

S.B. NO. 877

JAN 26 2009

A BILL FOR AN ACT

RELATING TO THE ONE CALL CENTER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the deployment and
2 complexity of underground infrastructure in this State has
3 steadily increased over the past several decades. The
4 legislature further finds, and is concerned with, the increasing
5 dependence by the public, and all levels of government, on the
6 safe and reliable provision of services that are delivered by
7 subsurface facilities, including, but not limited to,
8 electricity, water, drainage, sewer, telecommunications, cable
9 television, oil, petroleum products, gas, optical signals,
10 traffic control, and hazardous liquids. A consequence of
11 increased dependence on these utilities and services is an
12 increase in the need for protecting them from disruption, and
13 avoiding the attendant direct and indirect costs, damages, and
14 injuries caused by their disruption.

15 To address the above concerns, the legislature, pursuant to
16 Act 141, Session Laws of Hawaii 2004, mandated that the public
17 utilities commission establish and begin operations, by or
18 before January 1, 2006, of a one call center to provide advance

1 warning to excavators in this State of the location of
2 subsurface installations in areas of proposed excavation for the
3 purpose of protecting those installations from damage. Act 141,
4 codified as chapter 269E, Hawaii Revised Statutes, included a
5 repeal date of June 30, 2009.

6 Although after two years of operations the one call center
7 is still in a growth stage with respect to the maximum
8 coordination of its efforts, the legislature believes that the
9 one call center has been successful in its role as provider of
10 advance warning to excavators of the location of subsurface
11 installations, and concomitant protection of underground
12 facilities, and continues to benefit the general public and
13 governmental entities.

14 The purpose of this Act is to repeal the June 30, 2009
15 sunset provision in Act 141.

16 SECTION 2. Act 141, Session Laws of Hawaii 2004, as
17 amended by section 51 of Act 22, Session Laws of Hawaii 2005, is
18 amended by amending section 7 to read as follows:

19 "SECTION 7. This Act shall take effect on July 1, 2004[7
20 and shall be repealed on June 30, 2009; provided that sections
21 269-30 and 269-33, Hawaii Revised Statutes, shall be reenacted

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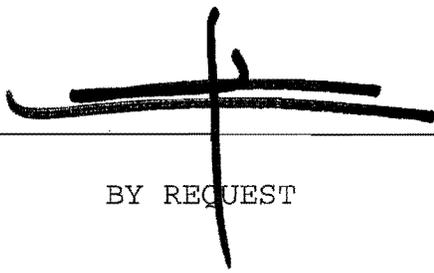
1 ~~in the form in which they read on the day before the effective~~
2 ~~date of this Act]."~~

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:


BY REQUEST

Report Title:

The One Call Center

Description:

Protects Hawaii's underground infrastructure by making the One Call Center pilot program permanent. Since 2004, the Center has become the central database for utility operators, contractors, and excavators attempting to locate underground gas, electric, telecommunication, cable, water, and sewer lines.

SB 877

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance (PUC)

TITLE: A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER.

PURPOSE: To repeal the current June 30, 2009 sunset date of Act 141, Session Laws of Hawaii 2004, which has since been codified as chapter 269E, Hawaii Revised Statutes (HRS).

MEANS: Amend section 7 of Act 141, Session Laws of Hawaii 2004, as amended by section 51 of Act 22, Session Laws of Hawaii 2005.

JUSTIFICATION: Act 141, Session Laws of Hawaii 2004, required the Public Utilities Commission to establish a state one call center for Hawaii similar to other centers operating throughout the nation. It is the first of its kind in this State requiring mandatory participation by both excavators (e.g., contractors) and subsurface facility operators (e.g., public utilities). The One Call Center system provides advanced warning to excavators of the location of underground lines before they begin a dig. This mandatory "Call Before You Dig" program provides excavators with a single phone number to call for locating and marking underground lines, including, but not limited to, lines for electric, gas, telecommunications, cable, water, and sewer facilities.

On November 15, 2005, the Commission, in agreement with the recommendation of the One Call Center Advisory Committee appointed by the Commission to assist in the establishment and administration of the One Call Center program, awarded the contract to create and administer the State's One Call Center to One Call Concepts, Inc. (OCC). The Center began operations statewide on January 1, 2006, with the full term of the

OCC contract for operating the call center running from December 1, 2005, and ending June 30, 2009, the current sunset date of the law. The Advisory Committee agrees that the program serves a valuable function in providing a single contact point for excavators to notify subsurface utilities of their intent to excavate in any particular area. By repealing the sunset date at this time, it will allow continued organization of the program to fulfill its mission to serve and protect the people of Hawaii.

Impact on the public: This bill will allow for the continued operation of the State's One Call Center beyond the current statutory sunset date of June 30, 2009 by making the law permanent. The One Call Center's continued operation will aid in assuring that utility services provided to the public via underground facilities will not be interrupted by unintentional breaks resulting from excavators lacking knowledge of the location of those facilities in the area of excavation.

Impact on the department and other agencies: This bill will assist the Public Utilities Commission in meeting its mandate to protect businesses and the public from unintentional disruption of utility services provided via underground facilities, and thereby lessening the likelihood and costs of injury and damage to persons and property.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BUF-901.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

**TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
SENATE COMMITTEE ON COMMERCE & CONSUMER PROTECTION
FEBRUARY 13, 2009**

MEASURE: S.B. No. 877
TITLE: Relating to the One Call Center.

Chair Baker and Members of the Committee:

DESCRIPTION:

This bill proposes to amend Act 141, Session Laws of Hawaii 2004 (codified as chapter 269E, Hawaii Revised Statutes ("HRS")), by repealing the current sunset date of June 30, 2009. Chapter 269E, HRS, established the Hawaii One Call Center ("HOCC") which provides advanced warning to excavators of the location of underground facilities prior to commencement of an excavation.

POSITION:

The Commission strongly supports this Administration bill and offers the following comments.

COMMENTS:

Act 141, Session Laws of Hawaii 2004, required the Commission to establish a state one call center for Hawaii similar to other centers operating throughout the nation, and the first of its kind in this State requiring mandatory participation by both excavators (e.g., contractors) and subsurface facility operators (e.g., public utilities). The One Call Center system provides advanced warning to excavators of the location of underground lines before they begin a dig. This mandatory "Call Before You Dig" program provides excavators with a single phone number to call for locating and marking underground lines, including, but not limited to, lines for electric, gas, telecommunications, cable, water, and sewer facilities.

In addition to regulating excavation activity, this law is intended to minimize the disruption of service to operator customers, and enhance the safety of excavators.

On November 15, 2005, the Commission, in agreement with the recommendation of the One Call Center Advisory Committee, awarded the contract to create and administer the state one call center to One Call Concepts, Inc. (OCC). The center began operations statewide on January 1, 2006.

By repealing the sunset date at this time, it will allow continued organization of the program to fulfill its mission to serve and protect the people of Hawaii.

Thank you for the opportunity to testify.

TESTIMONY

**SENATE BILL 877
RELATING TO THE ONE CALL CENTER
BY
STEVEN P. GOLDEN
CHAIR, PUC ONE CALL ADVISORY COMMITTEE**

FEBRUARY 13, 2009

Chair Baker and Members of the Committee:

I am Steve Golden, Chair of the PUC One Call Committee. Thank you for the opportunity to provide testimony on behalf of the One Call Center Advisory Committee in support of Senate Bill 877, which would repeal the current sunset date of June 30, 2009 for the Hawaii One Call Center ("HOCC"), which provides advanced warning to excavators of the location of underground facilities prior to excavating.

The Advisory Committee, which consists of representatives of the utilities, General Contractors Association, Building Industry Association and government agencies including the four counties, approved a proposal at its meeting in January to support the repeal of the current sunset date for the Hawaii One call Center Center. We believe that the Center has increased public awareness of the importance of calling before digging and has resulted in less damage to underground facilities and the inconvenience caused to the affected customers and the traveling public which is impacted by road closures required to complete costly, unnecessary repairs.

This mandatory "Call Before You Dig" program provides excavators with a single phone number (811) to call for locating and marking underground lines, including, but not limited to, lines for electric, gas, telecommunications, cable, water, and sewer facilities. This eliminates the need for an excavator to call multiple companies to request information on the location of their underground facilities.

Thank you for the opportunity to testify.

Testimony before the Senate Committee On Commerce and Consumer Protection

By Ken T. Morikami
Manager, Engineering Department
Hawaiian Electric Company, Inc.

February 13, 2009

Senate Bill 877
Relating to the One Call Center

Chair Baker, Vice Chair Ige and Members of the Committee:

My name is Ken Morikami and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We are in **support** of SB 877 which repeals the June 30, 2009 sunset provision in Act 141.

As a member of the PUC's One Call Center Advisory Committee, we support the continuation of the One Call program that provides advanced warning to excavators of the location of underground facilities before they dig. As owners of underground electrical lines, we support efforts to prevent construction dig-ins that minimize disruption of service to our customers, and enhance the safety for excavators and the general public.

Thank you for the opportunity to testify on this matter.

WRITTEN TESTIMONY

SB 877

**RELATING TO THE ONE CALL CENTER
HAWAIIAN TELCOM**

February 13, 2009

Chair Baker and members of the Senate Commerce and Consumer Protection Committee:

Hawaiian Telcom is providing written testimony in support of SB 877, Relating to the One Call Center.

The purpose of this measure is to make permanent the Hawaii One Call Center system by repealing the current sunset date of June 30, 2009. Hawaii Telcom believes that this advance warning system has proven effective over the last several years in preventing accidental damage to underground facilities. Operational benefits include: minimal disruption of service to residents, enhanced safety to excavators, and less repair costs caused by inadvertent cable cuts.

Based on the aforementioned, Hawaiian Telcom respectfully requests this measure be approved. Thank you for the opportunity to testify.

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

February 13, 2009

Senator Roz Baker, Chair
Senate Committee on Commerce and Consumer Protection
State Capitol, Room 229
Honolulu, Hawaii 96813

Chair Baker and Members of the Senate Committee on Commerce and Consumer Protection:

I am Karen Nakamura, Executive Vice President and Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii **strongly supports** SB 877, "Relating to the One Call Center." This bill will allow for the continued operation of the State's One Call Center beyond the current statutory sunset date of June 30, 2009 by making the law permanent. The One Call Center's continued operation will provide advanced warning to excavators of the location of underground lines before they dig. Making the operation of the One Call Center permanent will aid in assuring that utility services provided to the public via underground facilities will not be interrupted by unintentional breaks in underground lines resulting from excavators lacking knowledge of the location of those facilities in the area of excavation.

BIA-Hawaii was an active participant in the establishment of the One Call Center and we support the passage of SB877 that would make the One Call Center permanent

Thank you for the opportunity to share our views with the Committee.



Executive Vice President & Chief Executive Officer
BIA-Hawaii

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

February 10, 2009

TO: THE HONORABLE SENATOR ROSALYN H. BAKER, CHAIR AND
MEMBERS OF COMMITTEE ON COMMERCE AND CONSUMER
PROTECTION

SUBJECT: S.B.877, RELATING TO THE ONE CALL CENTER

NOTICE OF HEARING

DATE: Friday, February 13, 2009
TIME: 8:30 a.m.
PLACE: Conference Room 229

Dear Chair Baker and Committee Members:

The General Contractors Association of Hawaii (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, **strongly supports** the passage of S.B. 877, Relating To One Call Center.

Since the enactment of Act, 141, SLH , 2004, the call center has proven to be a exceptionally effective system in aiding contractors and utilities in avoiding potential damage to underground electric, water, sewer, gas lines and other . The system has saved not only disruption of services and inconvenience to the public but has saved the contractors and utilities the high cost of repairs.

The GCA believes the One Call Center has proven its worth and deserves to be made a permanent part of our construction procedure when proposed excavation is contemplated.

The GCA **strongly supports** the passage of S.B. 877, Relating to the One Call Center, and recommends that the bill be passed.

Thank you for the opportunity to provide our views on this issue.



HAWAII PEST CONTROL ASSOCIATION

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Telephone (808) 533-6404 • Fax (808) 533-2739

February 13, 2009

Testimony To: Senate Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: S.B. 877 – RELATING TO THE ONE CALL CENTER

Chair Baker and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we would like to request a favorable amendment to this bill.

We have no problem with the intent of the program and in fact, we agree that it is of benefit. Unfortunately we don't think that our activities were considered when the law went into effect and we find that there is rather sporadic participation by our members.

It is typical that pest control operators, with some termiticide applications, are required to dig a four (4) inch deep trench around the perimeter of the house. Other types of applications require digging for the placement of six (6) inch or so deep bait stations in and around the house. We don't believe that our activities were ever envisioned to cover this type of system and as such, we would request a specific exemption which perhaps could be best placed in the definition of "excavation" in Section 269E-2 which would exempt the activities of a pest control operator licensed by Chapter 460J HRS.

Based on the above, we would respectfully request a formal exemption from this bill.

Thank you.