

Before the Sunset Review Committee

Prepared Statement of Sam Randazzo

Underground Technical Committee

February 25, 2020



1 Chair Roegner, Vice-Chair Wiggam, and members of the Sunset Review
2 Committee, my name is Sam Randazzo. I am the chairman of the Public
3 Utilities Commission of Ohio (PUCO). I am here to testify on behalf of the
4 Underground Technical Committee (UTC).

5
6 The UTC was created in 2015 by an act of the General Assembly. The
7 Committee is responsible for deciding whether a person or entity is in
8 violation of Ohio's underground utility damage protection laws.

9
10 Under Ohio law, a person cannot commence excavation without first
11 contacting Ohio811, formerly known as the Ohio Utilities Protection Service
12 (OUPS). Once an 8-1-1 call is placed, an individual is dispatched to the
13 designated site to locate and mark any underground utility facilities (usually
14 underground natural gas or water/wastewater pipes, electric, and
15 telecommunication lines). Failure to call prior to such excavation leads to a
16 violation of the damage prevention laws. The PUCO Staff investigates
17 potential violations of these laws which are presented through a complaint
18 filing and then turns over the complaint along with the results of the
19 investigation to the UTC for its review and determinations.

20
21 Ohio's "call-before-you-dig" requirements and the penalties that may attach
22 for violations are similar to those in place in other states. Obviously, these
23 requirements are designed to protect the health, safety and welfare of the
24 public and our common interest in making safe and reliable facilities
25 available for use by Ohioans to meet their service needs.

27 The UTC relies on the expertise of its members to make its determinations.
28 The members are appointed from a specified population by the governor
29 and legislative leaders.

30 The governor appoints one representative from:

- 31 • The electric utilities;
- 32 • The telephone industry;
- 33 • Municipal corporations;
- 34 • The Ohio Department of Transportation;
- 35 • The general public;
- 36 • Hazardous liquids pipeline industry; and
- 37 • Designers, developers, or surveyors

38 The president of the Senate appoints one representative from:

- 39 • Natural gas transmission pipeline industry;
- 40 • A statewide organization representing independent oil and gas
41 producers; and
- 42 • Cable service providers

43 The speaker of the House appoints:

- 44 • Natural gas distribution industry;
- 45 • Electric cooperatives; and
- 46 • Locators of underground utility facilities

47 Finally, the Speaker, House Minority Leader, Senate President, and Senate
48 Minority Leader each appoint a person from the commercial excavator
49 sector.

50

51 The functions of the UTC are supported by PUCO staff members. In 2018,
52 it met five times to decide 50 cases. The UTC is funded through user

53 registration fees. Monies collected from fines go to grant programs that
54 promote this important safety initiative (in calendar year 2018 this totaled
55 \$1,250).

56
57 The UTC performs important functions on behalf of the citizens of Ohio and
58 in accordance with its statutory directives. Therefore, I respectfully
59 recommend that you conclude that the sun should not set on the UTC.
60 Thank you for your time. I am happy to answer any questions that you
61 might have.

Underground Technical Committee

Underground digging law

All Ohioans are required to contact Ohio 811 prior to any planned digging activities. Ohio 811 coordinates with local utilities to mark where underground utility lines, wires and pipes are to ensure safe digging.

Ohio's safe digging laws

<http://codes.ohio.gov/orc/3781>



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

Enforcement

SB 378 (130 GA) created the Underground Technical Committee. The 17-person 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 (OUPS) and anyone who excavates or operates underground utilities in Ohio.

UTC laws

<http://codes.ohio.gov/orc/3781>

Registration

Any excavator, developer, designer or utility operator conducting business in Ohio that participates in (or is required to participate in) the One-Call system must register and pay the registration fee. Annual registration of no more than \$50.

Process

- Complaint driven
- PUCO staff technical analysis
- UTC members review recommendations and may order corrective action and monetary fines
- Appeals to the Commission

Resources

- UTC webpage www.puco.ohio.gov/puco/index.cfm/industry-information/industry-topics/damage-prevention/
- Ohio 811 website Ohio811.org
- Damage prevention enforcement rules: [OAC 4901:1-2](#)
- Underground utility damage prevention laws: [ORC 3781.25 - 3781.32](#)
- Underground Technical Committee: [ORC 3781.34 - 3781.36](#)
- Damage prevention enforcement: [ORC 4913](#)