

June 20, 2019

Mr. John Harrington
Commissioner
Minnesota Office of Pipeline Safety
445 Minnesota Street
St. Paul, Minnesota 55101

Dear Commissioner Harrington,

The national associations signed on this letter represent construction contractors, manufacturers, and distributors who build and maintain a wide range of underground facilities and transportation infrastructure. Member companies provide the manpower and equipment needed to build, repair, and maintain the infrastructure needed for natural gas and oil transportation, broadband, electric, water and wastewater infrastructure, as well as the nation's surface transportation system. These associations encourage enforcement action against CenturyLink for failing to meet its responsibilities to locate its underground facilities prior to excavation activities according to Minnesota State law. Enforcing the state's "Call Before You Dig" laws falls under the jurisdiction of the Minnesota Office of Pipeline Safety (MNOPS).

Installation of underground facilities is increasing nationally and has been for some time. While fundamental to public safety, the responsibilities in this process are as clear as they are important. Excavators must call 811 before they dig, wait the required time before excavating, respect facility markings, pothole when needed, and generally dig with care. Equally important, all underground facility operators must belong to their respective one-call center and ensure that facilities are marked accurately and in a timely manner (according to state law). Any exemptions or failure to hold all parties accountable for their responsibilities in this process only compromises safety, including locating and marking responsibilities held by underground facility operators.

Excavation contractors have seen an uptick in the number of delayed and/or unanswered locate tickets over the past several years. Increased excavation brings an increase in 811 locate requests. When the "dig season" is compressed as it is in Minnesota (and many other states), increased demand makes it imperative that utility operators are prepared to respond to increased volume. Changing suppliers during peak volume is never a good idea, but doing so with no backup plan is disastrous as evidenced by CenturyLink's recent actions. Earlier this year, CenturyLink made vendor changes in several states including Minnesota, Arizona, North Carolina, Indiana, Ohio and Wisconsin, all coinciding with the start of "dig season."

In Minnesota alone, more than 68,000 locate tickets have been delayed with 10,000 completely unanswered since April 1st. Minnesota state law requires underground facility operators to locate their facilities within 48 hours of notification of excavation activity. When this responsibility is not fulfilled, carriers like CenturyLink face a fine of up to \$1,000 per violation per day. Unfortunately, fines associated with locating responsibilities are not normally held in the same regard as calling 811 and safe digging practices. However, enforcement action could certainly make decisionmakers from companies like CenturyLink think more thoroughly about the consequences of poor decisions.

To be clear: safety driven excavation contractors do not excavate without all utilities being located. Our members are safe and our industry has a strong track record to show for it. However, many excavators

are pressured financially to proceed with excavation when facilities are not located, as we have seen in the case of CenturyLink telecom facilities. Large construction firms have indicated that they have lost hundreds of thousands of dollars from CenturyLink facilities that were either not marked or were mismarked.

The Common Ground Alliance (CGA) is the nation's leading organization on all things damage prevention. Although CGA best practices include an entire chapter devoted to facility locating, CenturyLink appears to have put their locating responsibilities on the back burner, to say the least. We have heard from several members that personnel working on behalf of CenturyLink have undergone training for a meager one or two days before being sent to the field. To make matters worse, these locators are often tasked with clearing an overwhelming number of tickets in a given day all driven from CenturyLink's unbelievable decision making.

Despite the need and industry support for timely and accurate locates and for improving communications between excavators and locators, the rash actions in pursuit of cost savings by CenturyLink puts America's infrastructure at risk and compromises public safety. These events will inevitably lead to increased damages, some of which may be catastrophic. This situation has been going on for months, with little sign of improvement. MNOPS is in a position to penalize CenturyLink, and we encourage you to take appropriate enforcement action against CenturyLink in the name of public safety and damage prevention.

We appreciate your consideration to this important issue, and we're available to answer any questions you may have.



American Pipeline Contractors Association



American Road and Transportation Builders Association



Associated General Contractors of America



Distribution Contractors Association



National Utility Contractors Association



National Utility Locating Contractors Association



Power and Communication Contractors Association