

# Pennsylvania Telephone Association

*"The Communications  
Leader in Pennsylvania"*



**HOUSE CONSUMER AFFAIRS COMMITTEE**

**PUBLIC HEARING ON THE PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION LAW**

**JUNE 5, 2017**

**TESTIMONY OF**

**STEVEN J. SAMARA**

**PRESIDENT**

**PENNSYLVANIA TELEPHONE ASSOCIATION**

**Pennsylvania  
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Good Morning Chairman Godshall, Chairman Caltagirone, and members of the House Consumer Affairs Committee.

My name is Steve Samara, and I am president of the Pennsylvania Telephone Association (PTA), an organization which represents the interests of rural local phone companies throughout the state.

Thank you for this opportunity to address the Underground Utility Line Protection Law legislation currently pending before this committee.

PTA member Companies take the responsibilities of identifying and safely working on their infrastructure very seriously.

We have enjoyed a long and successful relationship with PA One Call and I'm confident that relationship will continue under the legislation we are addressing today.

A testament to the partnership that PTA Member Companies have with PA One Call is evident in the fact that we have historically had company representation on the One Call Board and on the various committees (including the Legislative Task Force) for many years.

PA One Call is also an Associate Member of the PTA, and is a regular exhibitor at our annual trade show which is held every fall.

Within the Association, we have an Outside Plant subcommittee which is charged with, among other things, addressing issues related to infrastructure; whether that be copper/fiber lines, poles, remote terminals etc. I would encourage any committee member who has questions regarding telecommunications infrastructure to contact me and I can solicit a response from the subcommittee.

With regard to House Bill 284 and its predecessors, the PTA has worked with Representative Matt Baker, PUC Commissioner John Coleman, and other interested parties to ensure that telco customers, employees, and the general public are protected.

Of particular importance to the PTA members was telco representation on the Damage Prevention Committee created by the legislation and, in various provisions, a recognition that safely restoring service is of primary importance.

Thank you again for this opportunity. I look forward to working with all of the stakeholders on this legislation, and am happy to answer any questions which you may have.

Good morning,

My name is Brian Barno and I'm VP of Government Affairs for the Broadband Cable Association of Pennsylvania, or BCAP. We represent broadband cable operators, programmers and equipment suppliers to the industry. I appreciate the opportunity to comment on amending the Underground Utility Line Protection Act, more commonly known as One Call.

In late April, Ajit Pai, Chairman of the Federal Communications Commission, paid a visit to western Pennsylvania. After talking about closing the digital divide in remarks at Carnegie Mellon University's Software Engineering Institute, he noted that "our wired and wireless broadband networks are core components of our nation's infrastructure." Chairman Pai then went to tour Armstrong Cable's headend in Zelienople. "I drove to a very small town outside Pittsburgh to check out a rural headend owned by Armstrong, a family-owned and operated business. The rows of servers and power supplies and other equipment were humming along smoothly, providing services to thousands of customers in Pennsylvania and neighboring states."

BCAP appreciates the pending One Call legislation acknowledging the critical nature of broadband cable infrastructure by including cable television as a member of the Damage Prevention Committee.

BCAP does not have an issue with the transfer of One Call jurisdiction from the Department of Labor & Industry to the PUC.

BCAP applauds the intent of, as PUC Commissioner Coleman has stated, the “changed philosophy of enforcement” where it leads to a safer environment for excavators, facility owners and the public. However, incidents that are minor in nature – where a regulatory intervention is not necessary – don’t need to be reported. BCAP suggests having a \$3,000 de minimis threshold for reporting.

One Call has a responsibility to communicate violations of the Act promptly to the PUC. The newly-hired investigators need to have reports of the violations available as soon as possible after an incident occurs. This will prevent a backlog of complaints and ensure that follow-up regarding fines, penalties, etc. can be administered efficiently.

BCAP believes that fines authorized by the Damage Prevention Committee, up to \$2,500 per violation, should be directed to the General Fund rather than staying with the PUC. This would give legislators the responsibility of allocating funds, as needed, in response to a PUC budget request. The PUC is also expected to receive federal funding to further offset costs.

BCAP supports having a financial audit of One Call by an independent auditing firm in the Commonwealth. In addition, we believe that the Auditor General should be allowed to review One Call’s management and financial audits.

Thank you again for the opportunity to share our thoughts about amending the Underground Utility Line Protection Act. I look forward to your questions.