

17 April 2009

National Energy Board
444 Seventh Avenue S.W.
Calgary, Alberta T2P 0X8

Claudine Dutil-Berry,
Secretary of the Board

Re: Proposed Damage Prevention Regulation – Draft Guidance Notes

Alberta Damage Prevention Council (ADPC) is pleased to have the opportunity to provide comment on the *Proposed Damage Prevention Regulation Draft Guidance Notes – February 2009*.

By way of introduction, The Alberta Damage Prevention Council (ADPC) is an open membership organization that has been active since the 1970s in identifying, verifying and promoting the adoption of practices that will reduce damages to buried facilities in Alberta.

Originally formed as the Alberta Utility Location and Coordination Council of the Alberta Chapter of the American Public Works Association, the council membership includes representatives from operators of various types of buried facilities, various sectors of the digging community, local damage prevention committees, provincial and federal regulatory agencies, the locating industry, consultant engineers, training establishments and the one-call centre.

Members of the ADPC include individuals from organizations that are members of the Canadian Association of Petroleum Producers (CAPP), the Canadian Energy Pipeline Association (CEPA), the Canadian Association of Geophysical Contractors (CAGC), the Petroleum Services Association of Canada (PSAC), the Canadian Gas Association, the Common Ground Alliance (CGA), the Government of Alberta (GOA), the Government of Canada (GOC), the Canadian Association of Pipeline and Utility Locating Contractors (CAPULC), the National Utility Locating Contractors Association (NULCA), the American Public Works Association (APWA) the Federation of Alberta Gas Co-ops Ltd., the Alberta Rural Utilities Association (ARUA), the Edmonton Area Pipeline and Utility Operators' Committee (EAPUOC), the Calgary Region Utility Damage Prevention Committee (CRUDPC), Alberta One-Call Corporation, the Alberta Roadbuilders and Heavy Construction Association (ARHCA), the Alberta Construction Safety Association (ACSA), the Alberta Electric Utilities Safety Association and the Alberta Urban Municipalities Association (AUMA), a very broad base of organizations with an interest in ground disturbance / damage prevention processes.

In March 2004, the ADPC became a Regional Partner of the Common Ground Alliance (CGA), an international organization formed at the urging of and with the financial support of what are now the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration (PHMSA) to identify, validate, publish and promote the adoption of buried facility damage prevention best practices. Alliance Pipeline, BP, Enbridge, ExxonMobil, Koch, Kinder Morgan, Shell, Spectra Energy and TransCanada are among the corporate sponsors of the CGA.

Any “best practices,” endorsed by the CGA come with consensus support from experts representing the following stakeholder groups: Excavators, Locators, Road Builders, Electric, Telecommunications, Oil, Gas, Railroad, Water, One Call, Public Works, Equipment Manufacturing, Regulators, Insurance, Emergency Services and Engineering/Design.

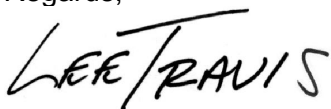
Members of the ADPC have reviewed the *Proposed Damage Prevention Regulation Draft Guidance Notes – February 2009* and offer the following comments and suggestions in the hope that it will lead to improvement in the damage prevention process.

- The DPR is a much needed document in the interest of damage prevention in that the current National Energy Board Pipeline Crossing Regulations, both Part I and II are out of date and do not reflect current industry best practices.
- We have reviewed and add our voice of concern to the many replies that you have already received from CEPA, CAPULC, and associated organizations.
- Damage Prevention is a shared responsibility of which the NEB is a key stakeholder. As such it is the duty of the NEB to clearly define and state clear intentions for the damage prevention process. A simplistic view of “supporting the principles” does not adequately define the responsibilities of the NEB to create a mutual and clearly defined damage prevention process. A process such as this one that has been created in isolation of expertise and joint collaboration of the various stakeholders will dramatically affect the credibility of the NEB as a regulator, and ultimately the working practices of the stakeholders in damage prevention.
- The DPR must attempt to harmonize with provincial legislations
- The DPR must include enforcement measures.
- The new DPR has to date not addressed any of the issues identified by our stakeholders over the past seven years. The current process with no foreseeable results is frustrating and creating a total lack of credibility for the NEB that must be addressed in a different manner than currently being implemented.

The ADPC is of the opinion that the NEB must seek and facilitate the expertise within the damage prevention stakeholders, and create a collaborative process for drafting a DPR that will be credible. The ADPC has a vested interest in and a great deal of passion for a collaborative DRP that addresses the needs, wants and desires of all stakeholders in the interests of worker safety, public safety, protection of the environment and preservation of the integrity of the underground infrastructure that provides goods and services essential to today’s society.

In conclusion these concerns must be resolved before a final document can be published and would welcome the opportunity to work to that end in the interest of full industry and stakeholder support for *Proposed Damage Prevention Regulation Draft Guidance Notes – February 2009*.

Regards,



Lee Travis
Chairperson
Alberta Damage Prevention Council

Cc: ADPC Membership