



Christie M. Villarreal
General Attorney
Legal

AT&T Texas
816 Congress Avenue, Suite 1100
Austin, Texas 78701

T: 512.457-2305
F: 512.870.3420
christie.villarreal.1@att.com

March 14, 2014

VIA HAND DELIVERY

David Ferguson
Pipeline Safety Division
Texas Railroad Commission
William B. Travis Bldg., Room 1-111
1701 N. Congress Ave.
Austin, TX 78701

RE: Proposed Amendments to Chapter 18 Rules Underground Pipeline Damage Prevention

Dear Mr. Ferguson,

AT&T would like to provide this brief supplement to the comments it previously made on February 10, 2014. AT&T's supplemental comments are as follows:

- Rule 18.1(d)(2), page 1, lines 22-26—The Commission Staff's proposed changes should not be adopted and the current exemption should remain the same. The current exemption is consistent with the provisions of the Underground Facility Damage Prevention and Safety Act (the "One-Call law"), which does not apply to excavations under 16 inches. Specifically, under the One-Call law, "excavate" means:

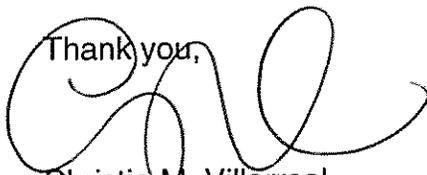
to use explosives or a motor, engine, hydraulic or pneumatically powered tool, or other mechanized equipment of any kind and includes auguring, backfilling, boring, compressing, digging, ditching, drilling, dragging, dredging, grading, mechanical probing, plowing-in, pulling-in, ripping, scraping, trenching, and tunneling to remove or otherwise disturb soil to a **depth of 16 or more inches**.¹

Because the duties set forth in the One-Call law do not apply to excavators excavating under 16 inches, there can be no sound reason for restricting the exemption in the Rules to **hand digging** that does not exceed **12** inches as proposed. Again, the Commission Staff's proposed changes should not be adopted because they are inconsistent with the One-Call law.

¹ TEX. UTILITIES CODE §251.002(5) (emphasis added).

- Rule 18.3(h), page 9— The Commission Staff's proposed changes, which would require separate locate tickets for excavations larger than 2,640 feet, should not be adopted. AT&T reiterates that these proposed changes would lead to inefficiencies and significantly and needlessly increase costs for excavators, while, at the same time, unfairly benefit locate companies as they would undoubtedly be charging additional fees for each separate locate ticket requested.
- AT&T also reiterates its recommendation that the Commission Staff and the Commission define the term "vicinity." In practical application, the Rules would cause confusion for excavators because an excavator has no way of knowing at the time of the locate call if the locate is indeed in the vicinity of a pipeline. This confusion could ultimately reduce locate notices resulting in additional damages not less.

AT&T appreciates the opportunity to provide supplemental written comments to the draft proposed amendments. If you have any questions about these comments, please feel free to contact the undersigned directly.

Thank you,

Christie M. Villarreal

cc: Chairman Barry T. Smitherman
Commissioner David Porter
Commissioner Christi Craddick