

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Missouri Gas Energy, a Division of)
Southern Union Company, Concerning a Natural)
Gas Incident at 910 West 48th Street in Kansas)
City, Missouri.)

Case No. GS-2013-0400

NOTICE REGARDING EXTRA-RECORD COMMUNICATION

Issue Date: February 28, 2013

On February 25, 2013, I received the attached correspondence from BHC Rhodes
Civil Engineers – Surveyors by US Mail.

Respectfully submitted,



Kevin D. Gunn, Chairman

Dated at Jefferson City, Missouri,
on this 28th day of February, 2013.

FEB 25 2013 *jni*

February 22, 2013

Mr. Kevin Gunn
Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360

RE: Engineering issues related to JJ's Restaurant explosion

Dear Chairman Gunn:

Like you and many others, we were shocked and saddened by the explosions and fire that destroyed JJ's Restaurant in Kansas City, Missouri. We are thankful that the injuries and casualties were not much higher as this could have been an even more deadly situation. One of our company owner's and another top manager in our company personally know one of the individuals that was severely injured, so this hits close to home.

It is also a situation that we can relate to because our engineering firm has provided services to the utility industry, and specifically the telecommunications industry, for over 20 years. In fact, Time Warner Cable is one of our customers. We have seen safety related issues and practices that have concerned us for many, many years. With the latest accident we feel it incumbent upon us to bring them to your attention. We don't know if they are applicable in this specific situation, but we have been concerned that certain practices in the telecommunication industry could jeopardize life safety.

The following questions and commentary address, in our opinion, major issues we would like to bring to your attention to see if they are applicable not only to the JJ's Restaurant explosion and fire, but to policies we believe should be considered going forward.

- Were the design drawings for the fiber optic cable installation in public right-of-way prepared by a licensed professional engineer?

This tragic utility accident, and many like it that have occurred over the years around the country, clearly illustrates that the design and construction of buried fiber optic cables has life safety consequences. Engineering licensure laws are in place in every State of the country to maintain a level of competency and care to protect public health, safety, and welfare. Utility systems share public right-of-way and are permitted to be installed in that right-of-way by a public agency, in this case the City of Kansas City, Missouri. We routinely see that permitting agencies do not require telecommunication system designs to be sealed by a professional engineer to be permitted for installation. The effect is that these designs are "dumbed down" as compared to other engineering design. A professional standard of care is not given to the design when it is not required to be sealed and signed by a professional engineer and the consequences can be deadly.

- Who designed the Time Warner Cable fiber optic cable installation?

We routinely see telecommunications companies hire outside consultants to provide engineering design of their outside plant systems. We also see telecommunication companies hire contractors to provide a design-build solution to their installation which places the design scope with a construction company. There is a glaring problem with this approach that needs regulatory attention. It is illegal in Missouri, and every other State, to offer and provide engineering services unless you are a Licenced Professional Engineer in the State in which the work is performed. That means that unlicenced consultants or contractors that prepare these designs are operating illegally. The follow-on to this is that public agencies are routinely accepting designs prepared by unlicenced companies and issuing permits for installation in public right-of-way.

- What is the expectation for the reasonable level of care for utility research and information shown on design drawings?

Engineering services are often procured through a low bid process by telecommunication companies. Compounding this situation is that non-licenced firms are often in the competitive pool with licenced firms which are going to have a higher overhead structure. Price pressure can cause the level of effort and time to perform the design to be reduced to reduce cost. Often the utility research is omitted and replaced with a “kick the can down the road” approach in the form of a note that places the burden for utility information to the contractor. Further aggravating the problem is that utility companies, and the utility locating companies that they retain, typically will not provide good, or any, information during the design process even though regulatory agencies could require them to do so.

- What is the expectation for maintenance of accurate records of buried utility locations by the utility companies?

Underground utility real-estate is very congested space in developed areas. Most private utility distribution companies, including gas, electric, and telecommunications, have poor records to rely upon for the assessment of available underground utility space. Buried utility records tend to be in schematic form. The practice in the industry seems to be that the location of the utility will be identified on the ground at the time of construction. There isn't a regulatory agency that requires accurate records in terms of geospacial location. The compilation of these records going forward would not be that difficult if a normal engineering process were followed all the way through where a competent design is prepared with accurate base mapping, inspection is provided during construction, and deviations made during construction were documented in records that are conformed to construction. This is standard practice in public utilities such as water and sewer and should be a requirement of agencies permitting private utilities like telecommunication and gas in public right-of-way.

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We strongly believe that the actions around the JJ's explosion and fire, and the clear public safety consequences, deserves real attention to how telecommunication and gas systems are designed, constructed, and documented. We do not have any idea who designed the systems involved in the accident and the involvement or lack thereof of professional engineers. We do however see this as a clear example of the real engineering and life safety issues at hand in the telecommunication industry and would like you to look deeper into the practices and consequences of engaging unlicensed consulting engineers. We would also like you to question the responsibility of the public agencies that issue the permits for construction for these facilities in public right-of-way without the seal and signature of a licensed professional engineer. After all, this is based on state law in Missouri.

We would not raise these question if we weren't so passionate about the need to avoid another situation like JJ's.

Thank you for your attention and I look forward to discussing these concerns with you.

Sincerely,



Kevin L. Honomichl
President