

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. C-4797/911-064/  
Public Service Commission, on ) NG-0089/PI-199  
its own motion, to investigate )  
critical underground facility ) ORDER OPENING INVESTIGATION  
issues in Nebraska. )  
)  
) Entered: January 26, 2016

BY THE COMMISSION:

O P I N I O N S   A N D   F I N D I N G S

The Nebraska Public Service Commission (Commission) hereby opens the above-captioned docket as a vehicle to collect data and investigate issues related to the reliability, redundancy, and interoperability of certain critical underground facilities in Nebraska. The Commission is opening this inquiry in an attempt to reduce the number of outages, loss of revenue, to protect critical infrastructure, and prevent loss of life in the event of damage or failure of infrastructure systems. This is not meant to be an enforcement action but is designed to help define challenges, prevent future loss and damages, and protect public safety.

In recent months, the number of service interruptions has raised the Commission's awareness of the vulnerability of our vital communications and natural gas underground facilities. Access to services provided through this infrastructure is increasingly a matter of life and death. Particularly, the reliance on 9-1-1 communications systems where access to emergency services should be unfailing. The Commission finds it appropriate to assist where it can to improve the reliability and integrity of these systems.

**Communications Infrastructure:**

A strong, robust and reliable communications system has become increasingly important to consumers and businesses, and to the safety and security of its users. *Neb. Rev. Stat.* § 86-102 declares that it is the policy of the state to: (1) Preserve affordable telecommunications services; (2) Maintain and advance the efficiency and availability of telecommunications services; (3) Ensure that consumers pay only reasonable charges for telecommunications services; (4) Promote diversity in the supply of telecommunications services and products throughout the state; and (5) Promote fair competition in all Nebraska telecommunications markets in a manner consistent with the federal act. *Neb. Rev. Stat.* § 86-421 further provides that 9-1-1 emergency telephone communications systems further the public

interest and protect the health, safety, and welfare of the people of Nebraska.

The Commission has observed a pattern in recent months involving service interruptions due to cable cuts. Upon information provided to the Commission, these service interruptions hindered public access to 9-1-1 service. While we know that carriers cannot prevent these issues from occurring, the Commission does have the responsibility to ensure that services provided by regulated entities are being provided through adequate service quality and network backup plans.

Further, while we acknowledge that we do not have jurisdiction to enforce the One-Call statutes, the Commission questions whether carriers are being appropriately notified of excavation projects which may result in damage to underground facilities. If they are, the Commission questions whether the locations are being correctly conveyed to the excavators.

Accordingly, when disruptions occur, the Commission intends to use this docket to gather data, investigate causes, and work with all parties relative to identifying possible resolutions.

#### **Natural Gas Infrastructure:**

Likewise, every jurisdictional utility is required to furnish reasonably adequate and sufficient service and facilities for the use of any and all products or services rendered, furnished, supplied, or produced by such utility. *Neb. Rev. Stat.* § 66-1853(3). We note that jurisdictional utilities have voluntarily reported information to the Commission when a service disruption has occurred. The Commission has then been able to assist jurisdictional utilities with customer inquiries. To the extent that further reporting or action by the Commission is needed, the Commission intends to use this docket to collect that information.

#### **Comments**

We invite interested parties to comment on ways we can promote and advance the reliability of our critical underground facilities. Specifically, we request responses on the following questions:

1. In your experience, what are the most significant factors leading to underground facility service

interruptions? Please provide any data or statistics you may have to support your response.

2. The Commission seeks the following information from telecommunications carriers and jurisdictional utilities relative to outages:
  - a. How many hours of outages experienced per year?
  - b. Number of events?
  - c. Customers impacted?
  - d. Average duration of outage?
  - e. Repair costs?

In reference to the question above, please express in a percentage or in number format the root causes of the outages experienced using the list of choices below:

- a. Failure to use hand tools where required
  - b. No notification made to 811
  - c. Facility marking or location not sufficient
  - d. Failure to test, pothole
  - e. Facility wasn't located or marked
  - f. Vehicles/mowers
  - g. Other insufficient excavation practices
  - h. Incorrect facility records or maps
  - i. Failure to maintain marks
3. How often are outages caused by an inaccurate location due to maps depicting infrastructure not being updated?
  - a. How often are maps showing critical infrastructure updated?
  - b. Who is responsible for updating them?
4. How often are outages attributable to training issues with contractors or subcontractors?
  - a. Is any training or certification required of contractors?
  - b. If so, how are training records maintained?
5. What is training for those conducting locates?
6. How often are outages attributable to training issues with locators?

- a. Is any training or certification required of locators?
  - b. If so, how are training records maintained?
7. How often are outages caused by excavation outside of flagged or marked areas? With respect to the outages experienced during the last calendar year, how many had a proper locate been completed?
  8. Are records available showing which outages were caused by which contractors?
  9. How many enforcement actions were taken against contractors/carriers resulting from damages and outages?
  10. Are there best practices for carriers and contractors to follow? If so, what are they, who produces them, and who monitors those practices?
  11. What equipment is used to locate underground facilities? Are there any maintenance requirements for that equipment and if so, who maintains those records and services the equipment? How often is equipment used in locates replaced? Is there a recommended replacement timeline? What if anything would interfere with proper operation of location equipment?
  12. Are current excavation practices and locating requirements adequate to protect underground infrastructure?
  13. Is there a mechanism for providing information back to the One-Call System Board relative to incidents with a goal of preventing recurrences?
  14. Are these issues unique to Nebraska or systemic from state to state?

Interested parties may show examples of best practices, file industry standards, and make suggestions as to how the Commission may facilitate action where needed. Initial comments responsive to this Order may be filed on or before **March 9, 2016**. Commenters should file one (1) paper copy and electronic copies sent to [gene.hand@nebraska.gov](mailto:gene.hand@nebraska.gov), [nichole.mulcahy@nebraska.gov](mailto:nichole.mulcahy@nebraska.gov), [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov) and [deena.ackerman@nebraska.gov](mailto:deena.ackerman@nebraska.gov).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned investigation be, and it is hereby opened.

IT IS FURTHER ORDERED that interested persons may file comments in the manner prescribed above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 26th day of January, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Day*

*Crystal Knudsen*

*Frank E. Landis*

//s//Frank E. Landis

//s//Tim Schram

*Tim Schram*

Chairman

ATTEST:

*John L. Paley*

Executive Director