ 16,064.00	\$ (107,052.00)

CURRENT MUNICIPAL ACTIVITY RATE STRUCTURE WITH LIMITED APPLICATION OF THE MAPPED RATES

A model was developed to assess the current rate structure. The current rate structure bills its members applying either the municipal activity rate or the mapped rate. Members must qualify for the mapped rate structure as defined:

Mapped Rates: The total number of outbound work location request notifications (tickets) transmitted each month to a facility owner that has mapped their facilities via PA One Call's Member Mapping Application.

- Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application, qualify for this rate structure.
- Members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Applications qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary.

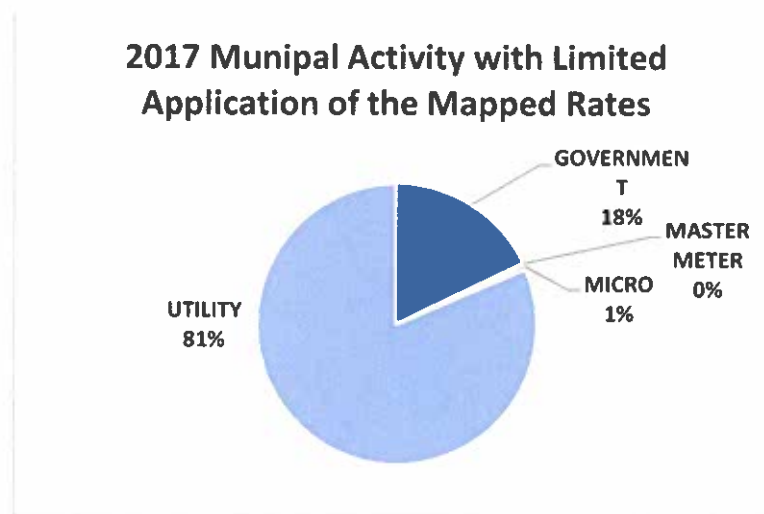
Mapped rates apply to the total number of outbound work location request notifications (tickets) transmitted each month to a facility owner that has mapped their facilities via PA One Call's Member Mapping Application.

A review of the members billed the mapped rate structure indicates that additional criteria must be included in the definition for members to qualify for the mapped rate. Large utility members are included in the mapped rate structure and the establishment of the mapped rate structure was not intended for the large utilities. Adding a condition that a member may not have facilities located in more than 15 municipalities to be billed the mapped rates will be added to the criteria for members to meet before they can be billed the mapped rates. The new qualifications for members to be billed the mapped rates is as follows:

Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application, qualify for this rate structure. Other members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary and/or are registered in more than 15 municipalities.

All members not meeting the requirements for mapped rates are billed under the municipal activity rate structure. The municipal activity rate applies a fee to members for each municipality they have registered facilities located for each one call received by POCS.

The chart below illustrates the revenue distribution by member classification if the Municipal Activity with Limited application of the Mapped rates is applied:



The current application of the municipal activity rate structure and the application of the mapped rates is the best solution for the financial stability of POCS. This rate structure is timely, bills members based on the current actual operational costs with a direct relationship to the call volume, continually monitors both expenses and call volume, and meets the requirements of the Pennsylvania Underground Utility Line Protection Law. The current rate structure was developed to assure that POCS continues to examine the ongoing operational costs and call volume. The rates are adjusted accordingly and kept within the legal limits as permitted by law. POCS's financial and rate recovery structures, build financial resiliency to meet its current and future financial needs while balancing revenue stability, equity of cost recovery, and member affordability.

RECOMMENDATIONS

RDM recommends that POCS utilize the municipal activity rate and the limited application of the mapped rate structure. The municipal activity rate structure charges each facility owner member a municipal activity fee for each municipality a member has facilities registered where an excavation occurs. The mapped rate structure only applies to the members that qualify for this rate and are billed for tickets delivered based on percentage of tickets delivered. The definition for members to qualify for the mapped rates structure should be revised to include a maximum number of registered municipalities.

Current definition to qualify for Mapped Rates: Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application, qualify for this rate structure. Members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary.

Proposed definition to qualify for Mapped Rates: Municipal members, Master Meter Operators and Micro Members, as classified by PA One Call System, who have mapped their facilities via PA One Call's Member Mapping Application, qualify for this rate structure. Other members as defined by PA One Call who have mapped their facilities via PA One Call's Member Mapping Application qualify for this rate structure, excluding those having contiguous lines crossing more than one municipal boundary and are registered in more than 15 municipalities.

These rate structures provide sufficient revenue to meet POCS operating expenses, capital improvement needs and maintains the financial integrity of POCS. The Finance Committee reviews the rates quarterly to determine whether the current rates are meeting the revenue required for the operation and are within the lawful limits. Any rate adjustments needed would be timely and based on the current call volume that POCS is experiencing.

It is RDM's opinion that the municipal activity fee rate structure in addition to the limited mapped rate structure, meets the requirements of the law. This fee structure meets POCS' financial requirements and is projected to continue meeting the operating expenses and capital improvements necessary to maintain the financial integrity of POCS.

These rates meet the key principles and consideration that influence the design of POCS rate structure. The rates are equitable; revenue stable; financially sustainable; provide appropriate price signals; recognize member usage patterns and demands; and comply with Pennsylvania Act 50-2017.

A review of the Pennsylvania One Call System was completed in October 2017 by the staff of the Legislative Budget and Finance Committee. Their findings were that the calculations POCS used to establish its rates were reasonable given the act's requirements.

PIOGA Exhibit H

Calculation of POCS Recovery of Operation Costs for Services Provided to Contractors and for Services Received by Facility Owners

STEP 1: Determine Total Operating Costs per law

ROW	Amount	Description	Reference in Law	Where from or is it a formula
1	\$11,808,948	Latest Audited Costs Factors includes Depreciation	Section 3.1(f)	POCS information (2017)
2	\$1,032,425	Cost of Capital Improvements if approved by board	Section 3.1(f)	POCS information (2017)
3	\$12,841,373	Total Operating Costs	Section 3.1(f)	Sum of Row 1 & 2

STEP 2: Determine Services Provided/Received for Two Groups Contractors & Facility Owners

ROW	Amount	Description	Reference in Law	Where from or is it a formula
1	\$12,841,373	Total Operating Costs, per STEP 1, Row 3	Section 3.1(f)	Step 1, Row 3
2	2	Split Costs Equally between Facility Owners & Excavators, designers or operator who proposes to commence . . .	3.1 (e) & 3.1 (f.1)	<i>Assumes that the services are equally divided</i>
3	\$6,420,687	Costs Divided equally between services received & services provided		

STEP 3: Determine Annual Fee for Excavator, Designer or Operator (Contractors)

ROW	Amount	Description	Reference in Law	Where from or is it a formula
1	888,523	Location Requests Generated by Contractors from calls to POCS	Sections 4, 5, 6.1,	2017 Annual Report, page 3 of 6
2	11,738,453	POCS Municipal Activity		2019 Rate Study, page 9 for Amount. Definition is on page 3
3	6,300,000	Location Requests are assigned a Serial Number by POCS. POCS provides the Serial Number to Excavator and then transmits this serial number to facility owners who are required to respond.	Section 3 1.1, 1.2 & Section 2 (4) & (5)	2017 Annual Report, page 3 of 6 - ESTIMATE
4	6,300,000	Facility Owners respond to POCS Serial Numbers with either by indicating a "clear" or "marked" to POCS as per law.	Section 2.4, 2.5	2017 Annual Report, page 3 of 6 - ESTIMATE
5	\$6,420,687	Share of Costs for Services Provided	3.1 (e) & 3.1 (f.1)	STEP 2, Row 3
6	5.000%	5% Mark Up for POCS	3.1(f)	per law
7	2.100%	Consumer Price Index	3.1(f)	US Bur of Labor Stats - 2017 Consumer Price Index
8	7.100%	Allowable Mark-Up %	3.1(f)	Sum of Row 6 and 7
9	\$455,869	Allowable Mark - Up per the law	3.1(f)	Row 8 multiplied by Row 5
10	\$444,396	Refund to 1359 Principal Members that are Political Subdivision and Municipal Authority Members	3.1(f)	per July 2018 Finance Committee Mtg, page 34 of 270
11	\$232,166	Enforcement Expense		per July 2019 Allowable Expenses
12	\$7,553,117	Total Maximum to be Charged to Contractors	3.1(f)	Sum of Row 5, 9, 10 and 11
13	100,000	Excavators in PA One Call System		April 2019 POCS Proclamation
14	\$75.53	Annual Fee for each Contractor		Row 12 divided by Row 13

STEP 4: Determine Billing of Facility Owners

ROW	Amount	Description	Reference in Law	Where from or is it a formula
1	6,300,000	Total Tickets Delivered or Outbound Tickets to ALL Facility Owners	3.1 (e)	2017 Annual Report, page 3 of 6 - ESTIMATE
2	\$6,420,687	Share of Costs for Services Received	3.1 (e) & 3.1 (f.1)	STEP 2, Row 3
3	\$0.9812	Cost per Ticket Delivered or Outbound Tickets to all Facility Owners		Row 1 divided in to Row 2
4	5.000%	5% Mark Up for POCS	3.1(f)	per law
5	2.100%	Consumer Price Index	3.1(f)	US Bur of Labor Stats - 2017 Consumer Price Index
6	7.100%	Allowable Mark-Up %	3.1(f)	Row 4 plus Row 5
7	\$0.0697	Allowable Mark - Up per the law	3.1(f)	Row 6 multiplied by Row 3
8	\$1.05	Total Maximum to be Charged to Facility Owners for a Delivered Ticket	3.1 (e)	Sum of Row 3 plus Row 7
9	\$6,620,474	Money Received for Services Received by Facility Owners	3.1 (e)	

Summary for POCS for Funding

<u>Total Funding by Facility Owners & Contractors</u>		<u>Per Unit Funding by Facility Owners & Contractors</u>	
Amount	Description	Amount	Description
\$7,553,117	STEP 3, Row 12 Total Funds from Contractors	\$1.0509	Total Maximum to be Charged to Facility Owners for a delivered ticket
\$6,620,474	STEP 4, Row 6 Total Funds from Facility Owners	\$75.53	Annual Fee for each Contractor
\$14,173,592	Total Revenues Collected (Sum of above two rows)		
\$12,841,373	From STEP 1, Row 3		
\$232,166	Set Aside for Enforcement Expense to PUC		
\$444,396	Set Aside for Refund to 1359 Principal Members that are Political Subdivision and Municipal Authority Members		
\$13,517,935	Total Deductions to Revenues Collected		
\$655,657	Revenue over Expenses for POCS		