



October 13, 2017

Mr. Leo Haynos  
Chief Engineer  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

RE: KCC Docket Number 17-GIME-565-GIV

Dear Leo:

Below are the list of questions raised in the docket and my responses:

1. Regarding underground electric service lines, how should the Commission interpret the term "operator" at K.S.A. 66-1802)?

I believe the term "operator" should be interpreted to mean the respective electric utility company that provides and delivers its product through privately owned electric lines to its customers. The electric utility company should be considered to be the "operator" because it is in a unique position and is the entity most capable of providing locates for buried electric lines.

2. Should the utility service provider be required to provide locates for residential underground electric service up to the location of the customer meter or the building wall of the residence, whichever is further downstream?

The electric utility service provider should be required to provide utility locates for residential customers up to the location of the meter or the building wall of the residence.

- a. What is the risk to the customer of not providing locates under this scenario?

If utility locates are not provided by the electric utility company then, almost universally, locates will not be performed and the location of underground facilities will not be determined.

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- b. What is the risk/cost to the utility of being required to provide locates under this scenario?

There is little risk and virtually no cost to the electric utility company to provide utility locates under this scenario. When excavation is going to be performed a notice of intent to excavate will have been communicated to Kansas One Call and a utility locator(s) will be dispatched to the residence. If locates are being performed in the street or right of way the locator(s) will already be on site and can mark the electric service line up to the location of the meter or the building wall of the residence.

3. For commercial customers, should the utility service provider be required to provide locates up to the building wall, the current transformer cabinet, or the customer meter, whichever is further downstream?

The electric utility service provider should be required to provide utility locates for commercial customers up to the building wall, the current transformer cabinet, or the customer meter, whichever is further downstream, irrespective of ownership, because the utility controls the functioning of, and delivers its product through, the private electric service line(s).

- a. What is the risk to the customer of not providing locates under this scenario?

There is a tremendous risk exposure for the commercial customer (and excavator) under this scenario if the electric utility company has not provided utility locates. Ownership of commercial properties frequently changes and, in my experience, most commercial customers have very poor or non-existent as-built drawings of their underground electric service facilities. Even if the commercial customer is aware that arrangements must be made for private locates to be performed there is little chance the customer, unfamiliar with excavation and the locate process, is going to know whom to contact since there are very few entities in Kansas capable of providing such services. If a private locate service is retained the private locator, depending on how the underground electric facilities are configured, may himself have to contact the electric utility company for assistance in accessing their facilities. For example, facilities such as transformers or a switchgear may have to be accessed so that the electrical conductors can be coupled with the transmitter to generate a locate tone. The tone would then be detected by the receiver unit so that the locator could accurately locate privately-owned secondary electric service lines.

- b. What is the risk/cost to the utility of being required to provide locates under this scenario?

The risk for the electric utility company in being required to provide locates under this scenario is minimal, and I believe a much greater risk exposure exists in not locating the private underground electric lines. The cost of providing locates is minimal (usually well under \$10 per locate ticket) compared to the much greater cost of mounting a legal defense to litigation if an electrical contact were to occur.

4. If it is required to locate customer-owned facilities, should the utility service provider only be required to locate those facilities to the boundaries of the common utility easement?

The electric utility service provider should be required to provide utility locates for commercial customers up to the building wall, the current transformer cabinet, or the customer meter, whichever is further downstream.

5. What is the liability of an operator in providing locates for customer installed/owned facilities?

The risk to the operator in providing locates for the customer can either be partially or wholly transferred via the customer service agreement or through tariff protections.

6. If an operator is not required to provide locates of customer installed/owned facilities, should the operator be required to alert the customer to the fact that locating customer owned facilities is the customer's obligation?

If the operator is not required to provide locates of customer-owned electric facilities the operator should be required to notify the customer AND the excavator that locating customer-owned facilities is the customer's obligation. This could easily be accomplished through written notice to the customer. The excavator could also be notified at the job site by the contract locator (or electric company employee locator) by the placement of locate marks in the area of excavation using locate paint. Such marks could be placed at the transformer and at the building, marking in red block letters: "CAUTION BURIED PRIVATE ELECTRIC LINES".

7. Best practices that may be employed by an excavator to avoid damaging customer-



owned facilities when no locate marks are present or the provided locate marks are of questionable accuracy.

Best practices for the excavator would include: contacting the facilities manager (for a commercial customer) to try to identify the location of private underground facilities, notifying a private utility locating company (if possible) to mark the facilities, using ground penetrating radar if soil conditions allow, and potholing with hand tools and/or utilizing vacuum excavation in an attempt to visually expose the facilities.

Please do not hesitate to contact me if I can answer any questions or be of further assistance.

Sincerely,

A handwritten signature in black ink that reads 'Darren C. Pack'.

Darren C. Pack, AIC, QSP  
Manager, Utility Damage Prevention & Mitigation  
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## CERTIFICATE OF SERVICE

17-GIME-565-GIV

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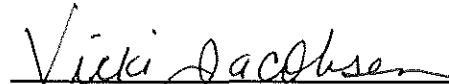
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