



# Legislative Budget and Finance Committee

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## A Review of the Pennsylvania One Call System

October 2017

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## **Report Summary**

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In 2017, the Officers of the Legislative Budget and Finance Committee authorized its staff to conduct a review of the Pennsylvania One Call System (PA One Call) prior to the expiration of the PA One Call law in December 2017. PA One Call is the private nonprofit agency charged to operate Pennsylvania's One Call System for excavators to call prior to digging to avoid hitting underground utility lines. We found:

***PA One Call has carried out, in all material aspects, the duties and responsibilities it is charged with under the PA One Call law, including complying with the best practices established by the Common Ground Alliance.*** We reviewed the statutory duties and responsibilities of PA One Call as provided for by the Pennsylvania Underground Utility Line Protection Law (act). The act establishes and defines the roles and responsibilities of PA One Call, its Board of Directors, and the process it is to use to establish fees and allocate costs. It also requires an annual financial audit. Our review found no significant instances of noncompliance with the act's requirements. The act also requires PA One Call to use its best effort to comply with the best practices established by the Common Ground Alliance. Our review of the Common Ground Alliance best practices found that PA One Call does comply, in all material aspects, with these practices.

***States vary in how they structure their one call systems.*** There are no uniform federal requirements or regulations covering how one call centers need to be structured, and laws vary substantially from state to state. We compared PA One Call to systems in 17 other petroleum and natural gas producing states, as well as some states that are close to Pennsylvania. Nine of these 17 states have opted to contract out some or all of their operations to a private, for-profit company, often (six states, plus one of New York's call centers) One Call Concepts. Six of the 17 comparative states have established Damage Prevention Committees to investigate violations of one call laws. Pennsylvania is not currently among these six states, but such a committee would be established under Senate Bill 242 (P.N. 984). Pennsylvania is the only state whose law includes a sunset provision.

***States also vary in the agencies they use to enforce their one call statutes.*** In Pennsylvania, enforcement of the One Call statute is conducted by staff at the Pennsylvania Department of Labor and Industry (L&I). Of the 17 states we reviewed, Pennsylvania is the only state that enforces its One Call law through a Department of Labor and Industry and only one, West Virginia, has no enforcement agency.

The federal Pipeline Hazardous Material Safety Administration (PHMSA) reports that, when considering all 50 states, 29 states provide enforcement authority

(as pertains to regulated pipelines) through their state Public Utility Commission or Pipeline Safety Office. Only two states (Pennsylvania and Montana) provide enforcement authority through their Department of Labor and Industry.

Placement of the enforcement functions—specifically whether it should be moved to the PUC or remain in L&I—has been the subject of several legislative hearings. PHMSA noted in a March 14, 2016, letter to the chair of the PUC, that “most of the successful state one call enforcement programs involve the state Public Utility Commission (PUC) or equivalent.” On the other hand, as we note below, the PA Department of Labor and Industry has taken significant steps over the past seven years to improve its performance relative to One Call enforcement. Moreover, PHMSA conducted an evaluation of the enforcement of Pennsylvania’s excavation damage prevention law in late 2016 and determined L&I’s enforcement program to be “adequate,” with no corrective action required.<sup>1</sup>

***Of the states we reviewed, Pennsylvania is one of only six states that excludes some or all Class 1 natural gas gathering lines from its regulatory requirements.*** Kansas and New York exclude all natural gas gathering lines from One Call requirements; New Mexico and Oklahoma (like Pennsylvania) exclude Class 1 gathering lines by reference to federal law and regulations, which exempt such lines from federal regulation.<sup>2</sup> The danger of excluding Class 1 gathering lines was highlighted by a 2015 incident in Armstrong County in which an excavator placed a proper PA One Call. A bull dozer operator subsequently struck a natural gas line which was never marked because it was exempt from the One Call act. The line exploded, and the resulting fire killed the operator.

Although in the past, PHMSA has found that Class 1 gathering lines pose relatively little risk, this conclusion has been called into question as a result of developments in the oil and gas industry, particularly in the extraction of shale gas that utilizes large diameter, high pressure gathering lines. Because of the how the Pennsylvania law is written (by reference to federal regulations), if some or all Class 1 gathering lines were added at the federal level, they would automatically be required to participate in PA One Call as well.

***Pennsylvania’s fee structure, while convoluted, appears to be reasonable.*** The Pennsylvania Underground Utility Line Protection Law requires the operational costs of the system to be shared “in an equitable manner” by facility owner members. The law prescribes the manner in which fees are to be set, based on certain costs pertinent to the operation of the One Call system, and PA One Call has developed a variety of rate and fee schedules for its various categories of users and

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<sup>1</sup> Agencies are rated as either Adequate or Inadequate.

<sup>2</sup> Class 1 areas are defined as those with 10 or fewer building intended for human occupancy in a 660 foot strip of either side of a pipeline for one continuous mile.

members. We reviewed the calculations PA One Call used to establish its current rates, and found them to be reasonable given the act's requirements.

In addition to this rather complicated formula, the law exempts small municipalities (under 2,000 people) from any fee. In addition to the exemption for small municipalities, PA One Call provides a mechanism (through charges to excavators) to offset the fees charged to larger municipalities. Member Mapping is an option which, while reducing the number of notifications operators receive, adds to the complexity of PA One Call's fee structure.

***PA One Call's top executives have among the highest compensation levels in the country.*** In 2015, the President of the PA One Call received a total compensation package of \$423,031, and the Vice President received a total compensation package of \$273,618. We found only one other state (Texas) that provided a higher level of total compensation (base compensation plus any bonuses, retirement, and other compensation) to its One Call CEO. Pennsylvania was the only state whose One Call agency had more than one employee with a base compensation of over \$200,000. The high compensation packages can be explained, in part, by the tenure of these two officials (both 39 years).

The 36-member One Call Board, which includes representation from state and local government, sets the salaries and benefits of the One Call professional staff based on the annual recommendations of the Board's Compensation and Benefits Committee. At least once every three years, PA One Call hires an outside consultant to review the compensation of the PA One Call staff.

Our review of the 2016 consultant report found that, while the base salary of the Vice President was close to the market average for the position, the base salary for the President in 2016 (\$291,105) was about 10 percent higher than for similar positions. Additionally, PA One Call has a policy of providing additional compensation to employees with a minimum of 20 years of service, which resulted in additional compensation of \$48,077 for the President in 2015. This longevity compensation, plus additional compensation in the form of retirement compensation, nontaxable benefits, and other bonuses, resulted in the total compensation package of \$423,031.<sup>3</sup>

***The PA Department of Labor and Industry has made reasonable response to a critical 2010 report by the Pennsylvania Auditor General.*** In November 2010, the Pennsylvania Department of the Auditor General issued a performance audit on

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<sup>3</sup> PA One Call reported the President's base salary in 2016 was \$287,037, with total compensation of \$423,408.

the Pennsylvania Department of Labor and Industry's enforcement of the Underground Utility Line Protection Law. The report found that L&I "failed to adequately enforce the Underground Utility Line Protection Law, which jeopardizes public health and safety." The report contained nine recommendations.

L&I responded that it strongly disagreed with many of the findings, but we found that it has subsequently implemented, at least to a large degree, virtually all of the Auditor General's recommendations. While we did not attempt to independently assess L&I's enforcement performance, the report does provide statistics on the number of L&I enforcement actions over the past five years and the resulting fines and penalties.

## **I. Introduction**

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The Officers of the Legislative Budget and Finance Committee directed LB&FC staff to conduct a review the Pennsylvania One Call System (PA One Call) to determine if updates to the system are necessary. Under Act 160 of 2016, unless reauthorized, PA One Call is to terminate on December 31, 2017.

### **Scope and Objectives Statement**

1. To assess the performance of the PA One Call as it pertains to its duties and responsibilities as outlined in Act 1974-287 and the Common Ground Alliance Best Practices.
2. To assess the System's financial condition, governance, and management policies and procedures as they pertain to nonprofit organizations.
3. To compare the PA One Call law and system to laws and systems in other states.

### **Methodology**

Pursuant to the direction of the Legislative Budget and Finance Committee Officers, this review focused on the performance of the administration of PA One Call by focusing on its compliance with the Underground Utility Line Protection Law, Act 1974-287 (known as the One Call law); the Common Ground Alliance Best Practices; and selected governance and management policies and procedures and how the Pennsylvania One Call statute compares to other states.

To determine PA One Call compliance with the Underground Utility Line Protection Law, we reviewed the act and identified those provisions specifically pertaining to the duties of PA One Call. We then assessed PA One Call compliance with the selected provisions by reviewing certain corporate documentation from PA One Call, independent audits undertaken by Love, Scherle & Bauer, P.C.; a rate study conducted by Resource Development & Management, Inc.; and a compensation study by John M. Rosenfeld/Consulting.

To determine PA One Call compliance with the Common Ground Alliance Best Practices, we reviewed and identified those provisions that pertain to one call systems and their governance. We then assessed PA One Call compliance with the selected provisions by reviewing documentation provided by PA One Call.

We reviewed IRS Form 990 for all one call systems in the United States. For selected states listed below, we compared financial information, governance structures, management policies and procedures, and enforcement of and exemptions to One Call statutes in the following states:

- Alaska
- California
- Colorado
- Delaware
- Kansas
- Louisiana
- Maryland
- New Jersey
- New Mexico
- New York
- North Dakota
- Ohio
- Oklahoma
- Texas
- Virginia
- West Virginia
- Wyoming

LB&FC staff also obtained documents from PA One Call, including its membership categories; fee structure; policies related to conflicts of interest, whistle-blowers, and document retention; auditor's reports; annual reports; revenue and expenditures by source; audited cost factors; and compensation amounts.

## Acknowledgements

LB&FC staff acknowledges the excellent cooperation and assistance the PA One Call management and staff provided during the course of this review.

## Important Note

*This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as an indication that the Committee or its individual members necessarily concur with the report's findings and recommendations.*

*Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.*

## **II. Background Information**

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### **A. Overview of the Underground Utility Line Protection Law**

The purpose of the Underground Utility Line Protection Law, also called the One Call law, is to protect public health and safety by preventing excavation or demolition work from damaging underground utility lines, including those providing electricity, gas, propane, oil, sewage, water, cable, and other communications. The statute establishes PA One Call and its associated duties, and delineates duties of facility owners, designers, excavators, and project managers. It also establishes the board of directors and enumerates its responsibilities in setting rates and fees for the operation of PA One Call.

The Underground Utility Line Protection Law has been amended several times since its enactment in 1974; see Exhibit 1 below for a summary of amendments.

#### **Responsibilities of PA One Call:**

PA One Call has the following responsibilities under the One Call law:

- Assign one or more serial numbers, and the date the dig site may legally be excavated; record each voice transaction; and maintain recordings for five years.
- Provide access to municipal lists provided to PA One Call for interested parties. The lists are to contain facility owners having lines in the municipality, and to maintain, for each municipality, a list containing facility owner information. PA One Call is to make these lists available for public inspection via the county recorder of deeds.
- Provide the Department of Labor & Industry (L&I) with access to or copies of specific PA One Call response records, tickets, or other information related to any matter under investigation. PA One Call has ten days to comply with any information requests relating to a matter under L&I investigation.

Exhibit 1

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## **History of the PA Underground Utility Line Protection Act**

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<u>Year</u>	<u>Legislation</u>
1974	Act 287, the PA Underground Utility Line Protection Act was signed by the governor. The intent was to protect public health and safety by preventing excavation or demolition work from damaging underground facility lines. The act required excavators to ascertain the location of lines before digging and imposed responsibilities on the owners of underground lines and facilities.
1986	Act 172 changed the definition of line to exclude gathering lines. It also changed the definition of excavation work, One-call system, and owner. It required color coding, based on the type of facility, for marking facility lines. It also imposed standards for determining whether a contractor or designer incurs any liability for damaging facilities. The amendment made membership mandatory for all facility owners, and required that costs should be shared between all members, and delineated the duties of the one call center.
1991	Act 38 added definitions for consumer price index and tolerance zone; required a designer or contractor who changes a project location to notify PA One Call; and established the basis for fees imposed for PA One Call services.
1996	Act 187 added duties to facility owners, PA One Call, designers, and contractors. It made changes to the composition of the board and provided for enforcement authority by the PA Department of Labor and Industry.
2004	Act 199 added incident reporting provisions for facility owners and excavators; provided the Department of Labor and Industry additional enforcement authority; and changed administrative fines and penalties.
2006	Act 181 incorporated Subsurface Utility Engineering requirements; began requiring persons to use their best efforts to adhere to Common Ground Alliance Best Practices; defined responsibilities of a project owner and a complex project; gave PA One Call the ability to define the maximum area of a notification; and, allowed with approval of the Board, the ability to offer a service for application and obtaining proper permits for excavation work.
2008	Act 121 reinstated the “good Samaritan” which allows facility owners to identify the location of underground lines they do not own as a helpful guide to excavators without assuming liability for their efforts.
2016	Act 160 changed the sunset date of the one call statute from December 31, 2016, to December 31, 2017.

Source: Developed by LB&FC staff with information from Acts 1975-287, 1986-172, 1991-38, 1996-187, 2004-199, 2006-181, 2008-121, and 2016-160.

- Determine the maximum geographic area that constitutes a valid single notification<sup>1</sup> and to determine when multiple notifications are required of any person, including the method, type, and number of notifications in a complex project.
- Offer a service to apply for state or municipal permits for excavation work.
- Provide a secure repository for and access to subsurface utility engineering data received from project owners to affected facility owner members.
- If an excavator has notified PA One Call of the existence of a release of natural gas or other hazardous substance, or of potential danger to life, health, or property, PA One Call must inquire if the excavator has notified the 911 system.

## **PA One Call Board of Directors**

PA One Call is to be governed by a board of directors, chosen by facility owners. No fewer than 20 percent of the seats on the board are to be held by municipalities or municipal authorities. The board is to include the following:

- The Chairman of the Pennsylvania Public Utility Commission or a designee.
- The Director of the Pennsylvania Emergency Management Agency or a designee.
- The Secretary of Labor and Industry or a designee.
- The Secretary of Transportation or a designee.
- An excavator or excavation industry representative.
- A designer or designer industry representative.

## **Responsibilities of Facility Owners<sup>2</sup>**

Facility Owners have the following responsibilities under the One Call law:

- To be a member of PA One Call.<sup>3</sup>

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<sup>1</sup> A valid single notification is the maximum scope of a project area, which is 1,000 feet or intersection to intersection, whichever is greater. For example, a three block project would require three separate notifications to PA One Call.

<sup>2</sup> “Facility owner” is the public utility or agency, political subdivision, municipality, authority, rural electric cooperative, or other person or entity who owns or operates a line. The term does not include any of the following: (1) the Department of Transportation within a State highway right-of-way; (2) a person serving his or her own property through their own line if they do not provide service to any other customer; and (3) a person using a line which he or she does not own or operate if the use of the line does not serve more than a single property.

<sup>3</sup> If a facility owner fails to become a member of PA One Call in violation of the statute, and its lines are damaged, the facility owner has no right to recovery from an excavator for any damage-associated costs.

- To give written notice to PA One Call. Notice must include:
  - The legal name of the facility owner and official mailing address.
  - The names of counties and municipalities, including wards in Philadelphia, Pittsburgh, Allentown, and Erie, in which its lines are located.
  - The facility owner's address, telephone number, and fax number.
  - The street identification, or like information, within each of the municipalities in which its lines are located.
- Provide PA One Call with any changes to the above information within five business days.
- After receiving a request from a designer,<sup>4</sup> who has identified the site of excavation, the facility owner must respond, within ten business days, to the designer's request for information as to the position and type of the facility owner's lines.
- After receipt of a request from an excavator, and not later than the business day prior to the scheduled date of excavation, a facility owner is required 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 to enable the excavator to easily determine the location of underground facilities. Facility owners are to make reasonable efforts to locate or notify excavators of the existence and type of abandoned lines that may remain at the site.
  - As an additional aid to excavators, a facility owner may also identify the location of any known lines connected to its facilities that it does not own.
  - At the facility owner's option, elect to excavate around its facilities.
  - Propose mutually agreeable scheduling by which the excavator, facility owner, or designer may locate the facilities.
  - Respond to all notices through PA One Call. The facility owner is to respond, through the KARL system,<sup>5</sup> no later than the end of the second business day after notification and not later than one day prior to scheduled excavation.
  - To respond through PA One Call as soon as practicable after receiving notification of an emergency.

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<sup>4</sup> “Designer” is any architect, engineer, or other person who prepares a drawing for a construction or other project that requires excavation or demolition work.

<sup>5</sup> The KARL System (Kathy Automated Response to Locate Requests) is a voice relay and response system that automates the call out process and allows facility owner members to respond to all notifications. KARL receives the facility owners' responses and faxes or emails the collected responses to the excavating or design company.

- Follow the Common Ground Alliance Best Practices for temporary marking.
- Participate in preconstruction meetings for a complex project.
- File an incident report with L&I within 10 days if a facility owner experiences damage to its lines that resulted in personal injury or property damage to parties other than the excavator or facility.

## **Responsibilities of Designers**

Designers have the following responsibilities under the One Call law:

- Request line and facility information from PA One Call between ten and 90 business days inclusive before final design is to be completed.
- Forward a copy of the project plans to each facility owner who requests a copy.
- Show the position and type of each facility owner's lines on project plans and drawings.
- Make a reasonable effort to prepare the construction drawings to avoid damage to, and minimize interference with, a facility owner's lines.
- If, after receiving information from facility owners, the designer decides to change the site of a proposed excavation, the designer must resubmit notice to PA One Call.

## **Responsibilities of Excavators**

Excavators have the following responsibilities under the One Call law:

- Request the location and type of lines at each site by notifying facility owners through PA One Call. Notification must be between three and ten business days inclusive in advance of beginning excavation or demolition work.
- Provide PA One Call with specific information to identify the site so that facility owners can locate and mark their lines.
- Take reasonable steps to work with facility owners for complex projects. This includes scheduling and conducting a preconstruction meeting, so they may locate their facilities in advance of the start of excavation or demolition work for each phase of the work.
- Comply with the requirements, established by PA One Call, regarding the maximum area that a notification may cover.
- Take all reasonable steps necessary to avoid marked lines.
- Equipment operators at project sites have the following duties:

- Plan the excavation or demolition to avoid damage to or minimize interference with a facility owner’s lines in the construction area.
- Provide support and mechanical protection for known lines at the construction site during the excavation or demolition work.
- Report to the facility owner any damage made or discovered in the course of the excavation or demolition work.
- Notify 911 and the facility owner if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid that endangers life, health, or property.
- Take reasonable measures to protect those in immediate danger, the general public, property, and environment, in the event of an escape.
- Use the color white to mark a proposed excavation site when exact site information cannot be provided.
- Assist a facility owner in determining the involvement of a facility owner’s lines by disclosing additional available information requested by the facility owner.

## **Responsibilities of Project Owners<sup>6</sup>**

Project owners have the following responsibilities under the One Call law:

- Utilize subsurface utility engineering,<sup>7</sup> or other similar techniques, to determine positions of underground facilities.
- Respond to notifications received from excavators.
- Wait until after final design is completed to release to bid or construction any project.
- Participate in design and preconstruction meetings.
- Furnish pertinent data obtained through subsurface utility engineering to PA One Call.
- Install color-coded permanent markers to indicate the type and location of all laterals installed by the project owner in new construction and where practicable.

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<sup>6</sup> “Project owner” is any person who engages an excavator for construction or any other project which requires excavation or demolition work.

<sup>7</sup> “Subsurface utility engineering” means those techniques set forth in the American Society of Civil Engineers (ASCE) standard CI/ASCE 38-02, or its successor document as determined by PA One Call.

## **Fees and Costs for the Pennsylvania One Call System**

Costs to maintain and operate PA One Call are paid through a variety of fees charged to facility owners and excavators, as well as fees charged for various supplemental services.

- Operation costs for PA One Call are to be shared, in an equitable manner, for services received, by facility owner members as determined by PA One Call'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 are exempt from the payment of any service fee. PA One Call may be reimbursed for its costs in providing this service from fees on excavators.
- All fees are set by the board of directors and are based on the latest annual audited cost factors<sup>8</sup> of PA One Call. Fees are set and adjusted to a rate not more than 5 percent above the audited cost factors, 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 begin excavation or demolition work, and requests information of PA One Call, is to be charged a fee for those services. The fee is used to offset the operation cost levied on political subdivisions and municipal authority members that are not exempt under the act.<sup>9</sup>
- Any request for information is to be reviewed and provided according to the procedure established by PA One Call's board of directors.

## **Other Provisions of the One Call Law**

- The Pennsylvania Auditor General may review management and financial audits of PA One Call performed by a qualified auditing firm. A copy of the audit must 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 Pennsylvania Auditor General, and any contractor, excavator, facility owner, or member of PA One Call has the right to inspect and copy any record, book, account, document, or any other information relating to the provision of one call services by PA One Call.

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<sup>8</sup> A cost factor is any item of material, equipment, or personnel that incurs a cost.

<sup>9</sup> According to a PA One Call official, \$50 of each \$125 annual excavator payment is set aside; the balance at year's end is divided among principal municipal members, based on a percentage of how much they paid into the system. Annual refunds average about 35 to 40 percent of their base charges.

- PA One Call is to submit an annual report to its members and a copy of the report is to be submitted to the Auditor General.
- The act defines any violation as a summary offense, sets fines, and designates that the Attorney General, or any district attorney, may enforce the statute. L&I, in consultation with the Attorney General, may also enforce the statute in any court of competent jurisdiction. A facility owner may also petition the courts to enjoin any work conducted in violation of the act. Finally, local authorities may halt excavation work if it is being conducted in violation of the law.
- PA One Call has the authority to design, establish, and administer a voluntary payment dispute resolution process that may be used by excavators, facility owners, designers, project owners, and other involved persons.

### **Senate Bill 242 of the 2017-2018 Regular Session**

Currently, Senate Bill 242 (P.N. 984) is under consideration in the General Assembly.<sup>10</sup> This bill would change certain elements of Act 1974-287 including:

- Adding definitions of conventional oil and gas well, Federal pipeline safety laws, stripper well, stripper well lines, unconventional formation, and unconventional oil and gas well.
- Redefining “line” or “facility” to include unconventional oil and gas well production and gathering lines or facilities. The term does not include stripper well lines.
- Transferring enforcement authority from the Department of Labor and Industry to the Pennsylvania Public Utility Commission.
- Removing excavation work exemptions for political subdivisions and extracting natural resources.
- Providing for mapping of lines and facilities, in that PA One Call may not require its members to locate facilities installed before the effective date of this amendment (180 days from passage), unless the member has existing maps of the facilities and those maps meet the specifications of PA One Call’s mapping solutions.

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<sup>10</sup> Senate Bill 242 passed the Senate on June 21, 2017, and has been referred to the House of Representatives Consumer Affairs Committee. House Bill 284 also amends Act 1974-287, and is similar to SB 242 in that it also establishes a damage prevention committee, transfers enforcement to the Public Utility Commission, places additional responsibilities on all involved parties, and eliminates the exemption for Class 1 gathering lines.

- Establishing a damage prevention committee.<sup>11</sup>
- Placing additional duties on facility owners,<sup>12</sup> excavators,<sup>13</sup> project owners,<sup>14</sup> and PA One Call.<sup>15</sup>
- Providing for assessments, fees, and penalties.
- Extending the sunset date of the act from December 31, 2017, to December 31, 2024.
- SB 242 was amended in October 2017 to add membership to PA One Call's board of directors, which includes both an owner or operator (or representative) of pipelines associated with conventional oil and gas wells and facility owner (or representative) of pipelines associated with unconventional oil and gas wells.

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<sup>11</sup> The Damage Prevention Committee is to be appointed by the Public Utility Commission (PUC) and is to consist of the PUC chairman or designee; the Secretary of Transportation or designee; the president of PA One Call or designee; one representative from each of the non-municipality 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. The Committee is also to include: three representatives of excavators, nominated by excavators or affiliated organizations; one representative of municipal authorities, nominated by municipal authorities or affiliated organizations; and one representative of municipal governments, nominated by municipal governments or affiliated organizations.

<sup>12</sup> Additional duties of facility owners are to: communicate directly to the excavator within two hours after re-notification with information about its facility location when the facility owner has failed to respond to a locate request or a re-notification from PA One Call; to submit a report of alleged violations to the PUC through PA One Call not more than 30 business days after the receipt of notice that the facility owner's lines have been damaged where the cost to repair the lines is over \$2,500, or there has been repeat damage by the same person; and to maintain existing records of abandoned main lines and locate main lines, if possible.

<sup>13</sup> Additional duties of excavators are: to submit a report to the PUC through PA One Call, of an alleged violation not more than ten business days after striking or damaging a facility owner's line, that a locate request be made prior to excavation along with payment of the applicable fee; and to renotify PA One Call of an unmarked or incorrectly marked facility.

<sup>14</sup> An additional duty of a project owner is to submit a report of an alleged violation to the PUC through PA One Call not more than ten days after striking or damaging a facility.

<sup>15</sup> Additional duties of PA One Call are: to provide reports of alleged violations (and appropriate documentation) to the PUC and to notify a facility owner that an excavator has identified an unmarked or incorrectly marked facility.

## **B. Pennsylvania's One Call System (PA One Call)**

In 1974 the General Assembly enacted the Underground Utility Line Protection Law, Act 1974-287, to protect public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communications, gas, propane, oil delivery, oil product delivery, sewage, water, or other services. Act 287 imposed duties on facility owners,<sup>1</sup> recorders of deeds, persons and other entities preparing drawings or performing excavation or demolition work, and set penalties for violations of the law.<sup>2</sup>

Founded as “Call Kathy” by six utilities and the City of Pittsburgh, what is now PA One Call, began serving excavators in September of 1972 serving Allegheny County. Call Kathy expanded to the western half of the state in late 1975. It then merged with “Call JUNE” in Harrisburg, Kiski Valley Center, and SE PA Group in 1977.

Act 287, as amended, also created the one call system. PA One Call System, Inc., (PA One Call) is a non-profit 501(c)(6) Pennsylvania corporation, that provides a telephone number for excavators, facility owners, project owners, designers, and the general public to notify facility owners of their intent to excavate. PA One Call has as members over 3,500 underground facility owners from the gas, electric, telephone, pipeline, water, cable television, and telecommunications industries, as well as municipalities and municipal authorities.

The One Call law is enforced by the Pennsylvania Department of Labor and Industry (L&I). PA One Call receives no state funding; it is supported by the fees charged to facility owners and income from other supplementary services. Excavators are also charged annual fees, which are used to offset the costs of municipalities and municipal authorities that are not exempt from one call notification services. In 2016, total operating revenue for the PA One Call was \$10,940,197, and total operating expenses were \$11,464,643.

PA One Call serves all 67 counties in Pennsylvania. It employs over 80 people, about half of whom are dedicated to Call Center operations. The remaining employees work in Member Services, Accounting and Administration, Public Education, and Technology. The principal place of business is located at 925 Irwin Run

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<sup>1</sup> "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. This 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 or (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.

<sup>2</sup> The original act made no mention of PA One Call. There were no exemptions to the act.

Rd., West Mifflin, PA 15122. The Disaster Recovery backup site is the Ohio Utilities Protection Service in Youngstown, OH. PA One Call's website may be found at <http://www.pa1call.org>.

## **Board of Directors**

Act 1974-287, as amended, (the act) established the Board of Directors (Board) for PA One Call. It required the system to be governed by a board of directors chosen by facility owners with no less than 20 percent of the seats on the Board held by municipalities or municipal authorities. The Board must include the following as members:

- The Chairman of the Pennsylvania Public Utility Commission or designee.
- The Director of the Pennsylvania Emergency Management Agency or designee.
- The Secretary of Labor and Industry or designee.
- The Secretary of Transportation or designee.
- An excavator or excavation industry representative.
- A designer or designer industry representative.

The Board is composed of 36 members who comprise 15 separate committees. The committees are:

- Executive Committee
- Board Development
- Compensation and Benefits
- Compliance
- Construction Industry
- Cross Bore Task Force
- Design Industry
- Underground Damage Prevention Programs Task Force
- Finance
- Legislative Task Force
- Local Government
- Mapping and Technology
- Parliamentary
- Users Guide Task Force
- Education and Membership

According to the act, operation costs for PA One Call are to be shared, in an equitable manner for services received, by facility owner members as determined by the Board. Fees must be based on the latest annual audited cost factors of PA One Call and may be adjusted to a rate not more than 5 percent above the audited cost factors plus the current average published Consumer Price Index for Pennsylvania. Costs of capital improvements may be added.

## One Call Process

In order to fulfill its mission of preventing damage to underground facilities and to promote safety, PA One Call provides a communications network among project owners, designers, excavators, and members.<sup>3</sup> The call center is staffed 24 hours per day, 365 days per year and can be reached through dialing 811 or a toll-free 800 number (800-242-1776).

The center handles five different types of calls, including:

- *Design Call:* Any drawing that is prepared for an excavation requires a Design Notification. The design notice is meant to allow the designer to plan the new work around existing facilities. Notification must be made between ten and 90 business days inclusive in advance of the final design.
- *Emergency Call:* An emergency call is required when a sudden or unforeseen occurrence involving a clear and immediate danger to life, property, or the environment, including serious breaks or defects in a facility owner's lines.
- *Routine Location Request:* A routine facility location request call initiated for work planned in advance. Notification must be made not less than three and no more than ten business days before the start of excavation work.
- *Demolition Work:* Notification must be between three and ten business days inclusive prior to commencing demolition work. Demolition may require more advanced clearance from the facility owner if service lines need to be disconnected.
- *Complex Project Preconstruction Meeting:* If an excavator intends to perform work at multiple sites or over large areas, the excavator may choose the routine location request process or make a pre-construction meeting request to notify facility owners of their intent to perform excavation. Notification must be at least ten business days preceding the beginning of excavation.

After receiving a request, customer service representatives collect project information, the type of which can be seen in Exhibit 2 below. A serial number is assigned to callers as proof of notification, which results in a Work Location Request, more informally called a ticket. Each ticket is classified by:

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<sup>3</sup> There are two types of PA One Call members: 1. General members are government entities or non-profit entities. A general municipality member must have a population less than 2,000 and a general municipal authority member must be serving less than 5,000 in population. A non-profit general member must supply PA One Call with Articles of Incorporation indicating its 501(c)(3) status. 2. Principal Members are all other facility owners.

## Exhibit 2



# Pennsylvania 811

[www.paonecall.org](http://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: \_\_\_\_\_

**NOTIFICATION TYPE:**

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

EXCAVATION (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: \_\_\_\_\_

NEAREST INTERSECTION: \_\_\_\_\_

WORKING BETWEEN TWO 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: \_\_\_\_\_ TYPE OF EQUIPMENT USED: \_\_\_\_\_

WORK BEING DONE FOR: \_\_\_\_\_ PERSON TO CONTACT: \_\_\_\_\_

PHONE: (\_\_\_\_\_) EXT: \_\_\_\_\_ BEST TIME TO CALL: \_\_\_\_\_

EMAIL ADDRESS\*: \_\_\_\_\_ FAX #: (\_\_\_\_\_) \_\_\_\_\_

SCHEDULED EXCAVATION DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DURATION OF JOB: \_\_\_\_\_

JOB #: \_\_\_\_\_ PENNDOT CONTRACT/PERMIT #: \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_

MEETING 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

\*if provided you will be emailed a copy of your Notification as delivered to the Members.

Source: Pennsylvania One Call System, Inc.

1. Type – the kind of work being performed: excavation, demolition, damage, or complex project pre-construction meeting request.
2. Class – the timeframe of the notification: design, meeting, routine, insufficient notice, or emergency.
3. Action – how the request was created: new, update, renotify, resend, or cancel.

PA One Call will also display a list of members it notifies as a result of the request and transmits to the affected facility owners. Based on Common Ground Alliance Best Practices, the excavator placing the call receives an email copy of the ticket.

Location requests may also be submitted via the internet using Web Ticket Entry on the system's website. Web Ticket Entry is a web-based tool that can be used to enter location requests for design, routine, emergency, or complex projects, instead of telephoning the PA One Call call center.

After ticket creation, PA One Call's Member Mapping<sup>4</sup> allows for location of the excavation site using land-based data, provided by Pennsylvania counties, and augmented by Google maps. Ticket information is then relayed to the affected members by a variety of communication means, including email, data modem, or fax. PA One Call monitors delivery and follows up if a member site is in error,<sup>5</sup> or if a member fails to acknowledge receipt of the notification.

Facility owners are required to respond to all tickets through the KARL System (Kathy Automated Response to Locate Requests). KARL is a voice relay and response system that automates the call out process and allows facility owner members to respond to all notifications with one of the codes shown in Exhibit 3 below.<sup>6</sup> KARL receives the facility owners' responses and faxes or emails the collected responses to the excavating or design company.

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<sup>4</sup> Member Mapping is an online tool developed by PA One Call to help facility owner members reduce the number of notifications they process. It is available free of charge and is meant to refine facilities' notification areas using map objects, within municipal boundaries.

<sup>5</sup> A member site is in error if the notification gets returned to PA One Call. In this case, the notification will be resent multiple times through PA One Call, or the facility owner will receive a phone call.

<sup>6</sup> KARL also automates the call out process to facility owners requesting supplemental voice relay of information on emergency notifications. Additionally, it allows excavators/designers to retrieve information about their responses.

### Exhibit 3

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#### **Response Codes From Facilities From Notification Requests**

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01. Clear – No facilities.
02. Conflict. Lines Nearby. Direct Contact to Follow From Facility Owner.
03. Marked.
04. Insufficient Information. Do Not Dig.
05. Not Marked – Due to No Access.
06. Scheduled Date & Time Lines Will Be Marked by.
07. Voice Message.
08. Design Conflict. Please send plans to:
09. Will Attend Meeting.
091. Clear – Will Not Attend Meeting.
092. Possible Conflict – Requests Meeting.
096. Agrees No Meeting Required.

Source: PA One Call System, Inc., *Users Guide for Pennsylvania Underground Utility Line Protection Law*.

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When a facility locator marks lines for a project, they may use stakes, flags, paint, or other suitable materials in various combinations, depending on the surface to be marked. Any markings must adhere to colors in compliance with American Public Works Association (APWA)/Common Ground Alliance (CGA) Best Practices for Temporary Marking. Exhibit 4 below shows the colors and the types of lines they delineate:

### Exhibit 4

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#### **APWA/CGA Temporary Marking Color Code**

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<b>Temporary Color</b>	<b>Type of Line</b>
<b>WHITE</b>	Proposed Excavation
<b>PINK</b>	Temporary Survey Markings
<b>RED</b>	Electric, Power Lines, Cables, Conduit, and Lighting Cables
<b>YELLOW</b>	Gas, Oil, Steam, Petroleum, or Gaseous Materials
<b>ORANGE</b>	Communication, Alarm or Signal Lines, Cables or Conduit, and Traffic Loops
<b>BLUE</b>	Potable Water
<b>PURPLE</b>	Reclaimed Water, Irrigation, and Slurry Lines
<b>GREEN</b>	Sewer and Drain Lines

Source: PA One Call System, Inc., *Users Guide for Pennsylvania Underground Utility Line Protection Law*.

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In addition to the colors listed above, other symbols may be used by a facility's locator to further define the color-coding used in marking underground facility locations. These symbols are shown in Exhibit 5.

Exhibit 5

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**Additional Symbols Used in Facility Color Coding**

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

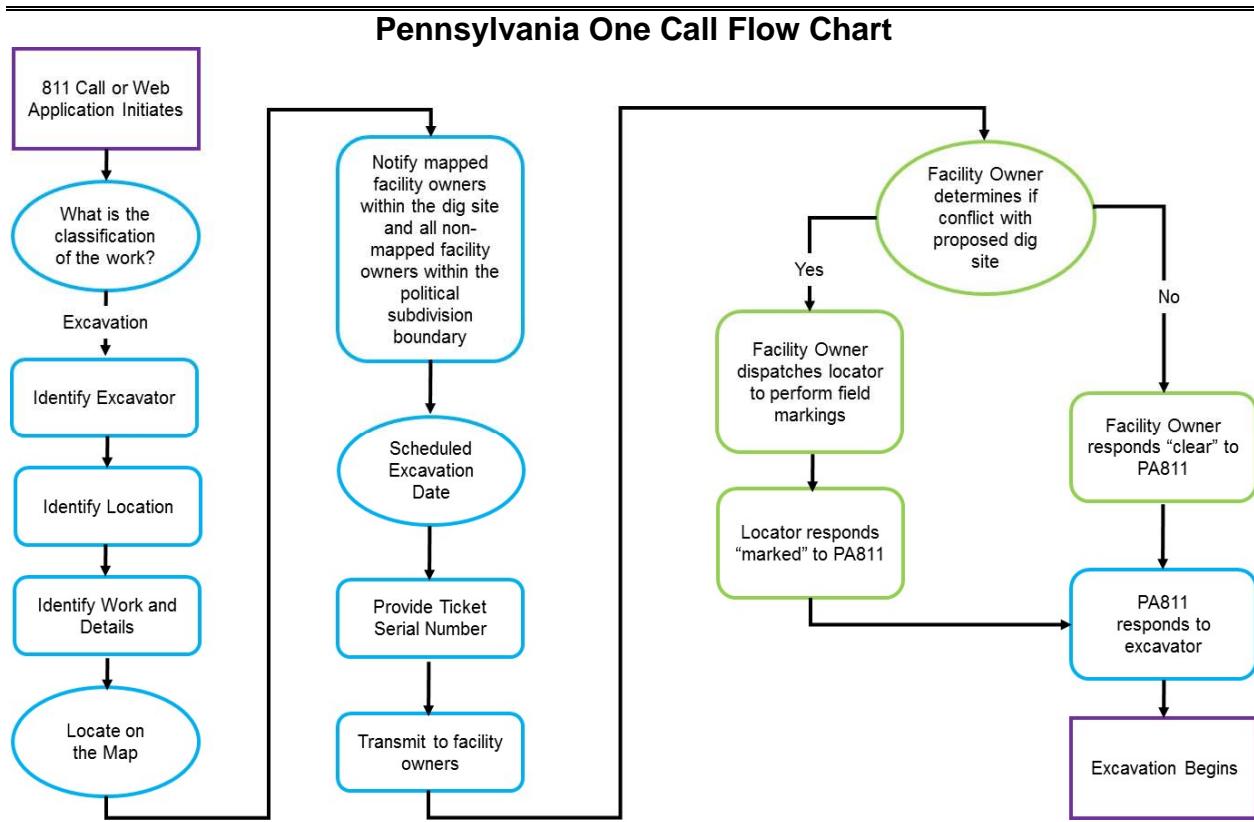
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Source: PA One Call System, Inc., *Users Guide for Pennsylvania Underground Utility Line Protection Law*.

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When all affected facilities have responded that their lines are “Code 3 – Marked” or “Code 1 – Cleared,” PA One Call notifies the excavator that excavation may begin. Exhibit 6 below shows the one call process from the initial phone call or web entry to the beginning of excavation.

Exhibit 6



Source: PA One Call System, Inc.

## Other PA One Call Services and Activities

**Public Education.** One of the primary goals of PA One Call is to promote safety in its mission to prevent damage to underground facilities. One of the ways it does this is through a variety of efforts at public education, targeted toward different stakeholder groups. The programs include:

- **Locator Program:** The Locator Program is targeted to facilities and third party locators who locate and mark facility lines. Its objectives include explaining definitions and terminology of the PA One Call statute, a description of a correct notification, an explanation of marking facilities using the color coding standards, and an illustration of how to respond through the KARL system.
- **Excavator Program:** The Excavator Program is targeted to professional excavators and facility owners who excavate. The program objectives are to learn about excavator responsibilities under Act 1974-287. The two-hour program is offered in locations throughout Pennsylvania.

- ***Web Ticket Entry Online Training:*** The Web Ticket Entry Online Training Program is targeted toward excavators and designers and is intended to promote familiarity with the Web Ticket Entry online application. It is offered as an online training video.
- ***Safety Days:*** Five Safety Days events are held throughout the year throughout Pennsylvania. They include educational presentations and demonstrations regarding issues relevant to safety in excavation.

In addition to offering the above programs, PA One Call public education staff also attend trade shows, facilitate and coordinate meetings between stakeholder groups, conduct annual member contact calls, and recruit new members.

***Member Services, Accounting, and Administration.*** The Member Services, Accounting, and Administration sections support all PA One Call activities, including human resources functions. Representatives are trained in call center operations, to provide backup at peak times and perform quality monitoring of web tickets.<sup>7</sup> Staff is also responsible for help desk support for members and excavators using web tools or having difficulties with ticket delivery.

Other member services representative responsibilities include: activating new facility owner members; executing change requests to existing member data, generating reports, researching and responding to subpoena requests for data, coordinating the Alternate Dispute Resolution process, publishing content on the PA One Call website, organizing safety day and event registrations, attendee tracking, and the mass email process.<sup>8</sup>

***Technology.*** The Technology section of PA One Call supports the hardware, software, and telephone equipment used by members and staff. Through this section, a variety of web applications are available, including:

- Board Member Web Access,
- Drawing Exchange Portal,
- Excavator/Designer Web Access,
- Facility Owner Web Access,
- Member Database Verification,
- Member Mapping,

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<sup>7</sup> PA One Call monitors new users of Web Ticket Entry, who are initially placed on intercept status, meaning that they are flagged for review. Once a user enters five successive requests correctly, they are put on passed status. In addition to requests on intercept status, PA One Call monitors one request per user and every emergency ticket daily.

<sup>8</sup> PA One Call sends information to its users through a mass email process. This information includes a monthly newsletter to its users or educational materials.

- Pre-construction Meeting Request Portal,
- Tickets Nearby,<sup>9</sup>
- Web Ticket Entry, and
- Web Ticket Response.

## Billing and Approved Rates and Fees

Most of PA One Call's revenues, 78 percent, are derived from municipal activity fees<sup>10</sup> charged to facility owner members (for more information regarding revenues from the various fees, please see Section IV A). PA One Call has a variety of rates and fees for various categories of its customers and users: all fees and rates are set by the Board and are based on the most recent audited cost factors of PA One Call.

As required by statute and provided for by PA One Call, the calculation for the municipal fee base rate is as follows and is illustrated in Table 1.

- The previous year's audited total expenses minus non-municipal activity income,<sup>11</sup> yielding Adjusted Expenses.
- Subtract depreciation expense<sup>12</sup> and add the current year's capital budget.<sup>13</sup> This calculation yields Net Expenses.
- Divide Net Expenses by the previous year's Municipal Activity total. This calculation yields the Municipal Activity Fee Base.
- To the Base, add the allowable upper limit of 5 percent; add the previous year's Consumer Price Index, yielding the Allowable Fee.

The legislatively allowable fee for 2017 was calculated to be \$.87 per inbound (to the facility owner) Work Location Request, however, according to a PA One Call official, the Board made the decision to hold the fee to \$.80. The Finance Committee of the Board reviews the rates on a quarterly basis and makes adjustments as necessary.

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<sup>9</sup> Tickets Nearby allows members to use their mobile devices to check for tickets that are geographically near the GPS coordinates provided by that device, and to report a 'no call' condition. According to a PA One Call official, a 'no call' condition was developed at the request of gas companies, whose employees may happen to observe excavation for which they did not receive notification. In these cases, PA One Call will issue a 'no call' ticket to all other facilities, who may send a locator to the site.

<sup>10</sup> Municipal Activity is income from work location request (WLR) notifications (or tickets) received by and billed to facility owners in municipalities in which they are registered. Facility owners receive notifications if they have facilities or lines in a municipality where the project is taking place, not just if they have facilities or lines in the project area.

<sup>11</sup> Income that does not have to be recovered through municipal activity fees.

<sup>12</sup> Depreciation expense is a non-cash item.

<sup>13</sup> Capital budget expenses can include, for example, computer equipment or disaster recovery equipment.

Table 1

**Pennsylvania One Call System, Inc.**  
**Municipal Activity Fee Calculation 2017 Allowable**

	<u>Allowable 2017</u>
Total Expenses.....	\$11,775,104
- Sales/Fax Delivery Charge .....	(204,719)
-Sales/Data Delivery Charge.....	(17,038)
-Sales/Email Delivery Charge .....	(104,308)
- Income from Mapped Members .....	(586,220)
- Income From Supplemental Sales..	(410,178)
- Income From Contractor Fees .....	(1,167,485)
- Billbacks (passthroughs) .....	(280,129)
- Rental Income & Tenant Billback....	(43,293)
- Other Income .....	(196,967)
- Misc. Income .....	(2,538)
<b>Adjusted Expenses.....</b>	<b>8,762,229</b>
Depreciation Expense .....	(1,229,863)
2017 Capital Budget.....	1,096,381
<b>Net Expenses .....</b>	<b>8,628,747</b>
Municipal Activity.....	10,700,561
<b>Municipal Activity Fee (Base).....</b>	<b>\$0.81</b>
Allowable Upper Limit 5% .....	0.04
Consumer Price Index 2.1% (2016) ...	0.02
<b>Allowable Fee Per Legislation .....</b>	<b>0.87</b>

Source: PA One Call System, Inc.

The One Call law stipulates that operation costs for PA One Call are to be shared, in an equitable manner for services received, by facility owner members as determined by the Board. Political subdivisions with a population of less than 2,000 people or municipal authorities serving an aggregate population of less than 5,000 people are exempt from the payment of any service fee.

In addition to the fees described below, each new principal member is assessed a contribution to capital, or membership fee, upon joining PA One Call. The member's contribution will not be more than the first three months' estimated fees.

**Excavator/Contractor Fees.** Under Act 1974-287, any excavator, designer, or operator who proposes any excavation or demolition work is charged a fee, which is to be used to offset the operation costs levied on political subdivision and municipal authority members in lieu of additional fees charged for location requests. The fee is set at \$125 per year.

**Associate Member Fees.** Annual fees are paid to PA One Call by associations and trade organizations. If an excavator is a member of an organization that has paid this fee, PA One Call services are provided at no extra charge. The association fee structure is as follows:

- \$2,459 – Small Association – less than 50 members;
- \$3,080 – Medium Association – more than 50 but less than 1,000 members; and
- \$7,686 – Large Association with 1,000 or more members.

**Municipal Activity Rates.** As stated above, the bulk of revenues for PA One Call is received from Municipal Activity. This base rate, which is \$.80 per ticket, is based on the total number of work location request (WLR) notifications (or tickets) received by facility owners in municipalities in which they are registered. Facility owners receive tickets if they have facilities or lines in a municipality where the project is taking place, not simply if they have facilities or lines in the project area. PA One Call notes these rates are applicable to members who do not qualify for mapped rates. Members are billed the base rate – \$.80 per ticket – plus a delivery charge for each ticket, as listed below:

- Email Delivery Charge: \$.02 per notification;
- Data Delivery Charge: \$.07 per notification delivered via modem<sup>14</sup> or printer; and
- Fax Delivery Charge: \$.47 per notification.

**Mapped Rates.** Certain members of PA One Call qualify for mapped rates. Of the 3,552 members, 1,000 have mapped their facilities via PA One Call's Member Mapping Application. Of those, 357 qualify for the mapped rates enumerated below. According to the PA One Call 2017 Approved Rate Structure, Municipal Members, Master Meter Operators,<sup>15</sup> and Micro Members<sup>16</sup> qualify for mapped rates if

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<sup>14</sup> Modem delivery is a communication between computers, requiring the member's computer to be connected to a telephone line.

<sup>15</sup> A master meter operator owns/operates underground facilities on its own property and buys and resells various utility services to one or more customers residing on its property; for example, an apartment complex or home owner association.

<sup>16</sup> A micro member owns/operates underground facilities on its own property to serve itself and does not have customers, for example, hospitals or universities.

they have mapped their facilities using PA One Call's Member Mapping Application. Other members who have mapped their facilities with the application qualify for mapped rates only if their lines do not cross more than one municipal boundary.

Although mapped rates are higher than municipal activity rates, as seen in Table 2 below, an advantage is that the facility owner does not incur costs associated with marking lines. A qualifying mapped facility is only billed for those tickets for which it is directly involved in the project. Billing is dependent upon the method of delivery and the screening percentage. For example, if a qualified facility owner had ten Municipal Activity tickets within a month, and only five of those tickets were within proposed project areas, PA One Call would screen out the other five tickets, yielding 50 percent of tickets screened. Therefore the member would be billed for five tickets at \$1.60 each, plus delivery charges for each ticket, e.g. \$.02 X 5 for all five tickets to be delivered via email.

Table 2

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### 2017 PA One Call System Mapped Rates

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Percent Screened	Multiplier	Base Rate
0% – 25%	1.5 X current municipal activity fee per ticket received	\$1.20
26%– 50%	2.0 X current municipal activity fee per ticket received	\$1.60
51% – 75%	2.5 X current municipal activity fee per ticket received	\$2.00
76% – 100%	3.0 X current municipal activity fee per ticket received	\$2.40

Source: PA One Call System, Inc., 2017 Approved Rate Structure.

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### ***Supplemental Services.***

***Renotifys:*** A Renotify is when PA One Call sends a second or third notification of a WLR when no response has been received from a facility owner or the caller disagrees with the posted response. They are only sent to the facility owners specified by the caller. These rates apply to all principal members and are billed per outbound transmission based on the method of delivery:

- Email Delivery: \$.82 per notification;
- Data Delivery: \$.87 per notification delivered via modem or printer; and
- Fax Delivery: \$1.27 per notification.

***Resends:*** These are re-transmissions of previously delivered WLRs as requested by the facility owner. These rates apply to all principal members and are billed per outbound transmission based on the method of delivery:

- Email Delivery: \$.82 per notification;
- Data Delivery: \$.87 per notification delivered via modem or printer; and
- Fax Delivery: \$1.27 per notification.

*Supplemental Notifications:* A facility owner may request that additional hard copies of notifications be sent to other receiving sites, for example, when a facility owner wants tickets delivered to two different office sites. These rates apply to all principal and general members and are billed per outbound transmission based on the method of delivery:

- Email Delivery: \$.82 per notification;
- Data Delivery: \$.87 per notification delivered via modem or printer; and
- Fax Delivery: \$1.27 per notification.

*Supplemental Voice Outs:* A facility owner can request a telephone call on certain types of WLRs, such as damages, or for WLRs taken outside of normal business hours with a proposed dig time prior to the start of the next business day. These notifications are initially called out via KARL. If the automated voice call out fails for any reason, subsequent attempts are made by a customer service representative. Each attempt to make contact is billed. These rates apply to all principal and general members.

- Automated attempt made by KARL: \$2.55.
- Attempt made by a customer service rep: \$5.05.

*Supplemental Text Messages:* A facility owner may request a text message on emergency notifications. Standard messaging rates apply from the cell phone carrier. This fee is:

- \$.82 per text message transmitted.

### **Additional Services.**

*Message Searches:* requests for the call center to search for an archived WLR.

- Known Serial Number: \$25 per serial number – ticket and responses.
- Unknown Serial Number: \$50 per month per data element searched, plus \$25 for each ticket and response.

*By Subpoena Only:*

- Voice Recording: \$100 per serial number for tape-recorded conversation.
- Transcription: \$25 per hour.

## C. Common Ground Alliance

Established in 2000, Common Ground Alliance (CGA) has 1,700 members, including individuals, organizations, and sponsors from the underground utility industry. According to its website, its primary purpose is saving lives and preventing damage to underground infrastructure by promoting effective damage prevention practices. The organization also acts as a clearinghouse to disseminate other products and information to enhance safety and minimize damage.

The mission of the CGA is to provide clear and tangible value to stakeholders by helping to reduce damages to North America's underground infrastructure. The CGA works cooperatively to enhance safety and protect underground facilities by:

- identifying and disseminating stakeholder best practices;
- developing and conducting public awareness and education programs;
- sharing and disseminating damage prevention tools and technology; and
- serving as the primary resource for damage and one call center data collection, analysis, and dissemination.

The vision of CGA is to make significant, measurable progress in creating a damage prevention culture across North America, wherein calling before digging is the norm, with all underground utilities identifiable and accurately mapped.

The CGA is managed by a board of directors, made up of stakeholders representing various aspects of the underground utility industry. Among general membership, there are working committees, including: Best Practices, Technology, Educational Programs, Data Reporting and Evaluation, Regional Partner, Stakeholder Advocacy Committee, and One Call Systems International.

CGA is a continuation of the damage prevention efforts begun by the Common Ground Study (CGS). The U.S. Department of Transportation (USDOT) studied best practices in place nationwide for: enhancing worker safety, protecting vital underground infrastructure, and ensuring public safety during excavation activities conducted in the vicinity of existing underground facilities. USDOT charged the former Office of Pipeline Safety, now the Pipeline and Hazardous Materials Safety Administration (PHMSA) with conducting the study.

PHMSA invited stakeholders from underground utility safety and damage prevention to determine how to implement the study. Their task was to develop a process for identifying best practices and to address each stakeholder group's responsibilities in the one call process. One hundred sixty-two individuals participated in the study, representing stakeholders from across the U.S., including oil and gas transmission and distribution; telecommunications; railroads; utilities; electric; water; sewer; cable television; one call centers; excavators; locators; design

engineers; regulators; and government entities at federal, state, and local levels. Any best practice or program endorsed by the group was established with consensus support, meaning that all stakeholder groups agreed that they could abide by the practice. The study was completed in 1999 and identified over 130 best practices.

After the CGS was presented to the Secretary of Transportation, it was decided the work of the CGS should continue and that the Best Practices document should be updated regularly. PHMSA was asked to facilitate and sponsor what became known as the Damage Prevention Path Forward. In 2000, the work of the team was completed when the Common Ground Alliance received its Certificate of Incorporation from the District of Columbia.

The CGA continues to revise and improve best practices and issues the Best Practices Guide, based on the CGS, which was intended by the original stakeholders to be a working document that would evolve as technology and learning progressed and advanced. As best practices are added or amended, the changes are reflected in subsequent versions. The document is currently in its 14<sup>th</sup> revision and can be found here: <http://commongroundalliance.com/best-practices-guide>.

### **III. Update of the Auditor General's 2010 Special Performance Audit of the Enforcement of the Underground Utility Line Protection Law (PA One Call) by the Department of Labor and Industry**

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In November of 2010, the Pennsylvania Department of the Auditor General (DAG) issued a performance audit report (see Appendix A) on the enforcement of the Underground Utility Line Protection Law (PA One Call) by the Pennsylvania Department of Labor and Industry (L&I). The audit found that L&I "failed to adequately enforce the Underground Utility Line Protection Law, which jeopardizes public health and safety."<sup>1</sup> In the report, DAG made nine recommendations for L&I:

1. Provide proactive leadership and develop appropriate policies and procedures for the investigators to ensure they are effectively performing and documenting incident investigations and their conclusions. This includes documentation ensuring that the investigator validated through PA One Call as to whether or not a one-call was made.
2. Require supervisors to review and approve all case files prior to recording the incident as closed in tracking records.
3. Require case files to be maintained in a centralized location and ensure proper accountability.
4. Establish time frames in which incident investigations are concluded and case files are closed.
5. Monitor the status of open incident cases to ensure they are completed within established time frames.
6. Enforce its authority for issuing penalties to entities that violate the law on a consistent basis and issuing penalties to entities that receive three or more warnings in a calendar year.
7. Develop policies and procedures with respect to what information is to be entered into the tracking system records, when the information should be entered, and how often the data-entry staff person reviews for updates to the tracking records to ensure accuracy.
8. Request damage logs from PA One Call on a more frequent basis, such as monthly, to allow Labor and Industry to identify violators and to ensure incidents are timely and effectively investigated and concluded.
9. Be more proactive in identifying one-call incidents and violations of the law by working closely with PA One Call management and other parties.

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<sup>1</sup> Pennsylvania. Department of the Auditor General. *A Special Performance Audit of the Department of Labor & Industry: Enforcement of Underground Utility Line Protection Law (PA One Call)*. November, 2010. [www.paauditor.gov/Media/Default/Reports/speLaborAndIndustryt110410.pdf](http://www.paauditor.gov/Media/Default/Reports/speLaborAndIndustryt110410.pdf)

In its response to the 2010 DAG report, L&I strongly disagreed with many of the findings, going so far as to assert that the report contained many “misleading statements and unsubstantiated conclusory allegations...” However, subsequent administrations have taken a different approach to the recommendations contained in the report and, based on our meetings with L&I officials, appear to have substantially addressed at least seven of the nine recommendations.

***Recommendation 1:***

The Department has implemented this recommendation. As of July 2015, L&I has coordinated with the Pennsylvania Emergency Management Agency (PEMA) to ensure appropriate L&I personnel receive electronic PEMA alerts. The Bureau of Labor Law Compliance (Bureau) follows-up on each PEMA alert and coordinates with regional supervisors to ensure information sharing to enable investigators to conduct thorough investigations.

The Bureau has developed a protocol to determine when an investigator must make an immediate, on-site visit to the scene of a line strike. Investigators have been trained in the protocol, and safety measures and retrained in appropriate investigative techniques for Underground Utility Line Protection Law investigations.

***Recommendation 2:***

The Department has implemented this recommendation. Supervisors now have the responsibility to review and approve all investigators’ case files prior to closing a case in the case tracking system.

***Recommendation 3:***

The Department has implemented this recommendation. The Bureau is in the process of a significant upgrade to their computer systems. All files are now placed in an electronic case tracking/management system. Paper files are stored in a central location to ensure there is a back-up in case of an IT failure. The new case management system allows for better and more secure access to files from investigators’ field offices and the regional offices. Information sharing has been enhanced between investigators, supervisors, Bureau leadership, and L&I’s chief counsel.

***Recommendation 4:***

L&I, citing the uniqueness of each investigation, has resisted placing strict time frames regarding the completion of an investigation. They have, therefore, chosen not to implement this recommendation.

***Recommendation 5:***

The Department has implemented this recommendation. Even though L&I has not implemented Recommendation 4, they have put in place a system by which Bureau supervisors, program managers, and the Assistant Director of the Bureau regularly discuss cases open longer than 60 days. This closer monitoring includes receiving updates on actions taken, information outstanding, and actions necessary to recommend final disposition of the case.

***Recommendation 6:***

The Department has implemented this recommendation. In order to exercise more consistent enforcement, L&I now has their investigators work with offending parties to ensure they understand the requirements of the statute. Fines are levied based on the criteria in the law, ensuring all of the relevant factors are considered. The Chief Counsel reviews penalty recommendations when appropriate. The Bureau collected a record-breaking \$96,800 in penalties in 2016.

***Recommendation 7:***

The Department has implemented this recommendation. The Bureau now requires investigators to undergo training annually. Investigators are trained regarding the type and timeliness of information that must be included in the new electronic case tracking system. L&I has put in place protocols to ensure accurate records are maintained throughout the investigatory process.

***Recommendation 8:***

The Department has been unable to implement this recommendation. In 2015, the Department requested and obtained PA One Call damage logs. Records totaling 855 incidents were given to L&I and the Department reported it followed up with an investigation of each incident and proceeded as necessary with those incidents that constituted violations of the Underground Utility Line Protection Law.

Because of the negative reaction from its membership, PA One Call discontinued providing the damage log to L&I and reverted to responding to, “clear and specific requests” relating to a case under investigation. In the view of PA One Call, “Indiscriminately providing the PA One Call ‘damage log’ is not a clear and specific request relating to a matter under investigation.”<sup>2</sup>

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<sup>2</sup> Act 1974-287, Section 3(3) states, “Not more than ten business days after the receipt of a **clear and specific** request from the department, to provide access to or photocopies of specific One Call system response records, tickets or other like information **relating to matters under investigation** by the department pursuant to its enforcement authority under this act.” (emphasis added)

**Recommendation 9:**

The Department has implemented this recommendation. L&I reports it closely monitors PEMA alerts and media reports regarding incidents that may involve the Underground Utility Line Protection Law. The Department is also conducting a pilot project with PA One Call and utility companies called “no-call, one-call.” The project encourages individuals to call the Bureau or their utility company to alert them to digging activities when there is no indication that an 8-1-1 call has been made. Additionally, the Bureau makes presentations at safety day expositions sponsored by PA One Call or utility companies.

We also requested data from L&I regarding their recent enforcement actions. As Table 3 below shows, over the past five years, L&I enforcement actions have averaged about 500 a year.

Table 3

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**L&I Underground Utility Line Protection Enforcement Action**

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<u>Year</u>	<u># of Enforcement Actions</u>
2012 .....	622
2013 .....	434
2014 .....	352
2015 .....	608
2016 .....	<u>585</u>
Total .....	2,601

Source: PA Department of Labor and Industry.

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Of these enforcement actions, L&I reported that 994 have resulted in a fine or some other penalty, with total collections for violations of the Underground Utility Line Protection Law of \$463,494.72. L&I also reported that, beginning in August 2015, it resumed the practice of following up on damage reports provided by PA One Call, sending 855 additional damage letters based on this information.

L&I does not maintain aggregate information on property damage/injuries, but informed us that some of these incidents have been very significant, such as an explosion in Hummelstown that led to a building blowing up, a large scale water-line rupture in Harrisburg that closed the city government buildings for days, a case involving a death in Lancaster county, and an electrocution (but not death) in the Pittsburgh area.

We also found PHMSA evaluated the enforcement of Pennsylvania’s excavation damage prevention law in late 2016 and determined L&I’s enforcement program to be “adequate,” with no corrective action required. (Agencies are rated as either Adequate or Inadequate.) PHMSA did indicate, however, that “there are opportunities for improvement,” noting that damage rates for gas distribution facilities in Pennsylvania have been trending up since 2014 (a 13 percent increase from 2014 to 2016) as well as the number of damages themselves.

## **IV. Pennsylvania One Call System Financials**

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### **A. Revenues**

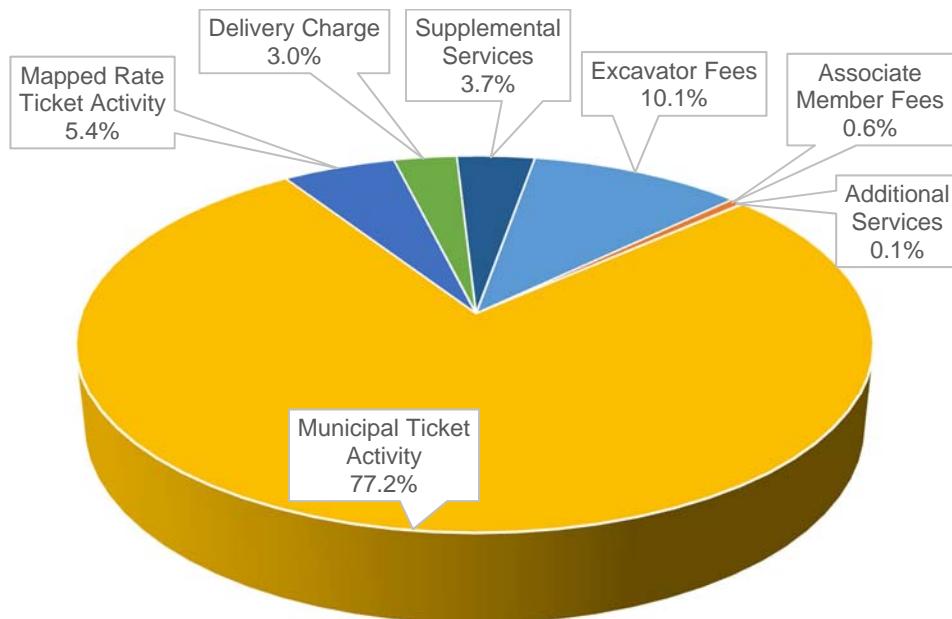
Revenues received by PA One Call are derived from seven fees. These include revenues from municipal activity, excavator fees, mapping services, supplemental services, delivery charges, associate member fees, and additional services. PA One Call does not receive any state government funding.

During Fiscal Year 2016, PA One Call received revenues totaling \$10,940,197 from these sources. As shown below in Exhibit 7, revenues from municipal activities accounted for nearly 80 percent of total PA One Call revenues in 2016.

Exhibit 7

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**PA One Call Revenues, by Fee Type  
2016**



<u>Source</u>	<u>Amount</u>
Municipal Activity	\$8,450,248
Excavator Fees	1,103,278
Mapped Rate Ticket Activity	586,220
Supplemental Services	403,278
Delivery Charge	326,065
Associate Member Fees	64,207
Additional Services	6,900

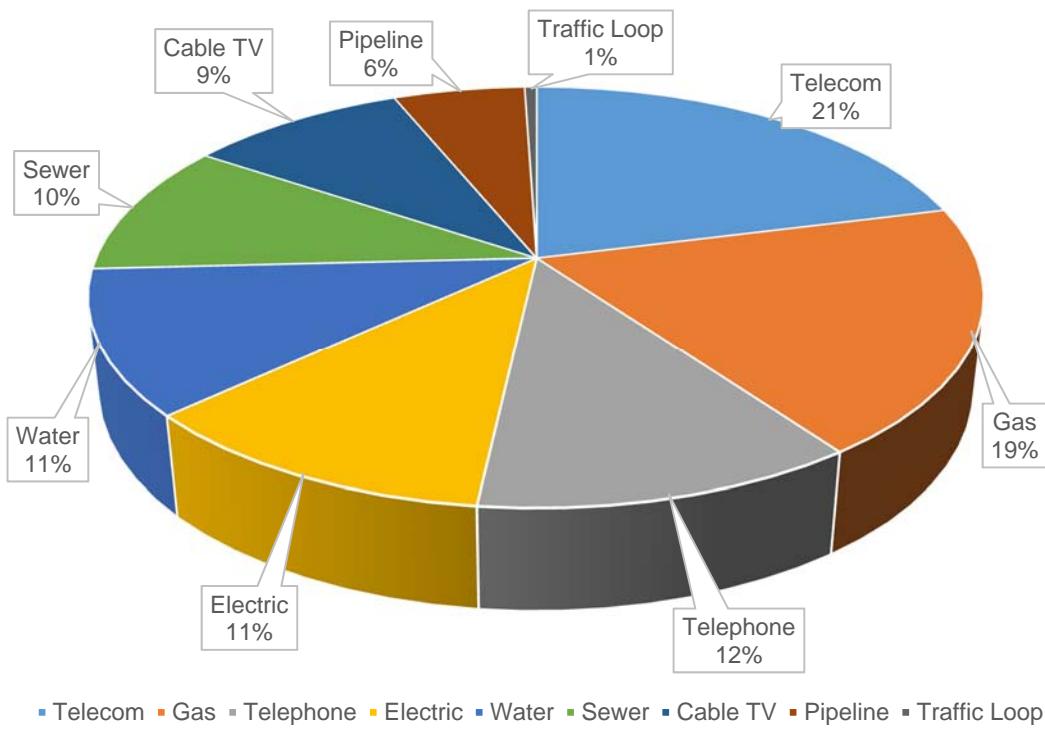
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Source: Developed by LB&FC staff from PA One Call Financial Records.

As shown below in Exhibit 8, revenues are drawn from a number of facility types. These include telecommunications, gas, telephone, electric, water, sewer, cable TV, pipeline, and traffic loop. The primary source of Municipal Activity Fees is generated from utility companies (79.3 percent) followed by government (19.97 percent).

Exhibit 8

**Source of Revenue, by Facility Type  
2016**



■ Telecom ■ Gas ■ Telephone ■ Electric ■ Water ■ Sewer ■ Cable TV ■ Pipeline ■ Traffic Loop

Source	Amount
Telecom	2,300,723
Gas	2,086,295
Telephone	1,276,721
Electric	1,236,242
Water	1,216,550
Sewer	1,119,182
Cable TV	1,029,472
Pipeline	619,215
Traffic Loop	55,795

Source: Developed by LB&FC staff from data provided by PA One Call.

Revenues from the Municipal Activity Fee amounted to \$8,450,248, or about 77 percent of total PA One Call revenues. This represented a 1.19 percent increase over the prior year level.

Municipal Activity Fees are based on the total number of inbound work location request notifications (WLRs) received each month in a municipality. The facility owner is billed for each municipality in which they have registered to receive WLRs. As shown below in Exhibit 9, PA One Call members are billed the base rate plus a delivery charge that is based upon the method of delivery.

#### Exhibit 9

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#### **Municipal Activity Fees**

Base Rate.....	\$0.80 per incoming notification per registered municipality
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

Source: Developed by LB&FC staff from information provided by PA One Call.

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#### **Revenues Generated Through Excavator Fees**

Excavators pay an annual fee of \$125. Those that are members of an association pay no annual fee. Instead, the association is charged as shown below in Table 4.

Table 4

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#### **Associate Member Fees**

Small association with less than 50 members .....	\$2,459
Medium association with more than 30 but less than 1,000 members.....	\$3,080
Large association with 1,000 or more members.....	\$7,686

Source: Developed by LB&FC staff from information provided by PA One Call.

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#### **Revenues Generated Through Mapped Rates**

Mapped rates are those rates charged to facility owners based on the number of outbound WLRs transmitted to facility owners that qualify for the mapped rate program. In order to participate, companies must submit maps of their facilities to PA One Call through its Member Mapping Application. The application allows participating facility owners to receive notifications only for those areas within a municipality where they have underground assets.

The rates, shown in Table 5 below, are based on the method by which the notification is delivered and the percentage of notifications that are screened out. Inbound unmapped tickets are not billed.

Table 5

**Member Mapped Rates**

<b>Percentage Screened</b>	<b>Multiplier</b>	<b>Base Rate</b>
0% - 25%	1.5 X current municipal activity fee per ticket received	\$1.20
26% - 50%	2.0 X current municipal activity fee per ticket received	\$1.60
51% - 75%	2.5 X current municipal activity fee per ticket received	\$2.00
76% - 99%	3.0 X current municipal activity fee per ticket received	\$2.40

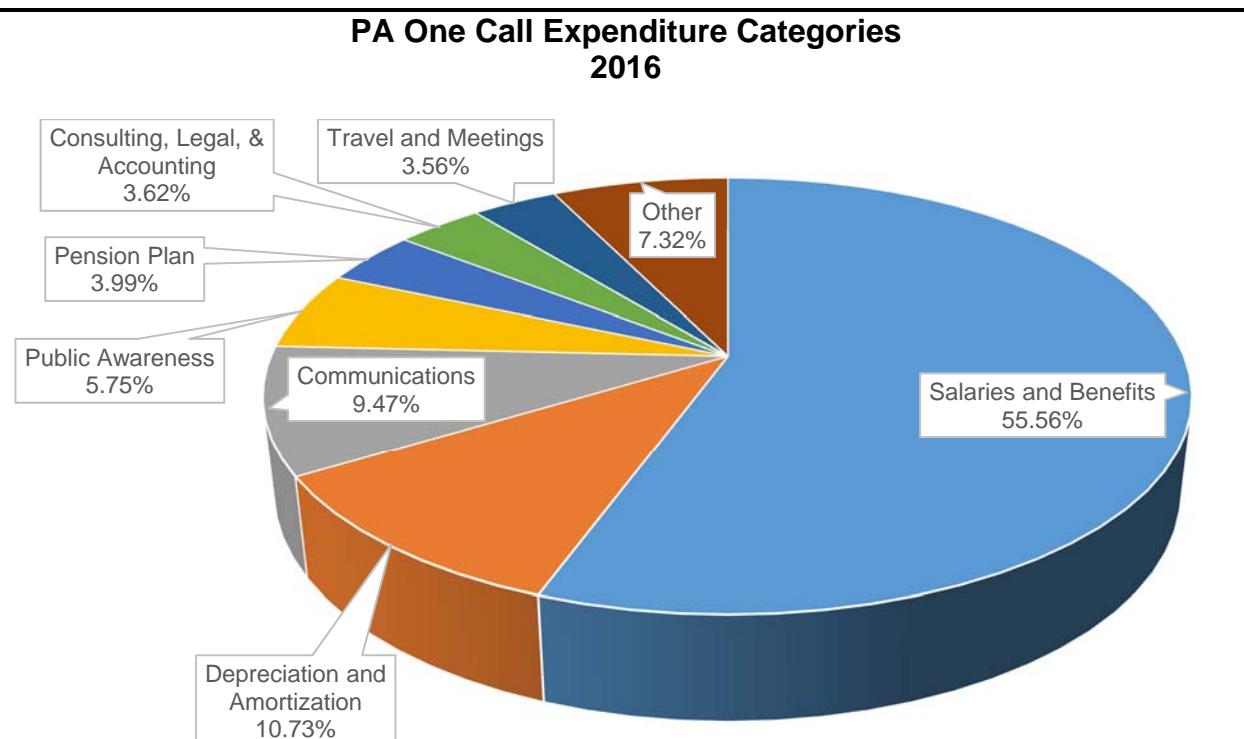
Source: Developed by LB&FC staff from information provided by PA One Call.

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## B. Expenditures

PA One Call System expenditures can be grouped into twelve categories. These include salaries and benefits; depreciation and amortization; communications; public awareness; pension plan; consulting, legal, and accounting; travel and meetings; building expenses; office expenses; bank service charges; insurance; and delivery and postage. During 2016, PA One Call had total expenditures of \$11,464,643. As shown below in Exhibit 10, salaries, benefits, and the pension plan accounted for nearly 60 percent of total PA One Call spending. Overall spending from 2015 to 2016 increased by roughly 8 percent.

Exhibit 10



Major Category	Amount
Salaries and Benefits	\$ 6,370,228
Depreciation	1,229,863
Communications	1,085,904
Public Awareness	659,432
Pension Plan	457,116
Consulting, Legal, & Accounting	414,769
Travel and Meetings	408,472
Other <sup>a</sup>	838,859
Total Expenditures	\$11,464,643

<sup>a</sup>Building expenses, office expenses, bank service charges, insurance, delivery and postage

Source: Developed by LB&FC staff from information provided by PA One Call.

PA One Call expenditure categories are defined as follows:

**Salaries and Benefits.** Employee compensation, employer payroll taxes, life insurance, short term and long term disability, medical, vision, dental, and employee service awards.

**Depreciation and Amortization.** The loss of value for tangible assets (furniture and fixtures, computers, telephone equipment, and building) for one year based on each asset's useful life.

**Communications.** Internet expenses, long distance services, AT&T, Verizon, and Comcast services, conference calls, 811 expenses, hardware and software purchases, hardware maintenance, software support IVR maintenance, cell phones, and local telephone line service.

**Public Awareness.** Show registration, promotional materials and giveaways, direct mail materials and postage, mass media radio and non radio, ads, damage prevention events, materials and visual aids used for presentations, safety day expenses, graphic support and video production, and bulk mail service expense.

**Pension Plan.** Employer contribution to 401(k) plan for each eligible employee.

**Consulting, Legal, and Accounting.** Expenses for legal services, lobbyist expenses, consulting services, audit fees, and membership dues.

**Travel and Meetings.** Expenses incurred for quarterly board meetings, annual planning meeting, committee meetings, funds allocated for education of board members, travel and expenses incurred by board members, and expenses associated with staff travel for meetings, training, and events.

**Building Expenses.** Utilities, building repairs, maintenance, taxes, supplies, and depreciation and tenant lease expense.

**Office Expenses.** Rental and usage of copiers, maintenance and purchase of office equipment, copier paper, toner, contracted printing and duplicating, supplies, payroll processing, applicant background check, recruiting expenses, and staff party.

**Bank Service Charges.** Bank charges to analyze and process monthly transactions, which include lock box, positive pay, and A/R Advantage, cash management, investments, and credit card service fees.

**Insurance.** Insurance premiums for Directors and Officers, employment practices liability, fiduciary liability, ID Fraud, ERISA, workers compensation, commercial package, professional liability, umbrella policy, and drug testing program.

**Delivery and Postage.** United Parcel Service, postage, delivery charges, and rental of postage equipment.

## Compensation

In 2015, PA One Call reported four “highest compensated” employees (i.e., with total compensation of \$150,000 or more) on its Form 990, a federal tax form required of most nonprofit organizations (see Appendix B).<sup>1</sup> The highest compensated employee was the President, with a base compensation of \$344,635. In addition to this base compensation, the President also received bonus/incentive payments of \$37,500, retirement/deferred compensation payments of \$26,500, nontaxable benefits (e.g., health insurance) of \$8,396, and other compensation<sup>2</sup> of \$6,000, for a total compensation amount of \$423,031. The Form 990 notes that the PA One Call Board of Directors reviews and recommends a salary and benefits policy every year and additionally hires an outside consultant at least once every three years to review the compensation of the organization’s staff.

We reviewed PA One Call’s 2016 Salary Study to determine how the comparison salaries were developed and to compare the consultant’s recommended salaries with actual salaries. The 2016 Salary Study reported the President’s salary for 2016 to be \$283,656, or almost \$61,000 below the base compensation figure reported on the Form 990 for 2015. When asked about this difference, PA One Call reported that it was attributable to four factors:

1. The President’s base salary for 2015 was \$291,105, significantly higher than his base salary for 2016.
2. In addition to the base salary, PA One Call has a policy of compensating employees with a minimum of 20 years of service for a taxable life insurance premium. The premium, which amounted to \$48,077 in 2015, is added to the employee’s earnings so the taxes can be calculated and paid.<sup>3</sup>

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<sup>1</sup> Nonprofit organizations are also required to report transactions with interested persons. PA One Call reported it provided compensation for services of \$110,058 to a family member (daughter) of the President and Vice President. This individual serves as a manager for member services and accounting.

<sup>2</sup> Other Compensation typically refers to current year payments earned in a prior year, severance payments, and longevity of service awards.

<sup>3</sup> In general, the value of non-qualified deferred compensation plans, such as Supplemental Executive Retirement Plans, must be included in the gross income and reported as wages of an employee for purpose of federal employment taxes.

3. PA One Call employees receive a Group Term Life insurance policy, which in the President's case, added an additional \$2,271 to his base compensation.<sup>4</sup>
4. The President received compensation of \$3,181 as an offset to his Medical, Dental, and Vison insurance plans.

In total, this reconciles the difference between the 2016 base salary shown in the 2016 consultant report and the \$344,635 figure reported in the PA One Call 2015 Form 990.<sup>5</sup>

The consultant report noted that it is the PA One Call salary policy to be at the market average. In 2016, the President's base salary of \$283,656, as reported in the consultant report, was 2 percent higher than the market average (\$278,274) for nonprofit organizations.

We also compared the PA One Call President's total compensation, as reported on the 2015 Form 990, to the total compensation of the CEOs of one call systems in other states. While states vary significantly in the number of calls received and revenue generated, the PA One Call President was the second-highest compensated CEO of all the nonprofit one call systems in the country. PA One Call was the only nonprofit one call system that reported more than one employee with a base compensation over \$200,000.

We also reviewed the compensation level of the PA One Call Vice President, who is the spouse of the President. The Vice President's 2016 base salary of \$228,706 was slightly above the market average (\$228,198). With over 20 years of service, the Vice President is also eligible for the taxable life insurance premium benefit. In addition to this base compensation, in 2016 the Vice President also received other reportable compensation of \$11,188; retirement/deferred compensation payments of \$23,871; and nontaxable benefits (e.g., health insurance) of \$9,085, for a total compensation of \$272,850.

PA One Call's other two highly compensated employees in 2016 were the Director of Member Services, with a base compensation of \$138,577 and total compensation of \$179,974; and the Director of Marketing and Education, with a base compensation of \$123,156 and total compensation of \$158,484.

Although the 2016 Salary Study does not specifically address the appropriateness of additional benefits such as the taxable life insurance premium benefit, it

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<sup>4</sup> Employees must include in income the cost of employer-provided insurance that is more than the cost of \$50,000 of coverage.

<sup>5</sup> The President's compensation package for 2016, while similar in total compensation (\$423,408) to 2015, appears to be structured differently, with a base compensation of \$287,037; bonus, \$42,500; other reportable, \$58,286; retirement and other deferred compensation, \$26,500; and nontaxable benefits, \$9,085.

does provide for a salary range, from a minimum of 80 percent of the market average to 130 percent of the market average, noting that the range “allows enough room for incumbents to be paid at varying levels, due to performance and tenure.” All four of PA One Call’s highest compensated employees have base compensation amounts (as to be reported on the 2016 990) that are less than 130 percent of the 2016 market average.

Given the family relationship between President, Vice President, and PA One Call’s Manager for Member Services and Accounting (husband, wife, and daughter, respectively), we reviewed the Commonwealth’s policy regarding nepotism. Under Management Directive 505.7, an employee or official is not permitted to exercise direct and immediate supervisory authority over a family member. This policy, if adopted by the PA One Call Board of Directors, would require one of the three family members to leave their current position. PA One Call, however, is not subject to the Commonwealth’s personnel policies, and IRS regulations do not prohibit nepotism at 501(c)(6) organizations, such as PA One Call. As a matter of good policy, however, most human resource professionals recommend companies avoid nepotism because the perceived favoritism can cause dissatisfaction among workers and lower morale and can increase the organization’s risk of being sued for discrimination or hostile work environment.

## Travel Expenses

We requested information on out-of-state travel expenses for PA One Call’s General Counsel and the four highest compensated officers/employees (President, Vice President, Director of Member Services, and Director of Marketing and Education) for both 2015 and 2016. The information PA One Call provided is summarized in Table 6.

Table 6

### PA One Call Out-of-State Travel Expenses

Position	Days of Travel		# of Destinations		Expense <sup>a</sup>	
	2015	2016	2015	2016	2015	2016
President .....	29	34	9	7	\$6,047	\$6,757
Vice President .....	24	28	6	6	6,636	6,914
General Counsel .....	10	9	2	2	3,048	2,960
Director, Member Services.....	21	24	5	5	7,226	7,308
Director, Marketing and Education.....	6	8	2	2	1,540	1,797

<sup>a</sup> Includes lodging, transportation, personal car mileage, and business meals.

Source: PA One Call.

## **Communication and Public Awareness Expenses**

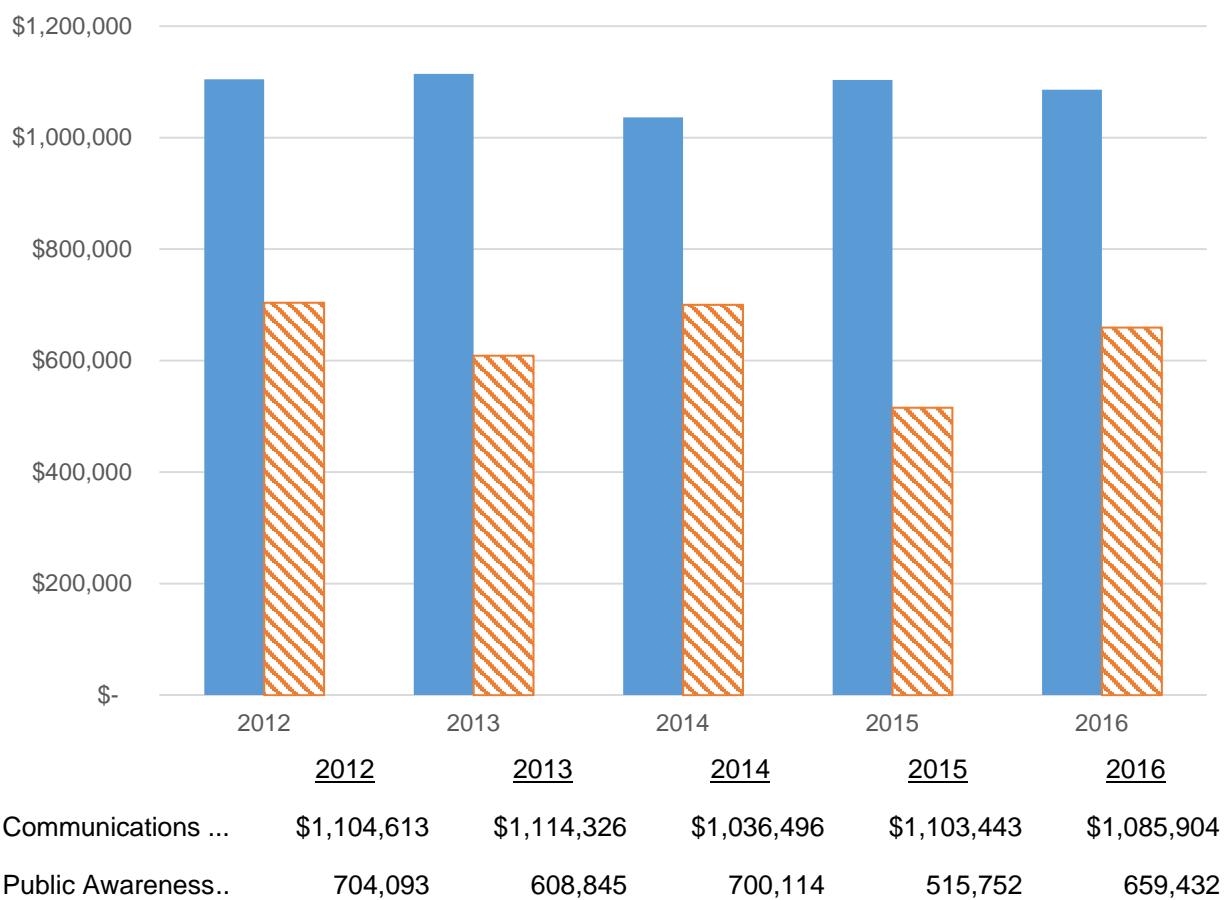
About 15 percent of total PA One Call expenditures relate to the communications operation of the one call center and efforts to increase the public's awareness of the requirement to call PA One Call prior to excavating. For 2016, expenditures for these categories totaled \$1,745,336. This represents an increase of \$126,141 or 7.79 percent. As shown below in Exhibit 11, spending in these categories has fluctuated over time.

Exhibit 11

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### **PA One Call Communications & Public Awareness Spending**

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Source: Developed by LB&FC staff from information provided by PA One Call.

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## **Consulting, Legal, and Accounting**

In 2016, PA One Call expenditures for consulting, legal, and accounting amounted to \$414,769, or a 25 percent increase over the prior year and 4 percent of total spending. The majority of this is for legal expenses totaling roughly \$220,000. Of this amount, \$150,000 was compensation for outside counsel.

## **V. One Call Systems in Other States**

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In this section, we compare 17 other states with various aspects of Pennsylvania's One Call system. In deciding which states to review, we found there are 33 states producing natural gas and 31 states producing petroleum. We chose the top 10 producing states for each product, which, with overlap, resulted in 13 comparison states. The remaining four states were chosen because of their proximity to Pennsylvania or because they have a damage prevention committee,<sup>1</sup> which is an entity that would be added in Pennsylvania with passage of Senate Bill 242 (P.N. 984) of the 2017-18 Regular Session. We reviewed one call system statutes of the states shown in Exhibit 12.

Exhibit 12

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### **States Compared to Pennsylvania**

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- Alaska
- California
- Colorado
- Delaware
- Kansas
- Louisiana
- Maryland
- New Jersey
- New Mexico
- New York
- North Dakota
- Ohio
- Oklahoma
- Texas
- Virginia
- West Virginia
- Wyoming

Source: Developed by LB&FC staff.

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Alaska is the only state that has no one call law, and is therefore not included in any further comparison. Of the remaining 16 states, plus Pennsylvania, there are provisions that most states have in common, including that all but one have at least one exclusion to their respective statutes, and all require mandatory membership of facility owners to their one call systems. Pennsylvania is the only state in our comparison group that includes a sunset provision.

### **Organization and Operation of One Call**

One call systems in other states are established and operated in several different ways. Many of the states in our comparison are like Pennsylvania, in that they have boards of directors as governing bodies that are responsible for directing the policy decisions impacting their states' one call systems.

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<sup>1</sup> Damage prevention committees are entities that are generally put into place to investigate violations of one call laws.

Other states are organized somewhat differently. New Jersey's one call system is overseen by its Board of Public Utilities. New York is different, in that its statute does not establish a single governing entity, but rather requires that any one call notification system be governed by a non-profit corporation, of which New York has two. Texas established a board of directors, which governs the one call system, but this body does not provide or contract for 811 services. Finally, Wyoming's statute does not establish a board of directors, but its one call is administered by a non-profit organization governed by a board. Exhibit 13 below shows governance and operation of the different states' one call systems.

Some states, like Pennsylvania, established their one call systems as non-profit entities that also provide all one call services. These states are:

- California
- Colorado
- New Mexico
- New York
- Ohio
- Oklahoma
- Virginia

Other states have opted to contract for operation of their one call services. Six of these, in addition to New York's second one call system, contract with One Call Concepts while West Virginia and Wyoming contract with Texas 811 and Password, Inc., respectively. These states are:

- Delaware
- Kansas
- Louisiana
- Maryland
- New Jersey
- New York
- North Dakota
- West Virginia
- Wyoming

In Texas, one of its one call systems is operated by a non-profit entity and the other is operated by a for-profit organization.

In addition to Texas, two of our other comparison states, California and New York, have two separate one call systems. Three of the four systems are governed by non-profit entities and provide all one call services; one of the systems in New York contracts for services.

Exhibit 13

**One Call/811 Governing and Operating Entities in Other States**

<b>State</b>	<b>Governing Entity</b>	<b>Operating Entity</b>
California - North	Underground Service Alert North 811	Same as Governing Entity
California - South	Underground Service Alert of Southern California	Same as Governing Entity
Colorado	Utility Notification Center of Colorado	Same as Governing Entity
Delaware	Utility Service Protection Center of Delmarva	One Call Concepts
Kansas	Kansas One Call System, Inc.	One Call Concepts
Louisiana	Dottie System, Inc.	One Call Concepts
Maryland	Utility Service Protection Center of Delmarva	One Call Concepts
New Jersey	Board of Public Utilities	One Call Concepts
New Mexico	New Mexico One Call, Inc.	Same as Governing Entity
New York 811– NYC and Long Island	New York 811	One Call Concepts
New York	Dig Safely New York, Inc.	Same as Governing Entity
North Dakota	North Dakota One-Call, Inc.	One Call Concepts
Ohio	Ohio Utilities Protection Service	Same as Governing Entity
Oklahoma	Oklahoma One Call System, Inc.	Same as Governing Entity
Pennsylvania	Pennsylvania One Call System, Inc.	Same as Governing Entity
Texas	Texas Underground Facility Notification Corporation (One-Call Board of Texas)	Texas 811
Texas	Texas Underground Facility Notification Corporation (One-Call Board of Texas)	Lone Star 811 (For-profit)
Virginia	Virginia Utility Protection Service (VUPS) or Miss Utility of Virginia	Same as Governing Entity
West Virginia	Miss Utility of West Virginia	Texas 811
Wyoming	One Call of Wyoming	Password, Inc. (For Profit)

Source: Developed by LB&FC staff with information from forms 990.

## Enforcement of One Call Laws

All of the states we reviewed, with the exception of West Virginia,<sup>2</sup> have some form of enforcement of their respective one call statutes. However, the entity or government agency charged with enforcement varies. Exhibit 14 shows the statutorily established enforcement in each comparison state and whether the state has a damage prevention committee (DPC). DPCs are entities that are generally put into place to investigate violations of one call laws. Exhibit 14 also shows which states have such committees. Appendix C shows the enforcement agencies for underground pipelines for all 50 states.

Exhibit 14

### States One Call Enforcement

State	Jurisdiction/Enforcement Authority	DPC
California	Attorney General, District Attorney or local or state agency that issued the excavation permit.	YES
Colorado	Owner, operator, excavator, aggrieved party, Attorney General or District Attorney	NO
Delaware	Attorney General	NO
Kansas	State Corporation Commission of the State of Kansas <sup>a</sup>	NO
Louisiana	Department of Public Safety and Corrections or any local law enforcement agency	NO
Maryland	Underground Facilities Damage Prevention Authority	YES
New Jersey	Board of Public Utilities <sup>a</sup>	NO
New Mexico	New Mexico Public Regulation Commission <sup>a</sup>	NO
New York	Public Service Commission or the New York Department of Public Service <sup>a</sup>	YES
North Dakota	State Attorney	NO
Ohio	Public Utility Commission with recommendations from the Underground Technical Committee	YES
Oklahoma	Corporation Commission <sup>a</sup>	NO
Pennsylvania	PA Department of Labor & Industry, Attorney General, District Attorneys <sup>b</sup>	NO
Texas	Texas Railroad Commission <sup>a</sup> (Texas Underground Facility Notification Corporation aka One-Call Board of Texas) may send warning letters. Also County Attorney, District Attorney	YES
Virginia	State Corporation Commission <sup>a</sup>	YES
West Virginia	No Enforcement Agency Identified	NO
Wyoming	Attorney General, District Attorney, County Attorney, the One Call notification Center, an aggrieved party, an operator, or an excavator.	NO

<sup>a</sup> Similar to Public Utility Commission.

<sup>b</sup> A facility owner may also petition the courts to enjoin any work conducted in violation of the act; and local authorities may halt excavation work if it is being conducted in violation of the law.

Source: Developed by LB&FC Staff from information found in each state's one call statute.

<sup>2</sup> West Virginia does not designate any agency for enforcement of its one call statute.

States with damage prevention committees include:

- **California:** California recently created the California Underground Facilities Safe Excavation Board, which goes into effect in 2018. This Board is tasked with coordinating education and outreach activities, developing standards, and investigating possible violations of the One Call law. The Board may recommend that other agencies also enforce the statute, and can determine whether the excavator or operator is responsible when damage occurs.
- **Maryland:** The Maryland Underground Facilities Damage Prevention Authority (Authority) was established in 2010. The duties of this Authority include: reviewing reports of probable violations of the Maryland One Call law; making recommendations and determinations relative to such reports; making recommendations and implementing programs with regard to public education and awareness; monitoring, analyzing, influencing, proposing, supporting or opposing programs or regulations that directly affect damage to underground facilities; and making recommendations to the Governor and General Assembly.
- **Ohio:** The Underground Technical Committee was created to provide expertise during excavation violation reviews and to recommend a course of action for all inquiries. The goal is to increase public safety by providing accountability of members of the Ohio Utility Protection Service and anyone who excavates or operates underground utilities in Ohio.
- **New York:** New York 811's Damage Prevention Committee was established to enhance relationships between excavators, utility companies, and locate services. Committee members make procedure recommendations to New York 811's Board of Directors to help improve safe digging processes. The committee meets regularly and sponsors events, seminars, outings, and workshops for its members and guests.
- **Texas:** Damage Prevention Councils (DPCs) of Texas are dedicated to underground utility damage prevention. Currently, there are 23 Regional Councils throughout the state, however, due to increased activity with shale formations, plans are being made to decrease the size of some of these regions and increase the total number of Regional Councils, making it easier to become involved with damage prevention.  
Councils are comprised of construction contractors; utility operators; gathering and transmission pipeline operators; municipalities; utility locators; engineering firms; the Texas Department of Transportation; and other associated industry stakeholders, with Texas811 serving in a liaison capacity. DPCs meet on a regular basis, and meetings are intended to provide a forum where stakeholders can share information and work together on all aspects of damage prevention.

- **Virginia:** The Virginia One Call law established an advisory committee consisting of representatives of the following entities: commission staff, utility operators, notification center, excavators, municipalities, Virginia Department of Transportation, Board for Contractors, and underground line locators. In addition to performing duties which may be assigned by the State Corporation Commission (the One Call enforcement agency in Virginia), the primary purpose of Virginia Damage Prevention committees, of which there are eight regional committees, is to review reports of violations of the state's One Call law and make recommendations to the State Corporation Commission.

Senate Bill 242 (P.N. 984) would establish Pennsylvania's damage prevention committee. The committee would have the following purposes:

- review reports of alleged violations of the One Call law;
- review damage prevention investigator findings and recommendations,
- issue warning letters to a person who is deemed appropriate by the committee or the damage prevention investigator,
- issue informal determinations that impose administrative penalties,
- require a person to attend an educational program, and
- issue informal determinations that can modify or dismiss a recommendation of committee staff.

The bill also allows the damage prevention committee to hold special meetings, at the request of the Public Utility Commission (PUC), to advise the PUC on a matter related to damage prevention. Additional requirements of the committee would be to establish its own by-laws and submit an annual report with relevant damage prevention data to the PUC, the Senate Committee on Consumer Protection and Professional Licensure, and the House Committee on Consumer Affairs.

## **Exclusions/Exemptions From One Call Laws**

The comparison states vary in the types of lines they exclude/exempt from their one call laws. These exclusions generally can be found in the definitions of 'facilities' in each state's law.

In Pennsylvania, oil and gas production and gathering lines<sup>3</sup> in Class 1 areas are not regulated by either the Public Utility Commission (for safety) or under the Underground Utility Line Protection Law (pertaining to the PA One Call system). Federal regulation, 49 CFR 192.5, established definitions of class locations 1-4. A class location unit is an onshore area that extends 660 feet on either side of the centerline of any continuous one mile length of pipeline. A Class 1 location is defined as either an offshore area,<sup>4</sup> or any class location that has 10 or fewer buildings intended for human occupancy.

Class 1 lines are excluded from regulation in Pennsylvania under Act 1974-287; the exclusion can be found in the act's definition of "Line" or "Facility":

The term shall not include crude oil or natural gas production and gathering lines or facilities unless the line or facility is a regulated on-shore 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.

As a consequence of this language, and because Class 1 gathering lines are exempt from federal regulation, if some or all Class 1 gathering lines were added at the federal level, they would automatically be required to participate in PA One Call as well. If Senate Bill 242 (P.N. 984) becomes law, however, this exclusion would be eliminated, and unconventional oil and gas well production and gathering lines in Pennsylvania would become subject to the One Call statute, while stripper well lines would remain exempt.

In our review of other states, we found that some do not include any exclusions to any facility lines and some exclude all gathering lines. The following states have no exclusions for gathering lines:

- California
- Maryland
- Texas<sup>5</sup>
- Colorado
- New Jersey
- Virginia
- Delaware
- North Dakota
- Wyoming
- Louisiana
- Ohio

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<sup>3</sup> In 49 CFR § 195.2, regarding petroleum, a gathering line means a pipeline 8 5/8 inch or less nominal outside diameter that transports petroleum from a production facility. A production facility means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or carbon dioxide, or associated storage or measurement. To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground or from facilities where CO<sub>2</sub> is produced, and preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations. In 49 CFR 192.3, regarding gas, a gathering line means a pipeline that transports gas from a current production facility to a transmission line or main. Production lines are not defined in this section.

<sup>4</sup> Off shore drilling is the operation of oil wells on the continental shelf, which is the sea bed surrounding a continent at depths of up to about 650 feet.

<sup>5</sup> Texas regulates gathering lines only outside of the exemptions listed in its statute. See Exhibit 15.

Kansas and New York are the only two states in our comparison that exclude all gathering lines. Two other states in addition to Pennsylvania—New Mexico and Oklahoma—exclude Class 1 gathering lines based on federal law and regulations. West Virginia excludes any gathering line with a nominal inside diameter of four inches or less.

Exhibit 15 below shows the exclusions in each state we reviewed.

Whether Pennsylvania should include all Class 1 gathering lines under PA One Call has been a topic of several legislative hearings. Advocates for including all gathering lines cite the potential risk of excavating in areas where such lines exist and are not marked, including a 2015 incident in Armstrong County in which an excavator placed a proper PA One Call. A bull dozer operator for the excavator subsequently struck a natural gas line which was never marked because it was exempt from the One Call act. The line exploded, and the resulting fire killed the operator.

In 1996, Congress directed PHMSA to determine which rural gathering lines, if any, needed to be regulated based on the safety risks the lines presented. PHMSA concluded that its risk assessment regarding the exemption of rural gathering lines from federal regulation was appropriate. However, that determination was called into question as a result of subsequent developments in the oil and gas industry, particularly in the nation’s shale plays which utilize large diameter, high pressure gathering lines.

In response to these concerns, in 2011 Congress again directed PHMSA to review existing regulations for gas and hazardous liquid gathering lines. As a result of its review, PHMSA recently (April 2016) issued two advanced notices of proposed rulemaking seeking public comment on whether it should enact regulation and require data submission for unregulated gathering lines similar to what is currently collected on regulated pipelines. The new rules would regulate certain previously exempt, onshore gas gathering lines in rural areas and would require that operators of all gas gathering lines, whether regulated or not, comply with certain federal reporting (but not necessarily One Call) requirements.

If the final rule parallels the preliminary rule, gathering lines of 8 inches or larger will be subject to regulation in Class 1 areas, but smaller natural gas gathering lines will continue to be largely exempt. This may have little practical effect for PA One Call in Pennsylvania, however, as many Marcellus Shale gas producers voluntarily participate in PA One Call.

Exhibit 15

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**Exclusions/Exemptions From One Call Laws in Other States**

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<b>State</b>	<b>Exclusions</b>	<b>Gathering Lines Excluded/Exempted?</b>
<b>California</b>	An operator does not include an owner of real property where lines are located if they are used exclusively to furnish services on that property and the lines are under the operation and control of that owner.  One Call does not apply to any of the following persons: (a) An owner of real property who contracts for an excavation project on the property, not requiring a permit issued by a state or local agency; (b) An owner of residential real property, not engaged as a contractor or who as part of improving his or her principal residence and is having excavation work not requiring a permit issued by a state or local agency; (c) Any person or private entity that leases or rents power operated or power driven excavating or boring equipment, if the signed rental agreement between the person or private entity and the contractor or subcontractor contains the following provision: "It is the sole responsibility of the lessee or renter to follow the requirements of the regional notification center law pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code. By signing this contract, the lessee or renter accepts all liabilities and responsibilities contained in the regional notification center law."	NO
<b>Colorado</b>	One Call does not apply to any owner or occupant of real property under which underground facilities are buried if those facilities are used solely to furnish services to the real property and no part of those facilities is located in a public street, county road, alley, or right-of-way dedicated to public use.	NO
<b>Delaware</b>	No penalties under the One Call law apply to any excavation or demolition done by the owner of a private residence when such excavation or demolition is made entirely on the land on which the private residence is situated and provided there is no encroachment on any operator's rights-of-way or easement.	NO
<b>Kansas</b>	A facility does not include any storm water sewers or production petroleum lead lines, salt water disposal lines, or injection lines which are not located on platted land or inside the corporate limits of any city. Production Petroleum lines are any underground facilities used for production, gathering or processing on the lease or unit, or for delivery of hydrocarbon gas and/or liquids to an associated tank battery, separator, or sales facility. Production petroleum lead lines include underground lines associated with lease fuel and saltwater disposal and injection.	Excludes all gathering lines
<b>Louisiana</b>	One Call does not apply to activities by operators, land owners excavating their own underground utilities, facilities on their own property, or operators' exclusive right-of-way provided there is no encroachment on the right-of-way of any operator.	NO

## Exhibit 15 (Continued)

State	Exclusions/Exemptions	Gathering Lines Excluded/ Exempted?
<b>Maryland</b>	One Call does not apply to an excavation or demolition performed or to be performed by an owner or lessee of a private residence when the excavation or demolition is performed: (1) entirely on the land on which the private residence of the owner or lessee is located, and (2) without the use of machinery.	NO
<b>New Mexico</b>	Pipeline means a pipeline or system of pipelines and appurtenances for the transportation or movement of any oil or gas, or oil or gas products and their byproducts subject to the jurisdiction of federal law or regulation, with the exception of master meter systems and operators.	Class 1 gathering lines exempt based on federal definition
<b>New Jersey</b>	NONE	NO
<b>New York</b>	Underground facility does not include oil and gas production and gathering pipeline systems used primarily to collect oil or gas production from wells.	Excludes all gathering lines
<b>North Dakota</b>	Underground facilities are privately owned and operated underground facilities which do not extend beyond the boundary of the private property are excluded.	NO
<b>Ohio</b>	Underground utility facility does not include a private septic system in a one-family or multi-family dwelling utilized only for that dwelling and not connected to any other system.	NO
<b>Oklahoma</b>	Underground facilities are oil and natural gas pipelines that are subject to the Hazardous Liquid Transportation System Safety Act (Pipeline Safety Act).	Class 1 gathering lines exempt based on federal definition
<b>Pennsylvania</b>	Lines or facilities do not include crude oil or natural gas production and gathering lines or facilities unless the line or facility is a regulated on-shore 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, if the regulated gathering line is subject to the damage prevention program requirements of 49 CFR § 192.614. A facility owner 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 or (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.	Class 1 gathering lines exempt based on federal definition

## Exhibit 15 (Continued)

State	Exclusions/Exemptions	Gathering Lines Excluded/ Exempted?
<b>Texas</b>	<p>One Call does not apply to the following underground facilities: (1) an aboveground or underground storage tank, sump, or impoundment or piping connected to an aboveground or underground storage tank, sump, or impoundment located in the same tract of land as the storage tank, sump, or impoundment; (2) an underground facility operated by the owner of a secured facility and located entirely within the secured facility; (3) an underground facility that serves only the owner of the underground facility or the owner's tenant and is located on the owner's property; (4) piping within a well bore; (5) the portion of an exploration and production underground facility that is located within the boundaries of the oil or gas field from which the oil and gas is produced and that is not located in the boundaries of an established easement or right-of-way ; (6) an underground facility that serves a cemetery and is located solely on the cemetery's property.</p>	Excludes any gathering lines in the listed exclusions
<b>Virginia</b>	<p>One Call does not apply to the following: (1) Any hand digging performed by an owner or occupant of a property; (2) the tilling of soil for agricultural purposes; (3) any excavation done by a railroad when the excavation is made entirely on the land which the railroad owns and on which the railroad operates; (4) an excavation or demolition during an emergency, provided all reasonable precaution has been taken to protect the underground utility lines; (5) any excavation for routine pavement maintenance, including patch type paving or the milling of pavement surfaces, upon the paved portion of any street, road, or highway of the Commonwealth provided that any such excavation does not exceed a depth of twelve inches; (6) any excavation for the purpose of mining pursuant to the requirements of a permit issued by the Department of Mines, Minerals, and Energy; (7) any hand digging performed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center; (8) any installation of a sign that does not involve excavation.</p>	NO
<b>West Virginia</b>	<p>One Call excludes any underground production or gathering pipeline for gas, oil, or any hazardous substance with a nominal inside diameter in excess of four inches and that is not otherwise subject to one-call reporting requirements under federal or state law.</p>	Excludes gathering lines except those with a nominal inside diameter greater than four inches

## Exhibit 15 (Continued)

State	Exclusions/Exemptions	Gathering Lines Excluded/ Exempted?
Wyoming	<p>1. The following oil and gas production facilities are exempt from One Call: (i) aboveground or underground storage tanks, sumps, impoundments, or piping connected to aboveground or underground storage tanks, sumps, or impoundments located in the same tract of land; (ii) underground production facilities operated by the owner of a secured facility which are located within the facility; (iii) piping within a well bore; (iv) underground facilities which are located on a production lease or unit which are operated by a person who owns the mineral lease rights to that production lease or unit, and who operates the underground facility for their own use.</p> <p>2. An underground facility which extends beyond the boundaries of a production lease or unit is exempt only for that portion of the facility which is located within the boundaries of the lease or unit.</p> <p>3. An underground facility which contains gas or hazardous liquid is NOT exempt if the facility is located within the boundaries of, or within one-eighth of a mile of, an incorporated or unincorporated city or town; any residential or commercial area, subdivision, business, or shopping area; community development or any similarly populated area; on an established surface or underground easement; or if it contains more than one hundred (100) parts per million of hydrogen sulfide.</p> <p>4. Underground facilities located on private property owned by and existing for the exclusive use of that private property owner are exempt.</p> <p>5. Private domestic water and sewer lines located outside any incorporated area and serving nine or fewer service hook-ups; private irrigation and drainage lines and ditches; irrigation district and drainage district lines and ditches; and private livestock water pipelines and facilities are exempt.</p> <p>6. Underground facilities operated by the owner of a secured facility which are located within the secured facility are exempt.</p>	NO

Source: Developed by LB&FC staff from the One Call statutes of each state.

## **VI. Findings**

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### **A. PA One Call Is in Compliance With the Sections of the Pennsylvania Underground Utility Line Protection Law Related to Duties of the One Call System<sup>1</sup>**

Act 1974-287 requires PA One Call to undertake certain obligations. To determine if PA One Call is meeting the requirements placed on it under the law, we reviewed the Pennsylvania Underground Utility Line Protection Act. We then reviewed PA One Call compliance with the relevant provisions contained therein.

#### **Obligations of the Pennsylvania One Call System**

**One Call System.** A “One Call System” is the communication system established by the Underground Utility Line Protection Act to provide a single nationwide toll-free telephone number or “811 number” for excavators,<sup>2</sup> designers,<sup>3</sup> or any other person covered by the act to call facility owners<sup>4</sup> and notify them of their intent to perform excavation, demolition, or similar work. PA One Call is to be incorporated as a nonprofit corporation pursuant to 15 Pa.C.S. Pt. II Subchapter C (relating to nonprofit corporations).

**Serial Numbers.** For incoming dig notifications, PA One Call is required to assign one or more serial numbers, note the date a dig site may legally be excavated, and log the entire voice transaction on logging recorders in appropriate digital form, maintaining these logs for five years. All records are to be indexed and available to the parties involved at a reasonable cost and at reasonable times set by PA One Call.

**Municipal Lists.** PA One Call is obligated to provide access to municipal lists given to the System for interested parties. The list is to contain facility owners having lines in the municipality. PA One Call must also maintain, by municipality, a list containing the information required to be submitted by a facility owner. The list must be updated within five business days as revised information is received from the facility owner.

The municipal lists generated by PA One Call must be made available for public inspection via the county recorder of deeds without charge. PA One Call

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<sup>1</sup> Section 3 of Act 1974-287.

<sup>2</sup> “Excavator” – Any person who performs excavation or demolition work for themselves or for another person.

<sup>3</sup> “Designer” – Any architect, engineer, or other person who prepares a drawing for a construction or other project which requires excavation or demolition work.

<sup>4</sup> “Facility Owner” – A public utility or agency, political subdivision, municipality, authority, rural electric cooperative, or other person who owns or operates a line.

must forward each facility owner change to the respective county recorder of deeds for public access.

**Requests Made by the Department of Labor and Industry.** PA One Call must provide, within ten business days, access to, or photocopies of, specific PA One Call response records, tickets, or other information relating to matters under investigation by the Department of Labor and Industry pursuant to its enforcement authority under the act.

**Single vs. Multiple Notifications.** The act requires PA One Call to determine the maximum geographic area that constitutes a valid single notification and when multiple notifications are required. PA One Call must also determine the method, type, and number of notifications in a complex project<sup>5</sup>.

**Subsurface Utility Engineering Data.** PA One Call is required to provide, to affected facility owners, a secure repository for and access to subsurface utility engineering data received from project owners.<sup>6</sup>

**Natural Gas Release.** When an excavator has notified PA One Call of the existence of a release of natural gas or other hazardous substance or of potential danger to life, health, or property, PA One Call must ask whether or not the excavator has notified the 911 system. If 911 has not been notified, PA One Call must inform the excavator of its responsibility to do so. PA One Call must also make a recording of the conversation.

**Operational Costs.** The operational costs of PA One Call are to be shared, in an equitable manner for services received, by facility owners. The board of PA One Call is to determine the manner. Those 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 are exempt from the payment of any service fee.

**Annual Audited Cost Factors.** All fees are to be set by the PA One Call Board of Directors and they must be based on the latest annual audited cost factors of PA One Call. Fees may be adjusted to a rate of not more than 5 percent above the audited cost factor plus the current average published Consumer Price Index for Pennsylvania.

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<sup>5</sup> “Complex Project” – an excavation that involved more work than properly can be described in a single locate request or any project designated as such by the excavator 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 period of time.

<sup>6</sup> “Project Owner” – Any person who engages an excavator for construction or any other project which requires excavation or demolition work.

**Requests for Information.** Any request for information is to be reviewed and provided according to procedures determined by the PA One Call Board of Directors.

## **PA One Call Compliance With the Pennsylvania Underground Utility Line Protection Law**

To assess PA One Call's compliance with these requirements under the Pennsylvania Underground Utility Line Protection Law, we reviewed documentation from PA One Call (both requested documents and notes from review of financial material by LB&FC staff), independent audits undertaken by Love, Scherle & Bauer, P.C., and federal tax documentation.

**Serial Numbers.** Copies of PA One Call's locate request tickets were inspected by LB&FC staff. All copies clearly display a unique serial number for each ticket and the lawful dates to commence digging. Digital logs of voice records were provided and show the logs are kept for five years.

Records are available to interested parties and the costs are outlined in the annually approved rate structure. The costs relevant to records requests are detailed in Exhibit 16 below.

### Exhibit 16

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#### **Costs Associated With Requests for the Call Center to Search for Archived Work Locate Requests**

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	<b>Cost</b>
If serial number is known:	\$25.00 per serial number – ticket and responses
If serial number is not known:	\$50.00 per month per data element searched plus \$25.00 for each ticket and responses
<b>Available via subpoena only:</b>	
Voice Recording:	\$100.00 per serial number for tape-recorded conversation
Transcription:	\$25.00 per hour

Source: Developed by LB&FC staff with information provided by PA One Call.

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**Municipal Lists.** PA One Call provided, and LB&FC staff examined, documents showing the system maintains municipal lists on its website. The documents list the facility owners operating in each municipality that are members of PA One Call. For those municipalities divided into wards, the information is listed by ward.

LB&FC staff also reviewed training materials showing that all information must be updated within five business days of receipt from a facility owner. Staff examined initial revision requests submitted by facility owners. The documents indicated when the changes were made, responses by PA One Call to the facility owner, and initiated facility owner confirmation that the information was accurately revised. The documentation shows that PA One Call completed the procedure within five business days.

PA One Call sends the municipal lists annually to the recorder of deeds in each of the Commonwealth's counties in August of every year. A cover letter attached to the list provides instructions to the recorder of deeds and reminds them that the list is to be made available for public inspection. In addition, LB&FC staff reviewed the documented procedures for PA One Call staff for the annual recorder of deeds mailing.

**Requests Made by the Department of Labor and Industry.** Documents provided by PA One Call show that it responds to specific requests made by the Department of Labor and Industry within ten business days.<sup>7</sup> The documents provided by PA One Call to the Department include response records, tickets, and other information in the possession of PA One Call to enable the Department to conduct its investigation.

**Single vs. Multiple Notifications.** PA One Call provided to LB&FC staff minutes from their April 25, 2007, board meeting. The board minutes show that a resolution was passed setting the maximum geographic area that can constitute a valid single notification at "1,000 feet or intersection to intersection, whichever is larger; along the same street; in the same political subdivision border."

**Subsurface Utility Engineering Data.** LB&FC staff reviewed the PA One Call Drawing Exchange portal for Design Notifications. The application allows designers to upload their plans to make them available for facility owners. Facility owners can then download the file, annotate it with their facilities, save, and upload the electronic plan for the designer to review.

**Natural Gas Release.** PA One Call provided to LB&FC staff the script used when an excavator reports to PA One Call damage to a pipe containing hazardous materials. The PA One Call representative asks if the damage resulted in the escape of any "flammable, toxic or corrosive gas or liquid or endanger life, health or property." If the excavator answers, "yes," the representative immediately asks if the excavator notified 911. If the answer is in the negative, the PA One Call representative informs caller that they, "are required to directly contact 911 and the damaged facility owner." (See Appendix D.)

PA One Call also provided a copy of the output of the ticket that includes the information gathered by the representative using the 911 script.

**Operational Costs.** PA One Call provided to LB&FC staff a copy of the minutes from their January 26, 2000, board meeting. The minutes note that the finance committee of PA One Call had been tasked with "determining a fair and equitable rate structure." To meet that requirement, PA One Call hired an outside consultant, Resource Development & Management, Inc.

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<sup>7</sup> While specific requests from the Department were honored, please see Section III for information related to requests for damage logs.

LB&FC staff also received the minutes from the January 30, 2008, PA One Call board meeting. Those minutes show the board moving to address concerns raised by small members of PA One Call by changing the definition of “Mapped Member” so they could be included in the Member Mapped Rates.

Other documents reviewed include the 2017 Municipal Activity Fee calculation, the PA One Call Allowable Fee calculation, training materials for the PA board regarding billing policies, and the PA One Call 2017 Approved Rate Structure. Together, these documents show that the PA One Call’s costs are shared equitably; the fee structure is determined by the board; and exemptions for qualified municipalities and municipal authorities are included.

**Annual Audited Cost Factors.** Documents provided by PA One Call, entitled the “Municipal Activity Fee Calculation,” show the latest annual audited cost factors of PA One Call are the basis of the fee structure. The document shows the 5 percent allowable adjustment and the inclusion of the 2016 Consumer Price Index for Pennsylvania. The total allowable fee is \$0.87 per inbound (to the facility) work location request (WLR).

The method PA One Call is to use to calculate the total allowable fee it charges to facility owners is broadly outlined in the One Call statute, but the specific methodology and factors it uses is determined by PA One Call. This specific methodology has been questioned by some as, though likely allowable under that statute, unorthodox. In particular, the PA One Call formula determines its “net expense” by deducting various revenue sources from their total expenses (see Table 1). Normally, a net expense figure would be derived by subtracting various categories of expenses (not revenues) from total expenses. The effect of such deductions is to lower the allowable Municipal Activity Fee.

In 2007, PA One Call contracted with Resource Development & Management, Inc. for a rate study to assess PA One Call’s fee setting methodology and to consider possible alternative rate structures. RDM concluded that the rate structure methodology used by PA One Call “is fair and equitable” and meets the requirements of Pennsylvania’s One Call statute. The three alternative rate structures they examined would all have lowered costs to large facility owners but increased costs to medium smaller facility owners, and therefore “did not meet the criteria set by the finance committee for establishing new rates due to the transfer of user fee charged.”

**Requests for Information.** Requests for information that fall outside of the normal records search requests and audit are considered by the Executive Committee individually as received.

## **B. The Pennsylvania One Call System Is in Compliance With the Common Ground Alliance Best Practices Related to Call Centers**

Act 1974-287 requires PA One Call to use its best efforts to comply with the Common Ground Alliance (CGA) best practices, unless otherwise provided for by the act.

To determine if PA One Call is in compliance with CGA best practices, we reviewed the “Common Ground Alliance Best Practices 14.0” published in March of 2017. We then tested PA One Call compliance with the relevant provisions contained in the manual.

The CGA Best Practices Manual is comprised of over 130 practices covering one call operations and procedures. The best practices are agreed to by 16 stakeholder groups as shown in Exhibit 17 below.

Exhibit 17

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### **Best Practices Stakeholder Groups**

- Electric
- Engineering/Design
- Equipment Manufacturing
- Excavator
- Gas Transmission
- Gas Distribution
- Insurance
- Locator
- One Call Center
- Oil
- Public Works
- Railroad
- Road Builder
- State Regulator
- Emergency Services
- Telecommunications

Source: Common Ground Alliance.

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The CGA established a Best Practices Committee to develop a guide based on the Common Ground Study initiated by the United States Department of Transportation. Exhibit 18 shows the main components of the best practices.

Exhibit 18

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### **Best Practices Primary Areas**

- Planning and Design
- One Call Centers
- Locating and Marking
- Excavation
- Mapping
- Compliance
- Public Education and Awareness
- Reporting and Evaluation

Source: Common Ground Alliance.

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## **Common Ground Alliance One Call Centers Best Practices**

### ***Proactive Public Awareness, Education, and Damage Prevention Activities.***

According to the CGA, one call centers should have a recorded and proactive public awareness, education, and damage prevention program. Centers should seek opportunities to promote the “Call Before You Dig” slogan, thereby enhancing the public’s understanding of its responsibilities. CGA recommended call center activities are listed in Exhibit 19 below.

Exhibit 19

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#### **CGA Recommended Call Center Activities**

- Promotional Items
- Media Advertising
- Participation at Safety Meetings
- Seminars and Trade Shows
- Contractor Awareness Programs
- Distribution of Education Materials Describing How the One Call System Works
- Maintaining a Database of Active Members of the Local Digging Community
- Mediating and Rationalizing the Expectations of Both the Facility Owners/Operators and the Digging Community
- Participation in Local Damage Prevention or Facility Location and Coordination Committees

Source: Common Ground Alliance.

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***Specifically Defined Geopolitical Service Area With No Overlap.*** According to the CGA, excavators should only have to make one call to determine if there are underground facilities in the area in which they plan to dig. As such, one call centers should serve a specific area and the areas should not overlap. Facility owners or operators should only be required to belong to a single one call center in a particular geographic area.

In order to be in compliance with this best practice, the one call program must meet the following three requirements:

- The program permits an excavator to use a single point of contact to submit and follow up on a notice of intent to excavate and to notify affected facility owners/operators.
- The program permits a facility owner/operator to join a single one call center and receive all appropriate notices.
- The program is designed so that all pertinent information is shared among one call centers in the event more than one exists.

**Formal Agreements With Members.** Every member of a one call center must adhere to its respective state one call laws if its state has such a statute. In the event the state does not, members must submit to a written agreement outlining the rights and duties of members and the center.

Fulfilment of this best practice requires a one call center to have established operating procedures and bylaws. Procedures are to be simple and can be classified as general, communications, center operations, reports, expenses, and publicity.

Bylaws should include sections on membership, financial matters, meetings, elections, and duties of officers.

**One Call Center Governance.** Centers must be governed by a board of directors composed of members from industry groups representing those that have a stake in the process. Examples of included industries are facility owners/operators, contractors, designers, project owners, and representatives from government. Board members must be experienced in their industry and its dealings with the one call center and other interested parties.

**Single Toll-free Statewide Telephone Number With Nationwide Access.** All call centers must have one toll free statewide telephone number with nationwide access.

**Hours of Operation.** One call centers should be able to process locate requests 24 hours per day, 7 days per week.

**Voice Record of All Incoming Calls.** A voice recording of all incoming calls regarding requests to locate facilities should be maintained. The recording is for the purpose of maintaining an exact record of the activity and should be of a quality that enables it to be used for damage investigations.

**Retention of Voice Records According to Applicable Statutes.** Voice recordings of all calls regarding requests to locate facilities should be retained for a specific length of time as required by state law. Because the recording is a factual record of what has transpired, the recording must be maintained and made accessible until the statute of limitations in the relevant state has expired. One call centers must have a procedure for processing requests and destroying recordings.

**Caller Feedback.** The one call center should provide the caller with a ticket number and the names of facility owners/operators who will be notified for each locate request. According to the CGA, providing locate request ticket numbers and the names of the facility owners/operators that will be notified improves the efficiency of the one call procedure.

**Printed Ticket Recall.** One call centers should be able to provide a printed copy of any ticket for a pre-determined period of time, as required by state law. Because a hard copy printout of a locate request may be necessary in a damage investigation or litigation.

**Documented Operating Procedures, Human Resource Policies, and Training Manuals.** The one call center, according to the CGA, must have documented operating procedures, human resource policies, and training manuals. The procedures, policies, and manuals must be on the premises and in a designated area, dated, and available for reference.

**Documented Owner Verification of Data Submitted by Facility Owners/Operators.** In order to maintain accuracy, a one call center should return geographic description documentation to the relevant facility owner/operator annually and after any changes to verify the accuracy of the submission. The regular verification of data should be part of the operating procedures between owners of underground facilities and the one call center.

**Flexibility for Growth and Change.** The business plan for a call center should be flexible to accommodate growth and change. In order to accomplish this, CGA's best practices recommend a board of directors composed of all stakeholders. Bylaws and procedures should reflect the environment served by a one call center and they should be reviewed on an ongoing basis to make sure they meet current circumstances. Additionally, boards and center management teams should stay informed by involvement in conferences and associations of the one call industry.

**One Call Center Accepts Notifications From Designers.** Project designers, in order to facilitate damage prevention, need to access facility location information. Call centers should notify facility owners and provide a list of them to project designers.

**Locate Requests.** The Common Ground Alliance best practices document instructs one call centers to obtain the following information on a locate request:

- Caller's name and phone number
- Excavator's/company's name, address, and phone numbers
- Specific location of the excavation
- Start date and time of the excavation
- Description of the excavation activity

**Practices to Reduce Overnotifications.** One call centers should establish practices to reduce the number of notices transmitted to facility owners/operators when the excavation site is beyond the desired area of notification. To facilitate

this, one call centers should use technology that enables facility owners to determine the desired area of notification using polygons or grids. The technology should allow a one call center to limit notifications within 800 feet of a proposed dig site and allow facility owners/operators to identify a desired area of notification within 100 feet.

***Disaster Recovery.*** According to the CGA, it is important for one call centers to be able to operate 24 hours per day, 7 days per week. To accomplish this, they should maintain a disaster recovery plan that allows the operation of the center to continue in the event of a disaster. Additionally, the one call center should have a backup arrangement with another facility at a remote location. The plan must include the following:

- ***Telecommunications*** - alternate routing schedules that can be activated within minutes of the primary center's failure.
- ***Software and hardware*** - the secondary center should have compatible hardware with the primary center. The secondary center should have a copy of the primary center's current software.
- ***Database*** - the secondary center should receive the primary center's database, including locate requests, on a regular basis and in real time.
- ***Staffing*** - a portion of the secondary center's staff should be cross-trained for the primary center's operation.
- ***Simulated emergency testing*** - at least once a year, on a random basis, the disaster recovery plan should be implemented to verify it is operational.

***Direct Electronic Locate.*** One call centers should provide users with a means of direct, electronic entry of locate requests that maintain ticket quality comparable to an operator-assisted entry. Remote data entry for members and excavators should be permitted, validate the information, and allow the user to make corrections. The procedure must guarantee the maintenance of ticket quality.

***Accept Multiple Reference Points for Locate Requests.*** One call centers should be able to accept more than one form of reference point in their locate request protocol. Appropriate reference points are shown in Exhibit 20 below.

#### Exhibit 20

---

#### Reference Points

- |                        |   |                       |
|------------------------|---|-----------------------|
| • Highway mile markers | • Street/cross street                       | • City                |
| • Railroad mileposts   | • Latitude longitude Township/range/section | • County              |
| • Valid address        |   | • Zip code boundaries |

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Source: Common Ground Alliance.

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**One Call Center Security.** The one call center should provide appropriate physical and systems security, fire protection, and electrical protection for the center and its critical components.

Because the one call center is a link in the communication chain between the excavating community and facilities, the CGA Best Practices indicate that the one call center should provide adequate security. Appropriate security components are shown in Exhibit 21.

#### Exhibit 21

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#### Security Components

- Physical security for the building and its employees through locked operations areas, lighting, employee key cards, and guard patrols
- Physical security for critical systems components that may include locating the facilities in locked enclosures and restricting access to necessary personnel
- General fire protection for the one call center personnel and property
- Specialized fire protection for critical systems components
- Specialized theft protection for critical systems components
- Telephone demarcation points in a protected area within the one call center
- Passwords and protections to limit access to computers and other systems.
- Off-site storage of a duplicate database and necessary system software

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Source: Common Ground Alliance.

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**Hardware Designed to Tolerate a Single Point of Failure.** Common Ground Alliance best practices indicate that a one call center should use fault-tolerant hardware for its critical path operations. Critical path operations include ticket taking, database access, and ticket delivery. The system should withstand any single hardware malfunction without interruption or degradation of service. Malfunctioning hardware components should be identifiable. Repairs should be able to be made while the system continues to operate.

**One Call Quality Standards.** The one call center should establish and monitor performance standards for the operation of the one call center. Common Ground Alliance standards are shown in Exhibit 22.

## Exhibit 22

### Quality Standards

<b>Average Speed of Answer</b>	Average speed of answer (ASA) usually comprises the number of seconds between the time a caller is transferred from the Interactive Voice Response (IVR) system and the time a voice welcomes the caller and begins the processing of a locate request averaged over a specified time interval and accumulated daily.  Service level objectives in the one call center industry are generally monitored daily, monthly, and year-to-date. An ASA objective of 30 seconds or less is recommended.
<b>Abandoned Call Rate</b>	The incidence of abandoned incoming calls is a function of the number of one call center customer service representatives actively processing locate requests and the volume of incoming calls. Callers have an expectation that all calls will be answered within a reasonable time. A caller that has waited more than 60 seconds before hanging up is considered an abandoned call.  A monthly average abandonment rate that is less than 5% is recommended.
<b>Busy Signal Rate</b>	The incidence of callers experiencing busy signals is a function of the number of incoming telephone lines to the one call center and the incoming call volume. Callers have an expectation that there will be very few busy signals.  Typically, one call centers can extract information on busy signals from their telephone systems or obtain the information from their communications service providers. The information usually comprises the number of callers experiencing a busy signal as a percentage of the total number of attempts to contact the one call center during normal business hours.  Service level objectives are reported daily, monthly, and year-to-date. A monthly average busy signal rate that does not exceed one percent is recommended.
<b>Customer Satisfaction</b>	A fundamental principal in measuring quality is that "the customer defines quality." Periodic customer satisfaction surveys should be conducted to measure quality.  The one call center makes all information/data collected on the quality of its performance available for review by the appropriate oversight authority and the public upon request.
<b>Locate Request Quality</b>	The one call center has in place quality control and quality assurance programs to measure and monitor the accuracy and completeness of the information received by the one call center compared to the information transmitted by the one call center.
<b>Notification Delivery</b>	The one call center establishes and monitors criteria for the transmission of notifications and notification audit reports.  Typically, the one call center can transmit notifications in an electronic format that allows receiving stations to parse/extract data.  Notification audit reports are sent to receiving stations at a mutually acceptable frequency. It is a best practice to send an audit report at least once every business day.  Typically, notification transmission is immediate.

Source: Common Ground Alliance.

**Web Services Solution.** A method that allows a member operator to receive excavation notifications through a secure web service should be provided by the one call center. The service format should use the accepted ticket format when calling and should be secure and reliable. To satisfy this best practice, the call center must establish a method within the center compliant with an accepted standard format such as Extensible Markup Language (XML).

**Identification of Unknown Lines/Facilities.** Call centers should have a policy for taking calls from excavators when they locate an unidentified line/facility. The process should be straightforward and include re-notifying all affected facility owners/operators unless state law requires otherwise.

**Electronic Positive Response.** The one call center should be able to provide a process for facility owners/operators to electronically post their affirmative response to a notice of intent to excavate. This provides the facility owners/operators the necessary means to communicate with the entity originating the locate request.

**One Call Center Data.** One call centers should annually submit their ticket and transmission volumes to the One Call Systems International (OCSI) Data Collection Tool. Ticket and transmission volumes from the One Call Systems International (OCSI) data collection tool should be shared with the Damage Information Reporting Tool (DIRT) to make a correlation between one call center ticket and/or transmission volume to damages or events that have occurred.

**One Call Facility Locate Request Size and Scope.** Centers should define a maximum locate request area appropriate for a proposed excavation site. Designating a manageable locate request size and clear instruction reduces uncertainty and provides clarity to utility operators and/or locators. Implementation of this standard should prevent unnecessary effort and allow adequate time to locate and mark the affected underground facilities within the time frame established in state law.

**Locate Information Shared With Excavator.** The Common Ground Alliance best practices indicate that one call centers should provide the information from the locate request transmission to the excavator. Providing the excavator with a record of the information communicated to facility owners, operator, and locators by the one call center will enable the excavator to verify the accuracy of the information.

## **PA One Call Compliance With the Common Ground Alliance Best Practices.**

To test PA One Call compliance with these best practices, we relied on documentation provided by PA One Call as well as our own observations from three site visits.

**Proactive Public Awareness, Education, and Damage Prevention Activities.** PA One Call has an education department that has nine liaisons, one program coordinator, and a director. LB&FC staff reviewed the PA One Call “New Board Member Guide.” The guide shows that throughout the year they conduct a wide variety

of public awareness, education, and damage prevention activities. Programs include:

- **Training Sessions** – Liaisons conduct training events for excavators, designers, project owners, and facility owners.
- **Safety Days** – Five safety days are held throughout the state each year. For the most recent year they were held in Mill Hall, Wilkes-Barre, Oaks, York, and Monroeville.
- **Trade Shows** – Liaisons attended 67 trade shows in 2016 to educate attendees on damage prevention.
- **Meetings** – PA One Call staff hold meetings with stakeholder groups to facilitate resolutions to problems. In 2016, Liaisons attended 105 meetings.

Altogether, PA One Call estimates these efforts reached 110,083 people in 2016.

In addition, documents reviewed by LB&FC staff describe multiple education programs conducted by PA One Call. These programs are detailed in Exhibit 23 below.

Exhibit 23

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### Educational Program Descriptions

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<b>Locator Program</b>	The PA One Call Locator program is targeted to facility owners and third party locating personnel responsible for locating and marking facilities. The program objectives explain the definitions and terminology used in Act 287, a description of a correct notification, an explanation of marking underground lines with the American Public Works Association (APWA) color code standards, and an illustration of how to respond through the Kathy Automated Response to Locates (KARL) system. The program is approved under the Pennsylvania Department of Environmental Protection (PA DEP) water and wastewater operators-training program for 3 contact hours. Those attendees who are licensed water and wastewater operators and are in their three-year license cycle are eligible for continuing education contact hours.
<b>Excavator Program</b>	The Excavator program is targeted to professional excavators and facility owners who excavate. The program objectives are to learn about excavator responsibilities under Act 287.
<b>Web Ticket Entry Online Training</b>	Designed for excavators and designers, the online training objective is familiarity with the Web Ticket Entry online application. This internet-based version of the One Call Center industry-leading scripting technology is the same as what a Customer-Service Representative sees.
<b>Safety Days</b>	An indoor and outdoor convention-style event with educational presentations and demonstrations, including "Get the boots dirty" hands on demonstrations of vacuum excavation, CGA damage reporting, and an emergency responder demonstration of a trench rescue. PA One Call offers DEP credits for water/wastewater operators in their three-year license cycle to attend this event at one of five locations.

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Source: PA One Call.

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**Specifically Defined Geopolitical Service Area With No Overlap.** PA One Call covers all 67 counties in Pennsylvania, 2,561 municipalities, and the voting wards in Philadelphia, Pittsburgh, Allentown, and Erie. Pennsylvania's One Call law only allows for one provider.

**Formal Agreements with Members.** PA One Call provided and LB&FC staff reviewed a copy of the agreement. All members sign the same written agreement based on the definition of "Facility Owner," "Line," and "Facility" found in the One Call law.

**One Call Center Governance.** The 1996 amendment to the One Call law requires a board of directors to govern PA One Call. The statute dictates that various constituents' groups have representation on the Board. Board members and their various stakeholder groups can be found in Appendix E of this report.

**Single Toll-free Statewide Telephone Number With Nationwide Access.** PA One Call implemented a nationwide toll-free telephone number, 800-242-1776, in May of 1975. The system was the first in the nation to implement the 8-1-1, Call Before You Dig, number in May of 2005.

**Hours of Operation.** According to information provided by PA One Call, the system has operated 24 hours per day, 7 days per week since its inception in 1972. The founders of the system specifically wanted to operate around the clock to deal directly with emergencies during high and low temperature months. Temperatures in those months cause the ground to shift and lead to increased frequency of broken pipes. Additionally, LB&FC staff made numerous calls to the PA One Call toll-free telephone number to confirm that it was operational 24 hours per day, 7 days per week.

**Voice Record of All Incoming Calls.** Documents reviewed by LB&FC staff state that calls are recorded. PA One Call began recording calls in 1981 to settle disputes with callers. The Underground Utility Line Protection Law was amended in 1986, making this a requirement. PA One Call has provided recordings to LB&FC staff to review.

**Retention of Voice Records According to Applicable Statutes.** Pennsylvania statute requires voice recordings to be maintained for five years. The recordings provided to LB&FC staff for review were from five years ago.

**Caller Feedback.** LB&FC staff reviewed a number of PA One Call tickets. All included a ticket number and the names of facility owners that were notified of the locate request.

**Printed Ticket Recall.** Ticket information is stored on the PA One Call website and is available to the involved parties for five years as mandated in the Pennsylvania Underground Utility Line Protection Law. LB&FC staff reviewed tickets from 2012.

**Documented Operating Procedures, Human Resource Policies, and Training Manuals.** LB&FC staff reviewed documents provided by PA One Call relating to operating procedures, human resource policies, and training manuals. They are stored on site at PA One Call offices and are available for review by PA One Call employees.

**Documented Owner Verification of Data Submitted by Facility Owners/Operators.** Documents provided to LB&FC staff show that PA One Call annually asks facility owner members to verify their data electronically. In 2017, an email notification was sent by January 10. A facility owner member is able to do this online at any time.

**Flexibility for Growth and Change.** According to its annual report, PA One Call has grown from seven members at its founding to 3,557. This would indicate the operating plan is sufficiently flexible to meet this best practice.

**One Call Center Accepts Notifications From Designers.** PA One Call indicated it has included design notifications since 1972. PA One Call provided, and LB&FC staff reviewed, the “PA One Call System Design Notifications” pamphlet published in January of 2017. The document shows the system accepts notifications from designers.

**Locate Request.** LB&FC staff reviewed notification tickets provided by PA One Call. The documents show that PA One Call captures the required data on notification requests.

**Practices to Reduce Overnotifications.** PA One Call has used a “Geo-Political” boundary system since 1975 to limit the number of unnecessary notifications. In the 1990s, PA One Call added a mapping system that permitted members to include a list of streets. From 1990 to 2000, PA One Call sponsored the Indiana University of Pennsylvania Spatial Science Research Center—the purpose of which was to create a better map than was available commercially. PA One Call has since moved to an open source and county partnership model for data sharing. All but one county participates.

All of these measures work to limit the number of overnotifications.

**Disaster Recovery.** LB&FC staff reviewed the most recent PA One Call disaster recovery plan—published on January 3, 2006. PA One Call also maintains a

backup site for its data at the Ohio Utilities Protection Center in Youngstown, OH. A disaster recovery test was performed with the Ohio facility on June 10, 2017.

**Direct Electronic Locate.** On a visit to the PA One Call headquarters, LB&FC staff was able to view the Web Ticket Entry tool. We also reviewed tickets entered via the web from various times during a 24-hour period.

**Accept Multiple Reference Points for Locate Requests.** During a site visit to PA One Call offices, LB&FC staff observed PA One Call's call center employees taking ticket information using multiple points of reference including latitude/longitude, mile markers, addresses, etc. Additionally, the PA One Call automated phone system notifies callers of the multiple points of reference that the System accepts.

**One Call Center Security.** During a site visit to PA One Call headquarters, LB&FC staff visually reviewed the physical and systems security, fire protection, and electrical protection systems.

**Hardware Designed to Tolerate a Single Point of Failure.** PA One Call maintains site, computer, and telephone system security with dual physically separated systems within the West Mifflin headquarters and the systems backup in Ohio. Systems are backed up within ten minutes of the primary systems. Tape and other media backup is stored under contract with Iron Mountain Communications.

**One Call Quality Standards.** PA One Call runs various systems reports to measure compliance with quality standards. The system also maintains an electronic dashboard of system operation that is monitored by individual employees. The dashboard shows various quality indicators such as the number of calls waiting, the longest call waiting, the average speed of an answer, and the number of operators available. Please see Appendix F for a screen shot of the electronic dashboard.

Additionally, the call center has dual electric backup of 2 Kohler 125 KVA Natural Gas Generators with Mitsubishi 60 KVA UPS and power distribution systems that allow load transfer and portable backup should a power outage last for an extended period of time. LB&FC staff viewed the equipment during a site visit.

**Web Services Solution.** The PA One Call System maintains a web solution for operators to receive excavation notifications. The system uses an Extensible Markup Language (XML) and HTML.

**Identification of Unknown Lines.** LB&FC staff reviewed the PA One Call policy, found in the "PA One Call System User's Guide," for handling calls from excavators when an unidentified line has been found. The Call Center takes and

transmits a ticket relaying the unknown line/facility description to appropriate facility owners in the area described by the caller.

**Electronic Positive Response.** This Common Ground Alliance best practice is a requirement in Pennsylvania's statute. PA One Call has developed Kathy Automated Response to Location Requests (KARL), which is a voice relay and response system that automates the callout process and allows facility owner members to respond to all notifications.

**One Call Center Data.** PA One Call began submitting its data to the OCSI Data Collection Tool when the tool became available. Several members of the PA One Call staff participate in the OCSI Data Collection Committee. LB&FC staff reviewed the Common Ground Alliance "One Call Report Submission Status" report generated on August 16, 2017. The document shows that PA One Call has submitted data every year beginning in 2004.

**One Call Facility Locate Request Size and Scope.** PA One Call sets the maximum locate request size and scope as, "intersection to intersection or 1,000 feet, whichever is greater."

**Locate Information Shared With Excavator.** If an excavator provides an email address or fax number to PA One Call, the System will send them a copy of the locate information at the same time facility owner members receive the information. If an excavator does not provide an email address or fax number, a copy of the ticket is available on the website.



## **VII. Appendices**

## APPENDIX A



### **A SPECIAL PERFORMANCE AUDIT OF THE DEPARTMENT OF LABOR & INDUSTRY**

***ENFORCEMENT OF UNDERGROUND UTILITY  
LINE PROTECTION LAW (PA ONE CALL)***

**NOVEMBER 2010**

Bureau of Departmental Audits

## **Appendix A (Continued)**

November 4, 2010

The Honorable Edward G. Rendell  
Governor  
Commonwealth of Pennsylvania  
Room 225 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Rendell:

This report contains the results of the Department of the Auditor General's special performance audit of the Department of Labor & Industry (Labor & Industry) and its adherence to provisions of the Underground Utility Line Protection Law, which required the creation of the communication system known as Pennsylvania One Call System, Inc. (PA One Call). The audit examined the period covering July 1, 2002 through June 30, 2008, including follow-up procedures concluded as of December 2009. This audit was conducted pursuant to Sections 402 and 403 of The Fiscal Code and in accordance with generally accepted government auditing standards (GAGAS). The aforementioned standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives.

We found that Labor & Industry's enforcement of the Underground Utility Line Protection Law was inadequate, including management's use of a decentralized approach to administer the enforcement of the law without using adequate oversight controls. In addition, management has not issued written policies and procedures to direct the administration of the enforcement program. Moreover, management stated that it relies on the work of Labor & Industry investigators located throughout the state to adequately investigate an incident, maintain documentation to support the investigation activities, and properly conclude on the investigation. This lax environment and failure to hold violators of the law accountable for their actions jeopardizes public health and safety.

## **Appendix A (Continued)**

Significant deficiencies that we found include incidents not being investigated and case files being incomplete. Specifically, auditors reviewed incident case files and found that, of the files identified as closed, 82% did not contain evidence of supervisory review, 61% did not contain evidence documenting the conclusion of the investigation, and 41% lacked evidence that the investigator validated whether or not a one-call was actually made. Auditors also noted an untimely completion of case files, with the range of time spanning anywhere from two weeks to more than three years before closure. Moreover, auditors found that Labor & Industry inconsistently issued administrative penalties to entities for failing to make a one-call and it failed to issue administrative penalties to entities receiving three or more warnings in a calendar year.

Additionally, our auditors found that inaccurate tracking system records could lead to inaccurate reporting being provided to external and internal decision makers. When examined for accuracy, discrepancies existed that included whether a one-call was made, the date on which the incident occurred, the name of the utility line owner, and the name of the offending party; management failed to develop written policies and procedures describing what and when information should be data-entered. Labor & Industry should also take a more proactive approach to identifying possible violations of the law, rather than relying solely on excavators or utility owners self-reporting incidents to Labor & Industry. It should work more closely with PA One Call management to identify other violations that may be occurring which may not result in property damage or injury.

We offer nine recommendations to address identified deficiencies and strengthen Labor & Industry's policies, controls, and oversight with regard to the Underground Utility Line Protection Law and PA One Call. We are confident that these recommendations, if fully implemented by Labor & Industry, will ensure the heightened health and safety of both workers and residents.

We will follow up at the appropriate time to determine whether and to what extent Labor & Industry has implemented our recommendations.

Sincerely,

JACK WAGNER  
Auditor General

## Appendix A (Continued)

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## **Appendix A (Continued)**

***Department of Labor & Industry***  
***Enforcement of Underground Utility Line Protection Law (PA One Call)***

*Pennsylvania Department of the Auditor General*  
*Jack Wagner, Auditor General*  
*November 2010*

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***Results  
In  
Brief***

The Department of the Auditor General conducted a special performance audit of the Department of Labor & Industry (Labor & Industry) and its adherence to provisions of the Underground Utility Line Protection Law, which required the creation of the communication system known as Pennsylvania One Call System, Inc. (PA One Call). The audit examined the period covering July 1, 2002 through June 30, 2008, including follow-up procedures concluded as of December 2009. Our audit resulted in one finding and nine recommendations.

### **Finding**

We discuss and identify deficiencies relevant to the Labor & Industry's inadequate enforcement of the Underground Utility Line Protection Law, including management's use of a decentralized approach to administer the enforcement of the law without using adequate oversight controls. In addition, management has not issued written policies and procedures to direct the administration of the enforcement program. Moreover, management stated that it relies on the work of Labor & Industry investigators located throughout the state to adequately investigate an incident, maintain documentation to support the investigation activities, and properly conclude on the investigation. This lax environment and failure to hold violators of the law accountable for their actions jeopardizes public health and safety. The following describes the significant deficiencies found:

- Incidents not being investigated and case files incomplete
- Untimely completion of case files
- Inconsistently issuing administrative penalties to entities for failing to make a one-call
- Failing to issue administrative penalties to entities receiving three or more warnings in a calendar year
- Inaccurate tracking system records can lead to inaccurate reporting being provided to external and internal decision makers
- Identification of violators needs improved

## **Appendix A (Continued)**

***Department of Labor & Industry  
Enforcement of Underground Utility Line Protection Law (PA One Call)***

*Pennsylvania Department of the Auditor General  
Jack Wagner, Auditor General  
November 2010*

***Results in Brief***

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We recommend that Labor & Industry provide proactive leadership and develop appropriate policies and procedures for the investigators to ensure that they are effectively performing and documenting incident investigations and their conclusions. This would include documentation ensuring that the investigator validates through PA One Call as to whether or not a one-call was made. In addition, supervisors should be required to review and approve all case files prior to recording the incident as closed in the tracking records. Labor & Industry should maintain case files in a centralized location and ensure proper accountability. Moreover, it should establish timeframes in which incident investigations are concluded and case files closed. Labor & Industry should also monitor the status of open incident cases to ensure completion within established timeframes.

Additionally, we recommend that Labor & Industry use its authority to issue penalties to entities that violate the law on a consistent basis and issue penalties to entities that receive three or more warnings in a calendar year. It should also develop policies and procedures with respect to what information is to be entered into the tracking system records, when the information should be entered, and how often the data-entry staff reviews for updates to the tracking records to ensure accuracy. In addition, Labor & Industry should request damage logs from PA One Call on a more frequent basis, such as monthly, to better identify violators and to ensure that incidents are timely and effectively investigated and concluded. Finally, Labor & Industry should be more proactive in identifying one-call incidents and violations of the law by working with PA One Call management and other parties.

Source: PA Department of the Auditor General, *Special Performance Audit of the Department of Labor and Industry Enforcement of Underground Utility Line Protection Law (PA One Call)*, 2010.

## APPENDIX B

## **PA One Call Highest Compensated Employees, 2015**

512112  
10-14-15

21

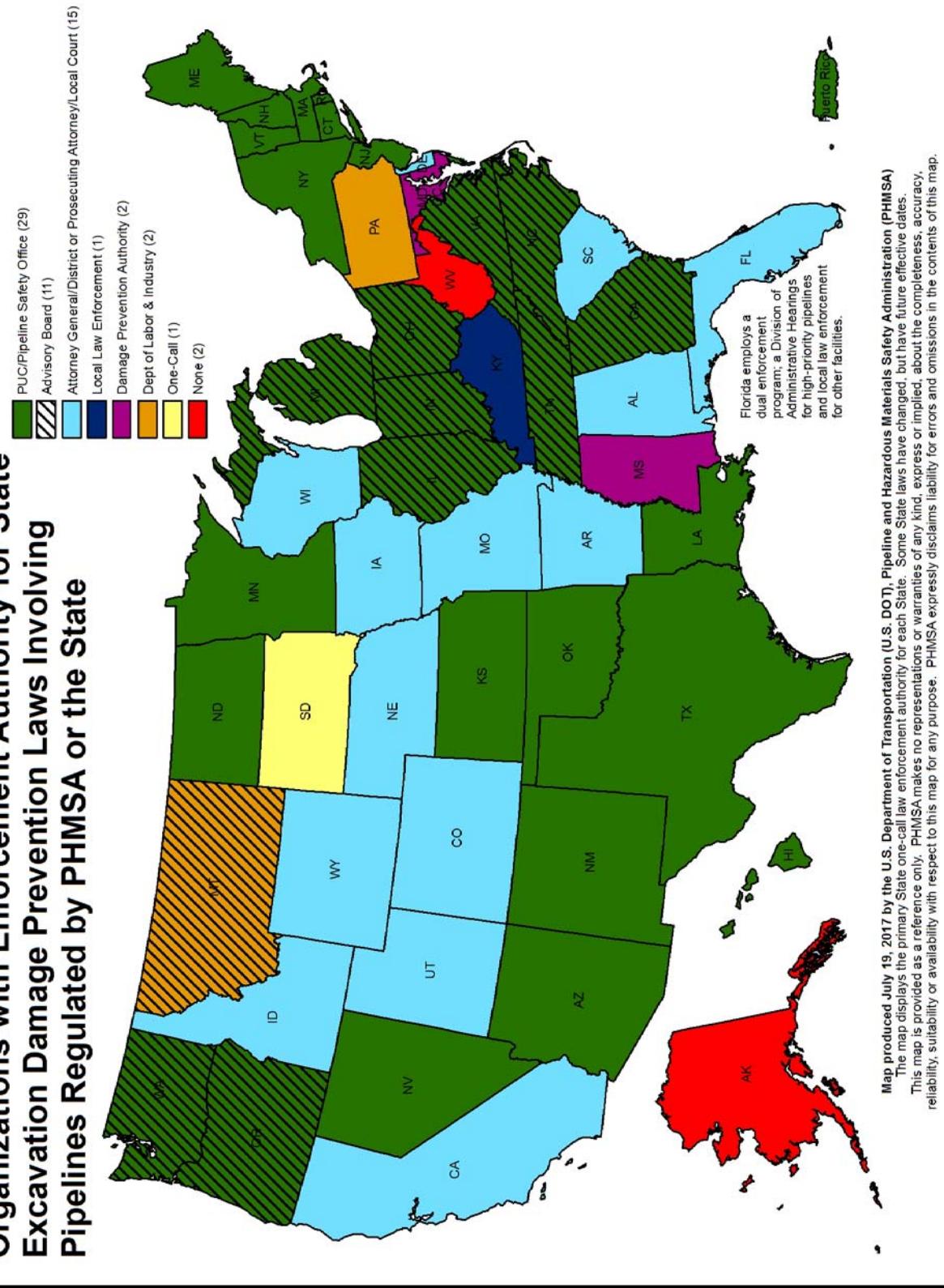
---

Schedule J (Form 880) 2015

Source: PA One Call Form 990.

## APPENDIX C

### Organizations with Enforcement Authority for State Excavation Damage Prevention Laws Involving Pipelines Regulated by PHMSA or the State



Source: U.S. Department of Transportation.

## APPENDIX D

### 911 scripting for a damage ticket when there is a hazardous release and the caller notified 911:

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?

If the answer is Yes (Escape occurred):

Ticket Entry TE 2013.net|DEV-VB3.107.0|lcovelli-981

**DAMAGE**

Do you have a Job Number?

ENTER PENNDOT PERMIT NUMBER IF VOLUNTEERED  
PENNDOT Permit Number:

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?  
 Yes (Escape occurred)  No (Escape did not occur)

Have you notified 911?  
 Yes (911 notified)  No (911 not notified)

Is there anything else you would like to add?

Let me read the list of utilities we will be notifying.

Previous Next

**PLACE**  
ALLENTOWN WHITE OAK BORO

Show CDC List  
Submit Ticket  
Suspend  
Abandon Windows  
Abort

Have you notified 911?

If the answer is Yes (911 notified), the 911 script ends.

Ticket Entry TE 2013.net|DEV-VB3.107.0|lcovelli-981

**EMERGENCY**

Do you have a Job Number?

ENTER PENNDOT PERMIT NUMBER IF VOLUNTEERED  
PENNDOT Permit Number:

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?  
 Yes (Escape occurred)  No (Escape did not occur)

Have you notified 911?  
 Yes (911 notified)  No (911 not notified)

Is there anything else you would like to add?

Let me read the list of utilities we will be notifying.

Previous Next

**PLACE**  
ALLENTOWN WHITE OAK BORO

Show CDC List  
Submit Ticket  
Suspend  
Abandon Windows  
Abort

## Appendix D (Continued)

The output of the ticket includes the information gathered by the 911 scripting: In this example there was a hazardous release and caller notified 911.

```
Prepared--[17-Jul-17] at [1552] by [LINDA COVELLI]
Remarks--
[FACILITY TYPE: NATURAL GAS-PEOPLES
EXCAVATION EQUIPMENT: BACKHOE
HAZARDOUS RELEASE: YES
CALLER HAS NOTIFIED 911.]
```

## Appendix D (Continued)

### 911 scripting for a damage ticket when there is a hazardous release and the caller did not notify 911:

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?

If the answer is Yes (Escape occurred):

Have you notified 911?

If the answer is No (911 not notified):

## Appendix D (Continued)

When the ticket is submitted the following script appears:  
You are required to directly contact 911 and the damaged facility owner(s).

LINDA COVELLI (B)	DAMAGE	EMERGENCY
You are required to directly contact 911 and the damaged facility owner(s).		
(READ THE LIST OF SERIAL NUMBERS.) 2017 198 9027 - ALLEGHENY, WHITE OAK BORO		
May I help you with anything else? IF THE CALLER HAS NOTHING ELSE, PLEASE THANK THEM FOR CALLING.		
<input type="button" value="Brand New Ticket"/>	<input type="button" value="Ticket Copy (Run)"/>	<input type="button" value="Nothing Else"/>

The output of the ticket includes the information gathered by the 911 scripting: In this example there was a hazardous release and the caller was informed to contact 911.

Prepared--[17-Jul-17] at [1539] by [LINDA COVELLI]  
Remarks--  
[FACILITY TYPE: NATURAL GAS-PEOPLES  
EXCAVATION EQUIPMENT: BACKHOE  
HAZARDOUS RELEASE: YES  
CALLER ADVISED TO NOTIFY 911.]

## Appendix D (Continued)

### 911 scripting for a damage ticket when a hazardous release did not occur:

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?

If the answer is No (Escape did not occur): the 911 script ends

Ticket Entry TE 2013.net(DEV - V8.3.107.0).lscovell-981

LINDA COVELLI (B)

DAMAGE      EMERGENCY

Do you have a Job Number?  
Job Number: \_\_\_\_\_

ENTER PENNDOT PERMIT NUMBER IF VOLUNTEERED  
PENNDOT Permit Number: \_\_\_\_\_

Did the Damage result in the escape of any flammable, toxic or corrosive gas or liquid or endanger life, health or property?  
 Yes (Escape occurred)     No (Escape did not occur)

Have you notified 911?  
 Yes (911 notified)     No (911 not notified)

Is there anything else you would like to add?  
\_\_\_\_\_

Let me read the list of utilities we will be notifying  
Previous      Next

1 PLACE  
ALLEGHENY  
WHITE OAK BORO

Show CDC List  
Submit Ticket  
Suspend  
Activate Windows  
Abort

The output of the ticket includes the information gathered by the 911 scripting: In this example there was no hazardous release.

Prepared--[17-Jul-17] at [1559] by [LINDA COVELLI]

Remarks--

[FACILITY TYPE: NATURAL GAS-PEOPLES  
EXCAVATION EQUIPMENT: BACKHOE  
HAZARDOUS RELEASE: NO]

## APPENDIX E



### BOARD OF DIRECTORS

The Board of Directors is the governing body of the corporation. The 36 member Board represents each underground facility industry, including seats for contractors, designers, the Pennsylvania Public Utility Commission, Pennsylvania Emergency Management Agency, the Departments of Labor and Industry and Transportation.

<b>ASSOCIATE</b>	<b>CABLE TELEVISION</b>	<b>CONTRACTOR</b>	<b>DESIGNER</b>	<b>ELECTRIC</b>	<b>ELECTRIC</b>
PA Builders Association Doug Meshaw	Comcast Cable Communication Management LLC Rick Moslen	NUCA Pennsylvania Armando Ferri	Larson Design Group, Inc. William Berger	Adams Electric Cooperative Inc. David Bolton	Duquesne Light Company John Andzelik
<b>ELECTRIC</b>	<b>ELECTRIC</b>	<b>GAS</b>	<b>GAS</b>	<b>GAS</b>	<b>GAS</b>
FirstEnergy Stephen Schafer	PPL Electric Utilities Corp. Mark Santayana	Columbia Gas of PA Ray Geesey	Peoples Natural Gas Don Zombek	National Fuel Dean Rainville	PECO Energy Dave Reavestick
<b>LABOR &amp; INDUSTRY</b>	<b>MUNICIPAL</b>	<b>MUNICIPAL</b>	<b>MUNICIPAL</b>	<b>MUNICIPAL</b>	<b>MUNICIPAL</b>
Dept. of Labor & Industry Sean Rameley	Butler Township Edward Kirkwood	North Wales Water Authority Joseph Murphy	PA Municipal Authorities Assn. Michael Kyle	PA State Assn. of Boroughs Thomas Gramling	PA State Assn. of Township Supervisors Holly Fishe
<b>MUNICIPAL</b>	<b>PEMA</b>	<b>PENNDOT</b>	<b>PIPE LINE</b>	<b>PIPE LINE</b>	<b>PIPE LINE</b>
Philadelphia Gas Works Joseph Leva		PA Department of Transportation David Parise	Spectra Energy Robert Johnson	Sunoco Pipe Line Company Tracy Hoffman	UGI Utilities, Inc. Eric Swartkey
<b>PIPE LINE</b>	<b>PUC</b>	<b>TELECOMMUNICATIONS</b>	<b>TELECOMMUNICATIONS</b>	<b>TELEPHONE</b>	<b>TELEPHONE</b>
Williams Gas Pipe Line—Transco Jerry McInaw	PA Public Utility Commission Paul Metro	RCN Telecom Services Jeff Minich	Verizon Business Kenneth Montanari	CenturyLink Leo Hilbert	Verizon North LLC Michael Geary
<b>TELEPHONE</b>	<b>TELEPHONE</b>	<b>WATER</b>	<b>WATER</b>	<b>WATER</b>	<b>WATER</b>
Verizon Pennsylvania, Inc. Javed Dennisser	Windstream Communications William Price	Lehigh County Authority Kevin German	Munic. Auth. of Westmoreland County Mark Shaffer	Pennsylvania American Water James Reynolds	Pittsburgh Water & Sewer Auth. John McCarthy
<b>OFFICERS</b>					
Assistant Secretary Kevin German	Assistant Treasurer Vacant	General Counsel William F. Boswell	Assistant General Counsel Dwight Howes	President & CEO William Kiger	
<b>CHAIR</b> Joseph Murphy	<b>VICE CHAIR</b> Jerry Hshaw	<b>TREASURER</b> Michael Kyle	<b>SECRETARY</b> Ray Geesey	<b>IMMEDIATE PAST CHAIR</b> James Reynolds	

Source: PA One Call System, Inc., 2016 Annual Report.

## APPENDIX F

### Operational Dashboard Screenshot

Operational Dashboard summary showing the current status of each skill routing

Split/Skill Report									
Report	Edit	Format	Tools	Options	Help				
Split/Skill	Accounting	Public Educ	Help Desk	Member Se	New Dig	Previous Di	Experts	Webchat	
Skill State	NORMAL	NORMAL	NORMAL	NORMAL	NORMAL	NORMAL	NORMAL	NORMAL	
Calls Waiting	0	0	0	0	2	2	2	0	
Oldest Call Waiting	:00	:00	:00	:00	:09	:09	:09	:00	
Avg Speed Ans	:00		:00	:00				:04	
ACD Calls	1	0	5	2	0	0	51	0	
Avg ACD Time	2:33		3:03	11:13			6:25		
Aban Calls	0	0	0	0	0	0	0	0	
Avg Aban Time									
Agents Avail	1	1	0	0	0	0	0	0	
Agents Ringing	0	0	0	0	0	0	0	0	
Agents on ACD Calls	0	0	1	0	0	0	24	0	
Agents in ACW	0	0	0	0	0	0	0	0	
Agents in Other	4	4	18	4	0	0	0	12	
Agents in AUX	4	4	4	3	0	0	3	3	
Agents Staffed	9	9	23	7	0	0	27	15	

Double Click To Run Format Table      Thresholds: On      ACD1\_ONE\_CALL

Source: PA One Call System, Inc.

**APPENDIX G**

**Response to This Report**



## Pennsylvania One Call System, Inc.

925 Irwin Run Road  
West Mifflin, PA 15122-1078  
(412) 464-7100  
[www.paonecall.org](http://www.paonecall.org)

October 13, 2017

Senator Bob Mensch, Chairman  
Legislative Budget & Finance Committee  
Room 400A, Finance Building  
613 North Street  
P. O. Box 8737  
Harrisburg, PA 17105

Dear Senator Mensch and Members of the LBFC:

The Pennsylvania One Call System, Inc. (POCS) wishes to thank the Committee, and especially Executive Director Phil Durgin and his staff, for their courtesy and professionalism during the review of POCS' operations. They approached the project with complete objectivity and no pre-conceived notions as to what they would discover.

We are gratified that the report concludes that POCS is acting in concert with the provisions of the Underground Utility Line Protection Law (UULPA), 73 P. S. § 176, et seq., and in a manner consistent with the Common Ground Alliance Best Practices. In the more than 45 years of our existence, including the period from 1978 when we were incorporated as a Pennsylvania not-for-profit corporation, a (501(C)(6) Professional Trade Association we have committed ourselves to protecting the safety of excavators, facility owners, and their employees, as well as that of the citizens of this Commonwealth, from personal injury and property damage as a result of excavation activity.

The 36 members of our Board of Directors, the largest and most diverse in the 62 One Call Centers in the United States, among whom are included directors representing the Department of Labor & Industry, the Department of Transportation, the Pennsylvania Public Utility Commission, and the Pennsylvania Emergency Management Agency, take their fiduciary duties most seriously. This permits POCS and its professional staff to discharge its statutory duties in an appropriate manner, and exemplary customer service as well as, appropriate oversight from its stakeholder Board members. The Board is made up of representatives of the municipal, gas, electric, water, sewer, pipeline, telecommunications, excavator, and designer stakeholders, as well as those from the four named Commonwealth agencies.

What POCS and its staff do is a direct result of the annual planning done by our Board at its July/August meeting, and the general direction and oversight provided by our Board committees. They are the driving force behind what we do, and our staff are their agents in seeing that it is done without State Funding yet benefitting nearly 3600 Underground Facility Owners, thousands of Excavator and Designers as well as the General Public.

Again, we thank the Committee and its staff for permitting us to demonstrate that we continue to be good stewards in accomplishing the tasks that we have undertaken, including especially those assigned to us by the UULPA.

Sincerely,

A handwritten signature in black ink that reads "William G. Kiger".

William G. Kiger  
President & Chief Executive Officer

A handwritten signature in blue ink that reads "Joseph E. Murphy".

Joseph E. Murphy  
North Wales Water Authority  
Chairman of the Board of Directors