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April 18, 2017

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Melanie J. El Atieh

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American Water Works Service Company, Inc. –
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Melanie.ElAtieh@AMWater.com

**Re: Rulemaking Re Electric Safety Regulations, 52 Pa. Code, Chapter 57;
Docket No. L-2015-2500632**

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced docket, please find a Letter on behalf of Pennsylvania-American Water Company (“Pennsylvania American Water”) in response to the Energy Association of Pennsylvania’s “*Response to Concerns Raised by PAWC for its Water/Wastewater Employees Working Near Energized Cable*” sent to Pennsylvania American Water’s attention on or around January 31, 2017. Pennsylvania American Water recognizes that the Proposed Rulemaking Order entered on November 19, 2015, to revise 52 Pa. Code Chapter 57 relating to electric safety did not provide for reply comments and is not filing this letter as reply comments.

Should you have any questions or concerns regarding this filing, please contact me. Thank you for your attention to this matter.

Respectfully yours,

Melanie J. El Atieh

Enclosures (2)

c: Terrance J. Buda, Esq., Law Bureau
Service List (enclosed)



April 18, 2017

James F. Sheridan
Vice President, Operations
800 West Hersheypark Drive
Hershey, PA 17033
Phone: (717) 531-3370
Jimmy.Sheridan@amwater.com

Via UPS Overnight Delivery and E-Mail

Energy Association of Pennsylvania
Attention: Ms. Donna Clark, Vice President and General Counsel
800 N. Third Street, Suite 205
Harrisburg, Pennsylvania 17102
Dclark@energypa.org

Dear Ms. Clark:

I write on behalf of Pennsylvania-American Water Company (“Pennsylvania American Water” or the “Company’s”) in response to your e-mail and attachment, titled “*Response to Concerns Raised by PAWC for its Water/Wastewater Employees Working Near Energized Cable*,” which you sent to my attention on or around January 31, 2017 (the “EAP Response Document”). I understand the EAP Response Document represents a collaborative effort by the electric distribution company (“EDC”) members of the Energy Association of Pennsylvania (“Association”).

At the center of our concerns are our employees and customers. It is noteworthy that the EDCs and Pennsylvania American Water appear to share in the belief that Safety is of paramount importance to public utilities operating throughout the Commonwealth and the nation. At American Water, Safety is both a core value and a top strategy. Safety as a core value means every person chooses Safety on every job, every day. Safety as a strategy is a plan on how we can get to that point. I truly appreciate the Association and its EDC members wanting to better understand Pennsylvania American Water’s concerns raised in our Joint Comments to the Pennsylvania Public Utility Commission’s (“Commission’s”) November 19, 2015 Proposed Rulemaking Order regarding Electric Safety Regulations, 52 Pa. Code Chapter 57, Docket No. L-2015-2500632. I appreciated the opportunity to discuss our concerns in-person with certain representatives of the EDCs during the meeting held on April 27, 2016.

While also we appreciate the EAP Response Document, it does not address many of our concerns. As an initial matter, Pennsylvania American Water is aware of its obligations under the Pennsylvania One Call law, 73 P.S. §176, et seq. and OSHA regulations to call to request the location for underground utilities prior to excavation work and we appreciate the EDCs’

cooperation with its obligations under these laws to provide initial locate requests. Pennsylvania American Water also is aware of its responsibility under the Occupational Safety and Health Act (“OSH Act”) to ensure safe working conditions to its employees, including conditions surrounding electrical utilities. However, the root of our concerns relate to the EDCs’ failure to consistently respond to us when circumstances arise during the course of our work for which we need the EDCs’ assistance to ensure the safety of our employees working in conditions surrounding electrical utilities.

Indeed, as the EAP Response Document notes “[e]ach work site has unique circumstances that should be taken into account when working near energized cable” and further notes, *a total of six times*, that circumstances may require Pennsylvania American Water to direct its employees to stop work and to contact the local EDC for evaluation and possible protection or other appropriate action regarding EDC facilities. At such point, after Pennsylvania American Water would direct the stoppage of work, the ability for the water/wastewater utility work to continue in a safe manner may depend on appropriate action to be taken by the local EDC.

Pennsylvania American Water is looking for a commitment from the EDCs to help ensure the safety of our employees working near energized lines¹ when work site circumstances arise such that we need the EDC to assist us, as appropriate. We have made repeated requests related to a number of issues that we deem critical to the safety of our employees performing work around underground utilities under the responsibility or ownership of EDCs. In this regard, we still need to receive the following:

- Contact information from the local EDCs of qualified, competent and authorized EDC representatives to serve as the points of contact to respond to requests by our employees regarding EDC facilities, as circumstances may dictate. We request such contact information from the following EDCs:
 - Duquesne Light Company
 - Metropolitan Edison Company (Met-Ed) – FirstEnergy Company
 - Pennsylvania Power Company (Penn Power) – FirstEnergy Company
 - Pennsylvania Electric Company (Penelec) – FirstEnergy Company
 - West Penn Power – FirstEnergy Company
 - PECO Energy Company – Exelon Company

¹ By “energized lines” Pennsylvania American Water is referring to the EDC’s lines, cables and appurtenant facilities. However, I note that Pennsylvania American’s water lines could become an “energized line” where an EDC’s neutral becomes damaged and the water line ends up serving as the neutral and completes the circuit back to the EDC’s transformer.

- PPL Electric Utilities
 - Pike County Light & Power Company – Orange & Rockland Co.
 - UGI Utilities, Inc. – Electric Division
 - Citizens Electric of Lewisburg
- A commitment by the local EDCs that its qualified, competent and authorized representatives will be available to assess and take protective measures jointly with us to prevent electric shock and injury to the employees of water and wastewater utilities, including, as appropriate, the de-energizing of EDC facilities, as circumstances may dictate.
 - Assurance that qualified and sufficient EDC representatives will be available to respond in a prompt and appropriate manner to requests made by water and wastewater utilities to de-energize or insulate exposed underground or overhead power lines, as circumstances may dictate.
 - Assurance that local EDCs will formally assign priority status to responses to water/wastewater emergency repair situations involving exposed power lines located in close proximity to or within the emergency work area, as circumstances may dictate.

Pennsylvania American Water also has questions about some of the guidelines set forth in the EAP Response Document. For example, the EAP Response Document provides guidelines on pages 4-5 which state that they apply to situations involving “[m]oving energized cable which is lying on or near water/wastewater line.” As Pennsylvania American Water does not move energized cables, this section does not appear to apply to us. That section further provides that when an “electric cable is greater than 12 inches from the water/waste water pipe,” it does not pose an electrical hazard to utility employees, provided it is not damaged. We have been unable to locate any authority which supports this statement. If you are aware of any such authority, we ask you to promptly bring it to our attention. Furthermore, it is important to note that the EDC, not the water/wastewater utility, is in the best position to determine whether its facilities are damaged, and further that it is possible that a damaged electric cable may not be detectable in plain sight but nonetheless could cause stray electricity voltage and an electrical hazard to the work area.

Pennsylvania American Water also is looking for a commitment from the EDCs to stop the practice going forward of co-locating electric cables in the same trench as water lines. Because of the orientation of the lines within a common trench and control over the de-energizing of its own facilities, the EDCs are in the best position to perform work on their co-located cables without being required to move or relocate to a new trench. Pennsylvania American Water, on the other hand, is compelled to relocate our lines when they are replaced because we cannot excavate around or de-energize electric lines/cables. The failure of the EDCs to proceed in a cooperative manner

to consistently respond when we encounter co-occupied electric and water lines unfairly requires Pennsylvania American Water to bear the costs associated with correcting a problem that largely is of the EDCs' making.

Our concerns center on our employees and customers. Pennsylvania American Water is committed to ensuring the health and safety of our employees and to providing safe, reliable and reasonably priced water and wastewater utility service to our customers. We believe that there is opportunity for the electric and water/wastewater utilities to achieve greater coordination and planned responses to address the issues discussed above. To that end, it would give me much pleasure to invite the Association's EDC members to consider working together to address the problem with the goal of establishing a Memorandum of Understanding between each EDC and Pennsylvania American Water that establishes clear practices, procedures and protocols that will govern our inter-utility coordination and actions going forward.

Should you wish to discuss or schedule another meeting for further discussion, please do not hesitate to contact me. Thank you for your attention and commitment to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Sheridan", followed by a horizontal line.

Jimmy Sheridan

C: Melanie J. El Atieh, Director, Corporate Counsel (Melanie.ElAtieh@amwater.com)