



Underground Technical Committee Update

DAVE CELONA, AUGUST 13, 2020

Introduction

- 27 years working in and with Ohio government
- Legislative Director and Executive Assistant for Business and Industry in Ohio Governor's Office
- Chief of Staff, Ohio Department of Transportation
- 2001-2010, Executive with Cinergy, Duke Energy and American Electric Power
- 2010 – present, President of Strategic Impact Consulting
 - Duke Energy, Ohio Gas Association, Ohio Cable Telecommunications Association, Charter Communications
- Directly involved in legislative process that yielded SB 378 (2015) and HB 458 (2012)
- Appointed by the Speaker of the Ohio House as the Natural Gas Distribution Representative to the Underground Technical Committee
- UTC Chair since its creation in 2015

Legislative Directive – Underground Technical Committee

- ORC 3781.34 creates the UTC (17 members)
 - 4 members of the commercial excavator industry (one each, Speaker, President, Minority Leaders House and Senate)
 - Natural Gas Transmission (President) and Natural Gas Distribution (Speaker)
 - Electric Utility Industry (Governor)
 - Electric Cooperatives (Speaker)
 - Oil and Gas Producers (President)
 - Telephone Industry (Governor)
 - Cable Industry (President)
 - Locators (Speaker)
 - Municipal Corporations (Governor)
 - ODOT (Governor)
 - General Public (Governor)
 - Hazardous Liquids Pipeline Industry (Governor)
 - Designers, Developers or Surveyors (Governor)

Legislative Directive – UTC (continued)

- UTC was created to enforce Ohio’s Underground Damage Prevention Laws
 - ORC 153.64 (public authorities) and 3781.25 – 3781.38 (commercial excavation)
- Duties of the UTC (ORC 3781.36)
 - Coordinate with the PUCO, where the UTC “lives”
 - Provide subject matter expertise in rendering decisions on complaint cases
 - Review reports and information provided by Complainants and Respondents
 - Make determinations and recommendations on penalties with following considerations:
 - Number of locate requests received, responded to and completed
 - Number of one calls placed, number of excavations completed
 - Organizational size and prospective impact of a penalty on that organization’s ability to do business
 - History or number of compliance failures by the organization
 - The gravity of the compliance failure (death, injury, threat to public safety)

Underground Technical Committee Process/Notes

- Under ORC 4913.01 an “aggrieved person” may make a complaint to PUCO Staff and request an investigation or “request for inquiry” (ORC 4913.05)
- PUCO Staff conducts an investigation/inquiry based on materials (narrative, pictures, one-call tickets) and provides this collection of information to the UTC
- UTC meets at least quarterly and reviews, discusses cases and assesses penalties (quorum, majority vote, excavator vote required)
- PUCO Staff communicate UTC findings and compliance requirements to all parties to a case
- Complainants and Respondents can apply to the PUCO for “reconsideration” of UTC findings
 - This has only happened twice since UTC inception
- During COVID pandemic, the UTC has met virtually and maintained its statutory obligations

UTC – 2020 Cases

- In general cases have gone up each year since the UTC started up in 2015
- Average 50-60 cases per year, and roughly 50/50 split between findings and no findings
- The majority of cases pertain to not calling, not marking (accurately) and not waiting 48 hours (ORC 3781.28)
- 2020 behind 2019, with 15 cases thus far (11 penalties), with 1 in the queue
- Most penalties are non-monetary (Performance Improvement Plans, Training)
- Three monetary penalties in 2020
- Generally there is a quick response to UTC compliance requirements/penalties, however UTC/PUCO also can forward cases to the Ohio Attorney General's Office for collections
- Continue to have very collaborative engagement between UTC members and PUCO Staff
- Persistent issues...paper driven process; limited information submitted; locators; conflict of interest
- PHMSA – “adequate” designation since creation of the UTC

UTC Members

Dave Celona (Chair)	dcelona@strategic-impact.net	614-361-9979	Natural Gas Dist.	David Losinski	Electric Utilities
Joe Igel (Vice-chair)	joe.igel@igelco.com		Commercial Excavator	Josh Motzer	Telephone
Jennifer Reams (Secretary)	jreams.icc@gmail.com		Hazardous Liquid Pipelines	Michael Perry	Municipal Corporations
Mark Potnick			Commercial Excavators	Jim Jewell	General Public
Joe Costell			Third Party Locators	Ed Miller	Designers/Developers/Surveyors
Tom Stewart			Oil and Gas Producers	VACANT	Natural Gas Transmission
Frank Ward			Cable Telecommunications	PUCO	
John Kelly			Commercial Excavator	Pete Chace	UTC Coordinator
Jason Woods			Electric Cooperatives	Lawrence Hampton	Damage Prevention Specialist
Wendi Snyder			ODOT	Jeff Jones	Chief, Legal Department
William Hocevar			Commercial Excavator	Ashley Hively	Staff Attorney

Ohio Underground Damage Prevention Coalition (OUDPC)

- Created to bring interested parties to discuss additional changes to Ohio's prevention laws
- Was instrumental in legislation passed in 2012 and 2015 to strengthen/enforce the law
- Continues to meet periodically, although COVID...
- Potential areas for additional changes to the law
 - Exemptions
 - Large Project Coordination
 - Third Party Locator Accountability
 - Increased Training Requirements

QUESTIONS???
