

Before the Sunset Review Committee

Prepared Statement of Jenifer French

Underground Technical Committee

May 14, 2024



**Public Utilities
Commission**

Underground Technical Committee

Chair Wilkin, Vice-Chair Hilyer, and members of the Sunset Review Committee, my name is Jenifer French and I am the chair of the Public Utilities Commission of Ohio (PUCO). I am here to testify on behalf of the Underground Technical Committee (UTC) and ask that the members of this committee continue to support this entity.

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

Under Ohio law, a person cannot commence excavation without first contacting Ohio811, formerly known as the Ohio Utilities Protection Service (OUPS). Once Ohio811 is contacted, an individual is dispatched to the designated site to locate and mark any underground utility facilities (usually underground natural gas or water/wastewater pipes, electric, and telecommunication lines). Failure to contact Ohio811 prior to such excavation and failure by a utility company to respond appropriately to an excavation request are violations of the damage prevention laws. The PUCO investigates potential violations of these laws which are alleged to have occurred and then turns over the information accumulated during the investigation to the UTC for its review and determinations.

Ohio's damage prevention requirements and the penalties that attach for violations are similar to those in place in other states. These requirements are designed to protect the health, safety, and welfare of the public and our common interest in making safe and reliable facilities available for use by Ohioans to meet their service needs.

The UTC relies on the expertise of its members to make its determinations. The members are appointed by the governor and legislative leadership from a specified population of stakeholders.

The governor appoints one representative from:

- The electric utilities;
- The telephone industry;
- Municipal corporations;
- The Ohio Department of Transportation;
- The general public;
- Hazardous liquids pipeline industry; and
- Designers, developers, or surveyors.

The president of the Senate appoints one representative from:

- Natural gas transmission pipeline industry;
- A statewide organization representing independent oil and gas producers; and
- Cable service providers.

The speaker of the House appoints one representative from:

- Natural gas distribution industry;
- Electric cooperatives; and
- Locators of underground utility facilities.

Finally, the speaker, House minority leader, Senate president, and Senate minority leader each appoint a person from the commercial excavator sector.

In 2023, the UTC met seven times to decide 124 cases. The UTC is funded through user registration fees. Monies collected from fines go to grant programs that promote this important safety initiative (in calendar year 2023 this totaled \$38,600).

The UTC performs important functions on behalf of the citizens of Ohio and in accordance with its statutory directives, therefore, I respectfully recommend that you continue the important work of the UTC and not sunset this important body. Thank you for your time. I am happy to answer any questions that you might have.