

JASON M. STANEK
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PUBLIC SERVICE COMMISSION

March 6, 2020

Chair Dereck E. Davis
Economic Matters Committee
House Office Building, Room 231
Annapolis, Maryland 21401

**RE: PROPOSED AMENDMENT TO – HB1330 – Underground Facilities Damage Prevention
– Revision**

Dear Chair Davis and Committee Members:

The Maryland Public Service Commission (PSC) has reviewed the list of proposed amendments to House Bill 1330. Amendment # 3 would restore an exemption for homeowners who excavate less than 6 inches or perform demolition on their own property from the requirement to contact Miss Utility prior to excavating. The PSC **opposes** this amendment because deleting the exemption cures an inconsistency between state law and the Federal pipeline safety regulations.

This “homeowner exemption” was removed from the most recent Federal pipeline safety regulations. The PSC participated in the Maryland Underground Prevention Authority’s workgroup process, which produced HB 1330 as introduced. This agency supports the consensus to remove the homeowner exemption. The PSC is certified by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) for inspection and enforcement of intrastate pipeline safety regulations pursuant to 49 U.S.C. §§ 60105-60106. As the Maryland authority for the Federal regulations related to intrastate pipeline safety, the PSC can receive up to 80% of its annual pipeline safety budget from federal funding. Federal funding is partially based on PHMSA’s yearly audit and the resulting program evaluation score which considers state compliance with federal standards. A PHMSA finding that the state’s damage prevention program is inadequate due to this inconsistency could result in a lower program evaluation score with a resultant reduction in federal funding.

Thank you for your consideration of this information. Please contact Lisa Smith, Director of Legislative Affairs, at 410-336-6288 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jason M. Stanek".

Jason M. Stanek
Chairman

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