

**TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
HOUSE COMMITTEE ON FINANCE
MARCH 2, 2009**

MEASURE: H.B. No. 1059 H.D.1
TITLE: Relating to the One Call Center.

Chair Oshiro 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. In addition, this bill provides an exemption from Chapter 269E, HRS, for any pest control activity regulated under Chapter 460J, HRS.

POSITION:

The Commission strongly supports this Administration bill, however, suggests that the exemption from Chapter 269E, HRS, for pest control activity regulated under Chapter 460J, HRS, should not be included at this time as we can address that in rulemaking.

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 ("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.
- The Commission recommends approaching with caution the creation of an exemption from the law at this time, when the program is still in its early stages of development. Providing an exemption for any group that routinely performs excavations in its operations may relieve pest control operators from the relatively minor burden of complying with the HOCC requirements of waiting five (5) days after notifying the HOCC of its intention of excavating. However, incidents have occurred across the nation when what seemingly was a routine, shallow-depth dig severs or damages expensive fiber optic cable, or gas lines, or other subsurface infrastructure and causing economic and/or personal injury.
- The Advisory Committee has been working very hard over the last year to draft administrative rules governing activities and operations of the HOCC, and has informed the Commission that it is currently in discussions regarding the issue of shallow-depth digs, which was deliberately left out of the current law by the industry groups that developed it, due to concerns that shallow digs can result in significant damage to persons or property.

Thank you for the opportunity to testify.

WRITTEN TESTIMONY**HOUSE BILL 1059 HD 1
RELATING TO THE ONE CALL CENTER****BY****STEVEN P. GOLDEN
CHAIR, PUC ONE CALL ADVISORY COMMITTEE****MARCH 2, 2009**

Chair Oshiro and Members of the Committee:

Thank you for the opportunity to provide written testimony on behalf of the One Call Center Advisory Committee on House Bill 1059 HD 1, 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 to call for locating and marking underground lines, including, but not limited to, lines for electric, gas, telecommunications, cable, water, and sewer facilities.

The Advisory Committee supports the original version of HB 1059 and is currently discussing the proposed exemption for pest control operators which is included in the HD 1. There are concerns by some of our members about granting a broad legislative exemption for pest control operators, which may be more appropriately handled during the development of the administrative rules.

Thank you for the opportunity to provide written testimony on this important measure.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

March 2, 2009

Honorable Marcus Oshiro, Chair
Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: HB1059, HD1 "Relating to the One Call Center"

Chair Oshiro and Members of the Committee on Finance:

I am Karen Nakamura, 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 the passage of HB1059, HD1, "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 concurs with the amendment in HD1 that would exempt pest control activity from the provisions of this law.

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



Chief Executive Officer
BIA-Hawaii

Written Only**HB 1059 HD1****RELATING TO THE ONE CALL CENTER****HAWAIIAN TELCOM****March 2, 2009 – Agenda 4**

Chair Oshiro and members of the House Finance Committee:

Hawaiian Telcom is providing written testimony in support of HB 1059 HD1, Relating to the One Call Center. Hawaiian Telcom supports this bill.

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. Hawaiian 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 for excavators, and less repair costs caused by inadvertent cable cuts.

The House Consumer Protection Committee included an amendment to exempt the pest control operators from inclusion in the One Call Center. Hawaiian Telcom defers to the Public Utilities Commission's One Call Center Advisory Committee with specific regards to this newly-added exemption.

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



HAWAII PEST CONTROL ASSOCIATION

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March 2, 2009

Testimony To: House Committee on Finance
Representative Marcus R. Oshiro, Chair

Presented By: Tim Lyons, CAE
Executive Director

Subject: H.B. 1059, HD 1 - RELATING TO THE ONE CALL CENTER

Chair Oshiro and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association which represents 95% of all the structural pest control companies throughout the State of Hawaii.

The most important part of this bill as far as we are concerned is that section which exempts pest control operations from the program. When the law was first passed it merely defined an excavator as one who moves dirt and our members certainly do that however, we do not think that we should be included in this program and, more importantly, and especially, the monetary penalties.

It is typical that a pest control operator will dig a four (4) inch trench around a house in order to make a termiticide application or they will drill four (4) inch holes in concrete slabs. In consideration of the fact that over 5000 of these applications are made on a yearly basis and as far as we know there have been an incredibly few number of exceptions where a pest control operator has hit a underground facility. We think it is

not worth the time and effort or coordination to require pest control operators to do this.

Additionally, there are at least three (3) other states that have provided for an exemption and our information is not one of those states experienced any problems with the exemption.

Based on the above, we urge you to retain the exemption that is contained in this bill and pass it as is.

Thank you.