

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LOGAN TELEPHONE COOPERATIVE, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2021-00248
)	
EAST LOGAN WATER DISTRICT)	
)	
DEFENDANT)	

**NOTICE OF COMPLIANCE WITH PARAGRAPH 7
OF SETTLEMENT AGREEMENT**

In compliance with Paragraph 7 of the Settlement Agreement, which the Commission approved in its Order of January 11, 2024, East Logan Water District (“East Logan District”) files its “Procedures for Locating Underground Facilities.”

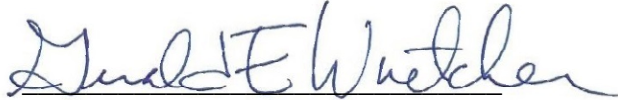
An earlier version of East Logan District’s “Procedures for Locating Underground Facilities” was attached as Exhibit A to the Settlement Agreement. Paragraph 7 of the Settlement Agreement permitted Logan Telephone Cooperative, Inc. (“Logan Telephone”) to submit comments on and proposed revisions to that version and required East Logan District to review Logan Telephone’s proposed revisions and to incorporate into its locate procedures those revisions found to be reasonable and practical. Paragraph 7 further required East Logan District to file the final version of its “Procedures for Locating Underground Facilities” with the Commission.

The final version of “Procedures for Locating Underground Facilities” is attached to this Notice as **Exhibit A**. Logan Telephone’s proposed revisions are attached to this Notice as **Exhibit B**. After reviewing Logan Telephone’s proposed revisions, East Logan District has

adopted those revisions with minor changes. Attached as **Exhibit C** to this Notice is a redline version of Logan Telephone's proposal showing East Logan District's revisions.

Dated: February 6, 2024

Respectfully submitted,

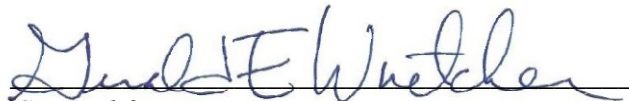


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Counsel for East Logan Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that this document was submitted electronically to the Public Service Commission on February 6, 2024, and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.



Counsel for East Logan Water District

EXHIBIT A

**EAST LOGAN WATER DISTRICT
PROCEDURES FOR LOCATING UNDERGROUND FACILITIES
(02/06/2024)**

1. East Logan Water District (“the District”) shall provide protection notification center access to excavators through membership in the Kentucky Contact Center.
2. The District shall provide updates as needed to the Kentucky Contact Center for the general location of our underground facilities.
3. The District shall respond to facility locate requests and provide positive response on the following timelines:
 - (a) To a normal excavation locate request within two (2) working days after receiving notification from an excavator or at some other later date if agreed upon with the excavator.
 - (b) To an emergency locate request, as quickly as possible but not to exceed forty-eight (48) hours after receiving notification from an excavator.
 - (c) To a design information request, within ten (10) working days after receiving notification from the person making the request or at some other later date if agreed upon with the person or excavator making the request.
 - (d) To a large project request, within two (2) working days the District will notify the excavator that an excavation area has been determined to be a large project if it was not already submitted as a large project at the time of the request, and then the District shall respond to the request within five (5) working days of the initial request.
 - (e) To an unmapped or untonable facility request, within two (2) working days the District will notify the excavator that an excavation area has been determined to be an unmapped or untonable project, and the District will respond to the request within five (5) working days of the initial request date for a normal locate request or eight (8) working days of the initial request date for a large project request or at some other later date if agreed upon with the excavator.
 - (f) To a fiber-to-the-premises broadband deployment excavation request, in locations not already served by fiber-to-the-premises, within four (4) working days or at some other later date if agreed upon with the excavator.
4. In areas where the District has facilities, the District’s response will inform the excavator of the approximate location and description of the District’s facilities that may be damaged or pose a safety concern because of excavation or demolition. In areas where there are no permanent markers, the District will provide temporary markings to inform the excavator of the approximate location of the District’s facilities consisting of paint, chalk, flags, stakes, or any combination thereof and these markings shall be safety precaution blue in color. The District will provide a positive response to the excavator after the District’s work and any marking of facilities are completed.

5. The following procedures will be used to determine the approximate location of the District facilities.
 - (a) The District will use its line locator for facilities that have a tracer wire or other method that provides it the ability to locate from the surface.
 - (b) If the underground facility cannot be located using the District's line locator, ground penetrating radar ("GPR") will be used.
 - (c) If use of GPR proves inconclusive, the District will examine the surrounding area for indicators of the water line's location. It will search for meters, valves, air release valves, ditch lines and examine the overall topography for a change that suggests a water line is located below. When finding such changes, it will probe the area until locating the line.
 - (d) If the approximate location of the line after using GPR and probing is still inconclusive, the District will attempt to expose the facility to verify line location. If the District is still unable to provide an accurate location, we will notify the excavator and work together to avoid any damage to facilities.
6. Once determining a location is accurate and marking the location, the District will obtain the GPS coordinates of the facility and enter the coordinates and facility into its electronic mapping system or confirm the accurate location of any facility already contained in its electronic mapping system.
7. In response to a design information request, the District will share any drawings that include underground facilities already built in the area that are within its possession.
8. If extraordinary circumstances exist, the District will notify the excavator of its inability to comply with the timelines in its locate policy. Extraordinary circumstances include weather that makes it impossible for facility markers to be used, extreme weather conditions, force majeure, disasters, or civil unrest that make timely response difficult or impossible. The District will respond as quickly as possible after any extraordinary circumstances no longer exist.
9. All new underground facilities will include a means to accurately identify and locate the underground facilities from the surface.

Definitions:

"Approximate location" means a distance not to exceed the combined width of the underground facility plus twenty-four (24) inches measured from the outer edge of each side of the underground facility.

"Large project request" means an area of excavation measuring more than two thousand (2,000) feet in length. Multiple excavation notifications in an area may be considered together in determining if the excavations are part of a large project.

"Positive response" means an automated system provided by the Kentucky Contact Center for all locate requests the center receives that allows excavators, locators, operators, and other interested parties to determine the status of locating an underground facility.

"Working day" means every day, except Saturday, Sunday, and holidays established by federal or state statute. A working day shall commence at 12:01 a.m. and end at 12 midnight excluding the day the locate request was made.

EXHIBIT B

Gerald Wuetcher

From: Zelli, Christopher <Christopher.Zelli@DINSMORE.COM>
Sent: Tuesday, January 23, 2024 11:12 AM
To: Gerald Wuetcher
Cc: Depp,Tip
Subject: RE: Settlement Agreement
Attachments: East Logan Recommended Locate Procedures (002).pdf; East Logan Recommended Locate Procedures.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jerry,

Per Paragraph 7 of the Settlement Agreement, Logan Telephone is providing its comments and revisions to ELWD's locate procedures. As you can see, these do not alter ELWD's existing policy and merely provide a more comprehensive policy to address all types of locate requests. As these comments and revisions are reasonable and practical, LTC requests that ELWD adopt them.

Please let me know if you would like to discuss. We look forward to hearing your client's response.

Thanks,

Chris

The logo for Dinsmore, featuring the word "Dinsmore" in a blue, sans-serif font with a stylized "D" and "i".

Christopher S. Zelli

Associate
Licensed in Indiana and Kentucky

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PROCEDURES FOR LOCATING UNDERGROUND FACILITIES

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 - (c) To a design information request, within ten (10) working days after receiving notification from the person making the request or at some other later date if agreed upon with the person or excavator making the request.
 - (d) To a large project request, within two (2) working days we will notify the excavator that an excavation area has been determined to be a large project if it was not already submitted as a large project at the time of the request, and then we shall respond to the request within five (5) working days of the initial request.
 - (e) To an unmapped or untonable facility request, within two (2) working days we will notify the excavator that an excavation area has been determined to be an unmapped or untonable project, and we will respond to the request within five (5) working days of the initial request date for a normal locate request or eight (8) working days of the initial request date for a large project request or at some other later date if agreed upon with the excavator.
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4. Our response in areas where we have facilities will inform the excavator of the approximate location and description of our facilities that may be damaged or pose a safety concern because of excavation or demolition. In areas where there are no permanent markers, we will provide temporary markings to inform the excavator of the approximate location of our facilities consisting of paint, chalk, flags, stakes, or any combination thereof and these markings shall be safety precaution blue in color. We will provide a positive response to the excavator after our work and any marking of facilities is complete.
5. The following procedures will be used to determine the approximate location of our facilities.
 - (a) We will use our line locator for facilities that have a tracer wire or other method that provides us the ability to locate from the surface.
 - (b) If the underground facility cannot be located using our line locator, ground

- penetrating radar (GPR) will be used.
- (c) If use of GPR proves inconclusive, we will examine the surrounding area for indicators of the water line's location. We will search for meters, valves, air release valves, ditch lines and examine the overall topography for a change that suggests a water line is located below. When finding such changes, we will probe the area until locating the line.
 - (d) If we are still unsure about the approximate location of the line after using GPR and probing, we will attempt to expose the facility to verify line location. If we are still unable to provide an accurate location, we will notify the excavator and work together to avoid any damage to facilities.
6. Once determining a location is accurate and marking the location, we will obtain the GPS coordinates of the facility and enter the coordinates and facility into our electronic mapping system or confirm the accurate location of any facility already contained in our electronic mapping system.
 7. In response to a design information request we will share any drawings we possess that include underground facilities already built in the area.
 8. If extraordinary circumstances exist, we will notify the excavator of our inability to comply with the timelines in our locate policy. Extraordinary circumstances include weather that makes it impossible for facility markers to be used, extreme weather conditions, force majeure, disasters, or civil unrest that make timely response difficult or impossible. We will respond as quickly as possible after any extraordinary circumstances no longer exist.
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EXHIBIT C

**EAST LOGAN WATER DISTRICT
PROCEDURES FOR LOCATING UNDERGROUND FACILITIES**

Provide(02/06/2024)

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