



## **OUDDPC Exemptions Subcommittee**

Minutes

3/10/25

**Call to Order/Opening Statements:** Opening statements by Jim Collins

**Roll Call:** Jim Collins, Jason Broyles, Mike Burroughs, Joe Costell, Andrew Corder, Jim Mander, Collin Crigger, Scott Mergler, Frank Riegler, James Finucan, Jimmy Stewart, Dave Coniglio, Brian Hickman, Debbie Harris, Jason Kershner, Stephanie Kromer, Justin Freudeman, Greg First, Seamus Mulligan, Blake Ross, Jaime Gillen, Joel Johnson, Jon Dorsey, David Koren, Brent St. Clair, Johnny Henson, Rod Troxell, Mike Lawson, Mike Lamden, Patrick Murphy, Debbie Harris, Kenny Walker, Wendi Snyder

**Review/Approval of Minutes:** No minutes to approve

**Exemptions:** Jim Collins opened the conversation by reviewing some suggested points to be added to ORC3781.25 as it pertains to exempted activities.

*Proposed: Connection or disconnection of utility service line, or while locating a utility owner's facilities, by the operator or their subcontractor, by accepted industry practices, by the operator or their subcontractor, within a private or public easement or right-of-way by means of hand tools when the depth of the excavation is not greater than 12 inches and is completed within 12 inches of the utility service providers own infrastructure.*

These points were based around common practices already in use through the course of locate practices by utilities/contract locate providers. Jim Collins stated that 12" is not always enough as most of their utilities are deeper than 12". Jim Mander questions as to what specifically they are looking for within the 12"? Jim Collins responded this would affect them attempting to find curb boxes, risers, etc. in order to find and hook up to tracer wire. Mander responded that he was not opposed to the intent of the language however has concerns.

Jim Collins stated that he felt the proposed language should be split into two different exemptions: one for locating practices and one for communications. Through conversation, the majority of the group agrees that this would better serve the industry to be split.

Lori Wade commented that she understands and is okay with the language surrounding a locate exemption, however, has issues with the language dealing with the connection/disconnection as proposed by the communications industry. Scott Mergler talked the group through the process of placing a drop into a pedestal or flowerpot through the use of minimal excavation (no deeper than 6") so the line does not create a safety hazard. Stated that if they called in a locate request for every drop it would create a bog in the system which could lead to more excavation taking place without proper locates due to the additional late locates this could create. Jason Kershner added that his organization's perspective is looking to get exemption to be able to bury service drop from the pedestal to the residence and referenced proposed language sent over by Charter Communications:

*"Excavation" excludes the use of hand tools at depths of no more than twelve (12) inches for the minor repair, connection, or routine maintenance of an existing facility.*

Scott Mergler commented that other states permit this type of excavation without requiring locates at depths greater than 12", however 12" would be all they would ever need. Also commented that most of these situations do not go deeper than 12" and adds for the group to remember that this activity would only be within a 12" square around the base of their pedestal. Jim Mandera remarked that he does not have a big concern with the excavation at the pedestal but has major concerns with language that would allow excavation from the pedestal to the residence due to the fact that there is no guaranteed depth on existing utilities and often times they are found at 12" or shallower and this would be creating a major safety concern for the existing utility providers, the general public and the crews on site working. Dave Coniglio added that the contractor basis has concerns surrounding any exemption(s) from a safety perspective.

Kenny Walker spoke to the point that an exemption for locating practices would allow for more accurate locates on the ground. Currently there is no language to prohibit someone from digging on "unlocatable" facilities which creates a greater risk to safety. Mike Burroughs stated that he feels the exemption for locating practices would be supported and that he feels 18" would better serve the industry in this regard. Rod Troxell recommends the group to reference the KY language more specifically:

*Kentucky 367.4915 (10): Any nonintrusive excavating performed by an operator or his or her subcontractor to locate the operator's underground facilities in response to a notice of excavation from the notification center, if all reasonable precautions have been taken to protect the underground facilities;*

*Kentucky 367.4915 (12): Connection or disconnection of communications lines within a private or public easement or right-of-way by means of nonintrusive excavating when the depth of the excavations is not greater than twelve (12) inches and is completed within twelve (12) inches of a communications service provider's own communications network.*

Scott Mergler stated that communications companies can call in for every time they need to put a drop in the pedestal and have subcontractor call in another locate request for the full installation, however they are attempting to remove the overburden this practice creates on the locate industry and also creates a

safety concern to where lids of terminals would then be open for an undisclosed amount of time creating a safety concern for the general public as well as leaving the utility more at risk. Dave Coniglio asks if the original locate request would extend from Contractor to Subcontractor and if so, he feels it is the same as piggybacking. Questions why piggybacking is being discussed as possible use by utilities but not being discussed as possible use by contractor basis. Scott Mergler suggested the possible creation of another subcommittee to discuss piggybacking. Dave Coniglio added that if you can operate under another organization's request, it should apply to all industry groups, not just the utilities.

**Next Steps:** Break suggested language to read as two separate exemptions and discuss as such. To be completed by secretary and submitted to co-chairs for approval and use in next subcommittee meeting.

**Adjournment:** Motion made and seconded with no opposition.