

consent order or a remedial order with respect to such violations.

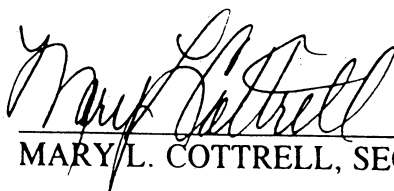
The Department will hold a public hearing on the above-captioned matter in its offices, Leverett Saltonstall Building, 100 Cambridge Street, 12th Floor, Boston, Massachusetts, on January 4, 1999 at 10:00 a.m. The Department is required to give notice of said public hearing by publication hereof once at least twenty one (21) days prior to the date of the public hearing, and is giving this notice in the Boston Globe and The Herald.

Persons interested in commenting on the Department's rulemaking proceeding may appear at the public hearing or file written comments with:

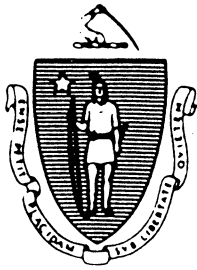
Mary L. Cottrell, Secretary
Re: 98-109
Department of Telecommunications and Energy
Leverett Saltonstall Building
100 Cambridge Street, Room 1210
Boston, Massachusetts 02202

Comments must be received by the Department no later than the close of business (5:00 p.m.) ten (10) days after the public hearing, or January 14, 1999.

By Order of the Department,



MARY L. COTTRELL, SECRETARY



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF PUBLIC HEARING

DEC 10 A 10:28

D.T.E. 98-109

December 10, 1998
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Proceeding, on the Department of Telecommunications and Energy's own motion, to amend 220 C.M.R. § 99.00 to conform with newly enacted statute, M.G.L. c. 82, § 40, otherwise known as the Dig Safe law.

On December 17, 1998 a revised statute, M.G.L. c. 82, § 40, otherwise known as the Dig Safe law, will go into effect. In response to this revised law, the Department of Telecommunications and Energy ("Department") has initiated rulemaking proceedings to amend the Dig Safe regulations, 220 C.M.R. § 99.00, and has scheduled a public hearing on this matter for January 4, 1999. The Department has such rulemaking authority pursuant to M.G.L. c. 164, § 76C.

The proposed Dig Safe regulation, 220 C.M.R. § 99.00 and the revised Dig Safe law, M.G.L. c. 82, § 40, are available for viewing or copying at the Department, weekdays from 9:00 a.m. to 5:00 p.m.

The new Dig Safe law will still require excavators to notify the underground plant damage prevention system (Dig Safe, Inc.) of the excavator's intent to excavate, no more than 30 days and no less than 72 hours (unless preempted by an emergency) prior to excavation that may involve facilities operated by public utility companies, municipal utility departments, cable television companies, interstate natural gas pipeline companies and petroleum pipeline companies.

The revised Dig Safe law differs from the previous law in several ways. The new statute requires excavators to premark the excavation site in order to describe more accurately the excavation location in relation to underground facilities. Premarking shall not be required of any continuous excavation that is over 500 feet in length. The previous Dig Safe law required a fine of \$200 for a first offense and between \$500 to \$1,000 for subsequent offenses. The new Dig Safe law has increased the fine for violations to \$500 for a first offense and between \$1,000 to \$5,000 for a subsequent offense within a twelve (12) month period. The new Dig Safe law also requires, when excavating close to an underground facility, that non-mechanical means be used. The new law exempts local and state governing bodies from forfeiture of civil penalties for failure to premark a site. It also exempts residential property owners from forfeiture of civil penalties for failure to premark on their own property.

The new Dig Safe regulations proposed by the Department seek to clarify the revised Dig Safe law. The regulations provide definitions and describe notification requirements, premarking procedures, and reporting requirements. The proposed Dig Safe regulations also establish procedures for determining violations of the new law, and set forth procedures for issuance of notice of probable violation of the new Dig Safe law, as well as issuance of a

Consent Communication #9

8175

A communication was received from the Dept. of Telecommunications and Energy, transmitting a notice of public hearing and request for comments.

In City Council December 14, 1998

Referred to

City Manager on motion of
Mayor Diebay and

Referred to Cable Telecommunication
Committee on motion of Vice Mayor
Galluccio.