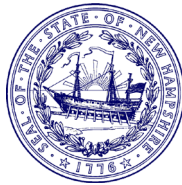


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Underground Utility Damage Prevention Program: En 800 Rules
Summary of Comments on Initial Proposal with Responses

June 11, 2024

In accordance with the Appendix II-C Rulemaking Notice, the Department held a public comment hearing on April 23, 2024, and allowed written comments through May 7, 2024.

Substantive public comments made either at the hearing, in writing, or both were as follows:

A request to increase the time within which operators must submit detailed reports regarding damage incidents. The proposed rule required detailed reports within 24 hours, while previously, detailed reports were required on or before the 15th day of the following month, i.e., within 15-45 days depending on the date of the incident. The resulting delays often hindered the Department's enforcement efforts. After discussions with various operators, the Department revised the proposed rule by requiring that an operator (1) forward to the Department within 24 hours such information as it receives from an excavator following an incident and (2) file its detailed report with the Department within 20 days.

A request to address excessive pre-excavation notifications from a single excavator in the same day by limiting the total requests that would be allowed in a single day. The Department addressed this concern by recognizing that excessive notifications may constitute an extraordinary circumstance preventing an operator from designating locations in a timely manner and, as a result, revised the proposed rule by providing that in excess of 15 notifications shall be presumed to be such an extraordinary circumstance preventing an operator from designating locations in a timely manner.

After fully considering these comments in deliberations by staff, the Department adopted the proposed changes as noted.