

OUDPC Mandatory Reporting Subcommittee

02/19/2026

1:00PM

Attendees: Kevin Campbell, Jason Broyles, Alex McCann, Bradley Shoemaker, Dave Coniglio, Jim Weist, Scott Mergler, John Olivierei, Seamus Mulligan, Kyle Mangione, Kyle Ward, Russell Johnson, Clayton Heitz, Blake Ross, Luka Papalko, Davy Myers, Al Tonetti, Mitch Croy, Deborah Harris, Deanna DeWitt, Griffin Weasel, Greg First, Matt Hines, Mike Lawson, Lawrence Hampton, Christina Polesovsky, Drew Williams, David Koren, James Mander, Brooke Ebersole, Larry Harvey, Jim Collins, Jimmy Stewart, Stephen Nielson, Brian Hickman, Bryon Bedel, Deron Large, Brent St. Clair, Gregory Vergamini, Melvin Henson, Dominick Belser, Rod Carter, Kyle McLeod, Jaime Gillen, Richard Thompson, Patrick Wiltshire, Michael Evans

Christina Polesovsky opened the meeting at 1:00PM

Christina Polesovsky and Alex McCann introduced themselves to the group as the co-chairs.

Jason Broyles had each member on the call introduce themselves to the group.

Christina Polesovsky went over Sub HB 227 regarding what is in the current bill regarding mandatory reporting. The bill passed the senate, now it has to go to the house for concurrence. Once that is done, it will go to Governor DeWine for his signature.

Stephen Nielson doesn't anticipate the house not concurring. Haven't heard anything from the governor's office regarding the possibility of a veto. Just depends on timing.

Christina Polesovsky reiterated that this is not final language but feel pretty good that at the moment this is where we are going to land.

Christina Polesovsky went through each line of the house bill as it currently stands regarding mandatory reporting. Asked if anyone in the group had questions about his language.

Alex McCann- what about the 5-day requirement on reporting?

Christina Polesovsky - That was removed from this bill, since there was language already there in regards to when a damage needs to be reported. It needs to be reported when discovered or immediately.

Christina Polesovsky - Before this language became part of this bill we were looking at how other states were doing mandatory reporting of damages. Asked Alex to review what they found.

Alex McCann- Went through the other states' laws, referenced Alabama's law, which is pretty similar to what we have now. They require annual reporting of damages to the one call. Reviewed Colorado law. Some of the things I thought should be in there, is the line marked correctly, how far from the marks, type of equipment, white lined or not, ticket number, inside the tolerance zone? Thought this should be in the required information. Will continue to look at other states requirements and see if we want to incorporate any of that into Ohio law. Before all this got expedited, I thought reporting it to OHIO811 was what it needed to be, so, happy that it is that way in the law. Timeline of reporting damages to OHIO811 could be looked at too since other states have different language with that. Open it up to the group for discussion.

See end of meeting minutes for other state law information Alex researched

Christina Polesovsky - Would be helpful for the group to get the data that you reviewed, if you have experience in other states that you feel do it well, and have less damages because of their laws, please feel free to let us know.

Al Tonetti- regarding Colorado's, how would the excavator be able to tell how many people or households were affected by the utility disruption? That seems unreasonable.

Alex McCann- Certainly don't have to add that in there, not sure how they are doing it. If you feel like there is language that needs added, please let us know and we can see about adding it.

Dave Coniglio- Out of curiosity, with the amendment that was placed in 227, what is the goal of this group, where do we want to go? Are there things we are looking to change or update?

Christina Polesovsky - Great point, leads right into our next bullet point. What is our objective, scope, and timeline of what we want to do. When we set up this committee, it was pre mandatory reporting language being added to Sub HB 227. Are there components to the language that are missing, don't make sense, or give us better, more meaningful data? That is what we are trying to figure out. Not everyone may have seen the most recent version of the language since it was recently settled on. Asked group for their thoughts.

Dave Coniglio- What was put in Sub HB 227, it was spoon fed to us, don't feel like we got a lot of say. From our side, we don't really have any issues with it. I think most contractors are already reporting it anyway if they hit something. This shouldn't be a huge lift for them. Call center can create questions for consistency in reporting damages. Can't think of anything that needs added or changed at this point.

Alex McCann- Wanted to make sure this is a reporting tool only, and not a disciplinary tool, and I think we have established that. There has been a lot of discussion over the last month or so to get in agreement with the language so we could keep 227 moving forward. For the most part, speaking for myself, I'm ok with the language. Could be some things added, but the biggest thing was having OHIO811 as the repository.

Seamus Mulligan- The gas utilities are required by federal law to do extensive investigations. Just providing the bare information is a great starting point. Supplying the basic information in this bill is an easy lift. At a later time, I think they will want more information, but just providing the information asked for is good to do.

Christina Polesovsky - Agrees, their members are already required to report these things, keep it meaningful, and get the important information. Also, enforcement is a component of the bill, language added regarding the PUCO, if people don't call and report the damage data, it is enforceable through the PUCO.

Seamus Mulligan- if someone damages a facility and covers it up, is there a mechanism to figure out who did it, and will it need to be reported at a later date?

Jason Broyles- As a utility owner, you can file a complaint with the PUCO for that contractor failing to report a damage. In the instance where we don't know who caused the damage. If those damages aren't reported by the utility, then the PUCO can be considered an aggrieved party and file a complaint against that utility for not reporting it when that utility discovered it.

Christina Polesovsky - Also with the aggrieved party definition, it does not just stop at the PUCO, anyone can be an aggrieved party in regard to damage reporting. That caused me some concern.

Dave Coniglio- Agree, it gave us concern as well.

Jimmy Stewart- To what Seamus brought up, it could be months or years later when a utility uncovers something and could be impossible to figure out who did it. In addition to the aggrieved party discussion, getting the depth of where the damage happened. Thinks in these instances it could be difficult to get depth determination. Would like to see us discuss that at some point.

Jim Collins- Wanted to mention, we operate in Tennessee, operators are required to report damaged to the CGA dirt report, and maybe we want to consider doing that as well. Can put a copy of their language in the chat as well. It is used for data reporting each year and comes out in the DIRT report from CGA. May be good to use that.

Christina Polesovsky - speaking about the enforcement mechanism added to Sub HB 227, added language in there so the PUCO can file complaints when someone doesn't report a damage. The way the aggrieved party reads, it could be any person, not just the PUCO

Roger Lipscomb- When we talked, we had asked for revisions. We drafted a revision to that saying that anyone is an aggrieved person, or anyone who has a working knowledge of the circumstances. We presented that change, and Senator Wilkin said they felt comfortable with the PUCO language. At the end of the day, I was disappointed they didn't take our revision. Keep in mind it is limited to 7 and 8 to 3781.30. It doesn't expand it to be wide open for everything. It can only be applied to the damage reporting portion of the law. Christina is big believer in data recording. And it is important to make better legislation later on. Thinks this subcommittee should be called damage data recording, not damage reporting. OHIO811 is the perfect place to collect this data. OHIO811 is a virtual dirt site, a number of gas companies use OHIO811 as virtual damage reporting. Thinks that there are some other things we will be looking for in the future that may go further than what the DIRT report has. Keep in mind the big picture perspective. We want good reliable data. We want to make it as easy as possible. Once we turn the bill over to the legislature, it becomes theirs, and not ours. We just have to do our best to influence as things come up.

Christina Polesovsky - There was some discussion on renaming this subcommittee, wanted to have a discussion with this subcommittee first, and want to keep things consistent. Wants to know if anyone in the group feels like anything is missing, or if the group needs to think about it further.

Jason Broyles- Throwing a plead out, whenever the current mandatory reporting language was initially drafted, there were a lot of questions and concerns, now is the opportunity to discuss those things so we can work through them, so please brings those up now so it can be talked about.

Alex McCann- No one has any changes they want to talk about to the current language?

James Mander- I'm waiting for the final bill to come out before saying much. Does have some questions and concerns. Does wonder what damages are we talking about, just in the road right of way, jurisdictional type, gas its pretty clear, but for others it may not be so clear. Also, are we talking about private lines? I think we need to define what needs reported. Also, damages that are discovered by the utility, there is no way to prove who may

have damaged that line. And the question is, who should report that. As of now the person who did the damage is the one who reports it. So, would the utility themselves need to report the damage at that point? As far as the PUCO being an aggrieved party, and chasing people down, that information would not be reported at this point either.

Dominick Belser- All and all, everything sounds good. Did have a question, say with electric, how do we differentiate between a line being customer owned or utility owned? Second question, what is the plan to handle, or track damages that happen because a line was mis marked?

Christina Polesovsky - Whether it is customer owned or utility owned, the current bill doesn't really differentiate between them.

Dominick Belser- Say like in an apartment complex, an excavator won't know if it's a customer owned line or a utility owned line. Who should get reported?

Jason Broyles- Once you call in that a line was damaged, then that utility will respond. At that point they will determine whether or not the line is owned by the utility or is a private line. It brings up a good point too on where that transfer of ownership takes place. Even with electric, different electric utilities have different demarcation points on transfer of ownership.

Christina Polesovsky - Did that answer the second question as well?

Jason Broyles- No, a lot of calls concerned on why we weren't tracking that type of data.

Christina Polesovsky - Agree, and when looking at the DIRT report, that information was available. It was helpful to know. Using the milling and grinding example, if a damage happened because the utility didn't mark properly or on time, I think that information is useful in policy making conversation. The depth and location weren't the issue, it's someone not marking or marking the area correctly.

James Mander- would throw a little caution, we are collecting this data from one parties perspective, so we need to be careful on relying on one-sided data.

Christina Polesovsky - Yes, and I believe some states have dual reporting too. Not sure how everyone feels about that. Some require just the utility owner, some just the excavator, and some require both. We are now 5 minutes past our time and want to be respectful. The current bill is obviously not finalized yet, we have had a lot of changes in two months. Thinks its best to convene after we have a bill signed into law and give time for everyone to digest what is in that bill. Then, we can determine what we want to address, if anything.

Jason Broyles- I have the quarterly meetings scheduled already, If it's ok, I will just leave it there, and we can determine at that time whether we should have a meeting or not.

Christina Polesovsky - Sounds good.

Meeting adjourned at 2:07PM

Alex McCann's research on reporting requirements for other states

Other State Reporting Requirements

Alabama

Notification of Damage

Each person responsible for any excavation or demolition operation that results in any damage to an underground facility, immediately upon discovery of such damage, shall notify the operator of such facility of the location of the damage or the One-Call Notification System operating on behalf of the underground facility owner[.]

[E]ach person responsible for any excavation or demolition shall immediately report to the operator or the One-Call Notification System operating on behalf of the underground facility owner and appropriate law enforcement agencies and fire departments any damage to an underground facility that results in escaping flammable, corrosive, explosive, or toxic liquids or gas and shall take reasonable actions necessary to protect persons or property and to minimize safety hazards until those law enforcement agencies and fire departments and the operator arrive at the underground facility.

If an event damages any pipe, cable, or its protective covering, or other underground facility, or there is a significant near miss that could have resulted in damage, the operator receiving the notice shall file a report with the One-Call Notification System . . . Each report must describe, if known, the cause, nature, and location of the damage.

When Damage Occurs:

Each person responsible for any excavation or demolition operation that results in any damage to an underground facility . . . shall allow the operator reasonable time to accomplish any necessary repairs before completing the excavation or demolition in the immediate area of the damage to such facility.

[E]ach person responsible for any excavation or demolition shall . . . take reasonable actions necessary to protect persons or property and to minimize safety hazards until

those law enforcement agencies and fire departments and the operator arrive at the underground facility.

Reporting

If an event damages any pipe, cable, or its protective covering, or other underground facility, or there is a significant near miss that could have resulted in damage, the operator receiving the notice shall file a report with the One-Call Notification System. Reports must be submitted annually to the system, no later than March 31 for the prior calendar year, or more frequently at the option and sole discretion of the operator. Each report must describe, if known, the cause, nature, and location of the damage.

Colorado

Notification: Damage

In the event of damage to any underground facility, the excavator shall immediately notify the following with the location and extent of such damage:

- The affected owner or operator; and
- The notification association.

If damage results in the escape of any interstate or intrastate natural gas or other gas or hazardous liquid, the excavator or person that caused the damage shall promptly report to the owner and operator and the appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number. The reporting is in addition to any reporting required to be made to any state or local agency.

When Damage Occurs

The excavator, owner, and operator shall cooperate to mitigate damages to the extent reasonably possible, including the provision of in-kind work by the excavator where technical or specialty skills are not required by the nature of the underground facility. Such in-kind work may be under the supervision and pursuant to the specifications of the owner or operator.

Reporting

If damage to an underground facility meets or exceeds the reporting threshold as established by the notification association, the owner or operator of the damaged underground facility shall provide the information requested to the notification association within ninety (90) days after service has been restored.

The excavator must provide:

1. The type of facility damaged
2. Whether the notice of intent to excavate was provided
3. Whether the underground facility had valid markings prior to damage
4. Type of service interrupted
5. Number of persons affected by service interruption
6. Duration of the interruption
7. Location of the area where the underground facility was damaged

Connecticut

Notification of Damage

When any contact is made with or damage is done to any underground facility of a public utility, the excavator responsible for the operations causing such contact or damage shall . . . [i]mmediately and directly report the contact or damage to the affected public utility; and [w]hen such contact or damage includes the occurring of a serious electrical short circuit or the escaping of combustible or hazardous fluids or gases (such as natural gas, propane, jet fuel or chlorine) or any other event endangering the public, the excavator responsible for the excavation or demolition involved in such damage shall also alert all persons within the danger area, shall alert police, fire, or other emergency personnel.

When Damage Occurs

When any contact is made with or damage is done to any underground facility of a public utility, the excavator responsible for the operations causing such contact or damage shall:

- (1) Immediately and directly report the contact or damage to the affected public utility, but such excavator shall not tamper with or attempt to repair such facility except when and to the extent authorized by the public utility. The excavator performing the excavation or demolition shall use prudent judgment taking into account minimizing the potential detriment to public safety in determining whether to cease activities pending the arrival of qualified public utility personnel; and
- (2) When such contact or damage includes the occurring of a serious electrical short circuit or the escaping of combustible or hazardous fluids or gases (such as natural gas,

propane, jet fuel or chlorine) or any other event endangering the public, the excavator responsible for the excavation or demolition involved in such damage shall also alert all persons within the danger area, shall alert police, fire, or other emergency personnel, and take all feasible steps, including, where applicable, eliminating sources of ignition and evacuating employees and the general public from the affected area, but excluding tampering with or attempting to repair the damaged facility, to insure the public safety pending arrival of the appropriate public utility personnel.

Reporting

Any excavator whose actions or frequency of damage incidents indicates a situation that may require particular attention shall report the damage as soon as possible.

Missouri

Reporting

Each underground facility owner who owns or operates electric, gas, or pipeline facilities shall submit to a central repository designated by the notification center a report of damages experienced by its facilities for the prior calendar year.