



We "Dig" Your Business™

10-6-17

Leo Haynos

Kansas Corporation Commission

1500 SW Arrowhead Road

Topeka, KS 66604-4027

Re: Response for comments on questions related to marking customer owned underground electric

Leo,

Thanks for the opportunity to comment on this matter from an excavator perspective.

1. Q. Regarding underground electric service lines, how should the Commission interpret the term "operator" at K.S.A. 66-18020)?
 - A. This is a regulatory interpretation matter that is not my expertise thus I do not have an opinion on this issue.
2. Q. 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?
 - A. Yes
 - a. Q. What is the risk to the customer of not providing locates under this scenario?
 - A. Most customers and the public are not educated and familiar with the details of the current locating rules that allow the electric company to exclude marking of privately owned lines to their residence. Through the one call and 811 marketing campaigns homeowners have been encouraged to call before they dig to be safe. By not marking these lines it is creating a false sense of security and a public safety hazard by allowing the electric companies to exclude marking of private lines to the first building entry point.
 - b. Q. What is the risk/cost to the utility of being required to provide locates under this scenario?
 - A. The electric company has the most knowledgeable, equipped and trained employees to best determine the location and mark the underground electric line. The cost associated with this would be much less for the electric company than the homeowner hiring a third party to determine and mark these lines. The risk of not marking or mismarking these lines creates a far greater risk to the public than the electric company assuming this risk due to their expertise.

3. Q. 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?

A. Yes

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

A. Most commercial customers and the excavators who work on commercial property are not educated and familiar with the details of the current locating rules that allow the electric company to exclude marking of privately owned lines to the business. Through the one call and 811 marketing campaigns business owners or excavators have been notified of the requirement to call before they dig to be safe. By not marking these lines it is creating safety hazard and a false sense of security for the excavator or the business owner and the public safety.

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

A. The electric company has the most knowledgeable, equipped and trained employees to best determine the location and mark the underground electric line. The cost associated with this would be much less for the electric company than the business owner hiring a third party to determine and mark these lines. The risk of not marking or mismarking these lines creates a far greater risk to the public than the electric company assuming this risk due to their expertise.

4. Q. 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?

A. No, Requiring the electric company to mark to the first entry point would eliminate the current confusion on who is responsible to mark. By allowing their responsibility to end at the easement it would not help to eliminate this confusion on responsibility.

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

A. The liability would be shifted from the customer to the electric company. The electric company has the most knowledgeable, equipped and trained employees to best determine the location and mark the underground electric line. The cost associated with this would be much less for the electric company than the business owner hiring a third party to determine and mark these lines. The risk of not marking or mismarking these lines creates a far greater risk to the public than the electric company assuming this risk due to their expertise.

6. Q. 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?

A. This should be a bare minimum responsibility for the Electric company.




We "Dig" Your Business™

7. Q. 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.
 - A. The excavator should meet with the building owner and the electric company to develop a safe digging plan. This could include hiring a professional locating company to assist, research records to determine electric line route and location, use electronic locating device to better determine location of line. The excavator should pothole the marked line to visually verify the location of the electric line prior to excavation. If the location of the line is unable to be verified then soft digging techniques should be used.

In closing, I would add that we have a successful blueprint for this possible transition to the requirement of the electric company to take responsibility for the underground power line to the build entrance. A few years ago, this requirement was placed on the gas companies, that requirement has been a very successful change that has resulted in much less confusion and thus a reduction in the number of gas lines damaged. The electric companies have an obligation to provide a safe product to the consumer and the public. Not locating these lines is putting undue safety risk on all involved.

Thanks for the opportunity to opine,


Rex Schick
President
K&W Underground, Inc.

CERTIFICATE OF SERVICE

17-GIME-565-GIV

I, the undersigned, certify that a true and correct copy of the above and foregoing Comment of K & W Underground, Inc. was served via electronic service this 12th day of October, 2017, to the following:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

AARON BISHOP
ATMOS ENERGY CORPORATION
25090 W 110TH TERR
OLATHE, KS 66061
aaron.bishop@atmosenergy.com

JENNIFER G. RIES, VICE PRESIDENT, RATES AND
REGULATORY AFFAIRS-COLORADO/KANSAS
ATMOS ENERGY CORPORATION
1555 BLAKE ST STE 400
DENVER, CO 80202
jennifer.ries@atmosenergy.com

DOUGLAS C. WALTHER, ASSOCIATE GENERAL
COUNSEL
ATMOS ENERGY CORPORATION
5420 LBJ FWY STE 1600 (75240)
P O BOX 650205
DALLAS, TX 75265-0205
douglas.walther@atmosenergy.com

ROBERT J. AMDOR, MANAGER, REGULATORY AFFAIRS
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
robert.amdor@blackhillscorp.com

DOUGLAS LAW, DEPUTY GENERAL COUNSEL
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
Fax: 402-829-2635
douglas.law@blackhillscorp.com

ANN STICHLER, SR. REGULATORY ANALYST
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
ann.stichler@blackhillscorp.com

GLEND A CAFER, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
terri@caferlaw.com

SUSAN B. CUNNINGHAM, ATTORNEY
DENTONS US LLP
7028 SW 69TH ST
AUBURN, KS 66402-9421
Fax: 816-531-7545
susan.cunningham@dentons.com

CERTIFICATE OF SERVICE

17-GIME-565-GIV

BRENT BAKER
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
bbaker@empiredistrict.com

BLAKE MERTENS
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
bmertens@empiredistrict.com

ROBERT J. HACK, LEAD REGULATORY COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
rob.hack@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
roger.steiner@kcpl.com

ANTHONY WESTENKIRCHNER, SENIOR PARALEGAL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
anthony.westenkirchner@kcpl.com

JAKE FISHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
j.fisher@kcc.ks.gov

ANGELA CLOVEN
EMPIRE DISTRICT ELECTRIC COMPANY
PO BOX 127
602 S JOPLIN AVENUE
JOPLIN, MO 64802-0127
Fax: 417-625-5169
acloven@empiredistrict.com

JILL SCHWARTZ, SR. MANAGER, RATES AND
REGULATORY AFFAIRS (CENTRAL REGION)
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
jill.schwartz@libertyutilities.com

LOIS LIECHTI, DIRECTOR REGULATORY AFFAIRS
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2110
lois.liehti@kcpl.com

NICOLE A. WEHRY, SENIOR REGULATORY
COMMUNICATIONS SPECIALIST
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
nicole.wehry@kcpl.com

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
m.duenes@kcc.ks.gov

KIM E. CHRISTIANSEN, ATTORNEY
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
kchristiansen@kec.org

CERTIFICATE OF SERVICE

17-GIME-565-GIV

BRUCE GRAHAM, CHIEF EXECUTIVE OFFICER
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
bgraham@kec.org

JANET BUCHANAN, MANAGER OF RATES & ANALYSIS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
janet.buchanan@onegas.com

JUDY JENKINS, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
judy.jenkins@onegas.com

PATRICK PARKE, GENERAL MANAGER
MIDWEST ENERGY, INC.
1330 Canterbury Rd
PO Box 898
Hays, KS 67601-0898
Fax: 785-625-1494
patparke@mwenergy.com

RANDY MAGNISON, EXECUTIVE VICE PRESIDENT -
ASSISTANT CEO
PIONEER ELECTRIC COOP. ASSN., INC.
1850 W OKLAHOMA
PO BOX 368
ULYSSES, KS 67880-0368
Fax: 620-356-4306
rmagnison@pioneerelectric.coop

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

DOUGLAS SHEPHERD, VP, MANAGEMENT CONSULTING
SERVICES
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
dshepherd@kec.org

LORNA EATON, MANAGER OF RATES AND REGULATORY
AFFAIRS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8675
lorna.eaton@onegas.com

ROBERT MUIRHEAD, VICE PRESIDENT CUSTOMER
SERVICE
MIDWEST ENERGY, INC.
1330 CANTERBURY ROAD
PO BOX 898
HAYS, KS 67601-0898
Fax: 785-625-1494
bmuirhead@mwenergy.com

C. MICHAEL LENNEN, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY CHTD
800 SW JACKSON STE 1310
TOPEKA, KS 66612-1216
Fax: 785-232-9983
mlennen@morrislaing.com

LINDSAY A. SHEPARD, EXECUTIVE VICE-PRESIDENT -
GENERAL COUNSEL
PIONEER ELECTRIC COOP. ASSN., INC.
1850 W OKLAHOMA
PO BOX 368
ULYSSES, KS 67880-0368
Fax: 620-356-4306
lshepard@pioneerelectric.coop

PATRICK T. SMITH, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
patrick.smith@westarenergy.com

CERTIFICATE OF SERVICE

17-GIME-565-GIV

/s/ Vicki Jacobsen

Vicki Jacobsen