

"§37-15-5.

"(a) (1) Operators who have underground facilities within this state shall either provide an in-house program which meets the operational requirements of receiving those excavation or demolition notifications as set forth in subsections ~~(d)~~ (f) to ~~(g)~~ (j), inclusive, of this section or shall participate in ~~a~~ the "One-Call Notification System."; provided, however, that any operator who has less than ten thousand customers or subscribers and who provides an in-house program which meets all of the operational requirements of receiving those excavation or demolition notifications as set forth in this chapter shall not be required to provide the services of the in-house program on working days except during the hours that the operator's offices are open to the public and may, but shall not be required to, voice record the notification calls received.

"(2) Any operator, who elects not to participate in the "One-Call Notification System" and instead elects to provide an in-house notification system for receiving excavation and demolition notifications as provided in subdivision (1) and whose facilities are damaged by an excavator who has contacted the "One-Call Notification System" and the operator's in-house program concerning the location of underground facilities, shall be responsible for any damages to its underground facilities by the excavator if the operator failed to meet the operational

requirements for receiving excavation and demolition notifications as required.

"(b) Between April 18, 1994, and January 1, 1995, or any time ~~thereafter~~ until January 1, 2011, any non-profit corporation, public corporation, or governmental entity desiring to become a "One-Call Notification System" shall apply to the Alabama Public Service Commission for a certificate of public convenience and necessity, verifying under oath that said applicant meets the requirements of this chapter. After a public hearing on said application, if the Alabama Public Service Commission deems that said applicant meets the requirements of this chapter, and if it is found that said applicant is fit, willing and able to properly perform the services proposed and that the proposed service is or will be required by the present or future public convenience or necessity, then in such event the Alabama Public Service Commission shall issue a certificate of public convenience and necessity authorizing said applicant to commence its operation as a "One-Call Notification System"-.." The Alabama Public Service Commission shall further have the authority, and is required, to revoke said certificate if said non-profit corporation, public corporation, or governmental entity ceases to meet the requirements as set forth in this chapter.

"(c) Subject to subsection (a), there shall be a single, statewide "One-Call Notification System" in

accordance with this chapter to provide notice of all excavations or demolitions near underground facilities.

"(d) The "One-Call Notification System" shall be incorporated or operated as a nonprofit corporation and governed by a board of directors who represent the members of the "One-Call Notification System" according to the bylaws of the organization.

"(e) All operators who participate in the "One-Call Notification System" shall share in the costs of the single statewide "One-Call Notification System" established pursuant to subsection (c). Costs for the "One-Call Notification System" shall be shared in an equitable manner for services received by facility owners as determined by the board of directors.

~~"(e)(f)~~ Operators of underground pipeline facilities or a the "One-Call Notification System" acting on their behalf ~~must notify the public and known excavators of~~ shall develop and implement a public awareness and damage prevention program to educate the general public, excavators, and operators about the availability and use of in-house or the "One-Call Notification ~~Systems~~ System" ~~as required in applicable federal regulations and the~~ requirements of this chapter.

~~"(d)(g)~~ The person giving notice of intent to excavate or demolish shall be furnished an individual reference file number for each notification and upon

request shall be furnished the names of the operators to whom the notification will be transmitted.

~~"(e)~~(h) An adequate record of notifications shall be maintained by the underground facility operator or ~~a~~ the "One-Call Notification System" in order to document timely compliance with this chapter. These records shall be retained for a period of not less than three years and shall be made available at a reasonable cost upon proper and adequate advance request.

~~"(f)~~(i) The services of ~~any~~ the "One-Call Notification System" ~~acting on behalf of operators~~ should be provided on working days at least between the hours of 8 ~~A.M.~~ a.m. and 5 ~~P.M.~~ p.m.

~~"(g)~~(j) A "One-Call Notification System" should voice record the notification telephone calls and after hours calls should at least reach a voice recording which explains emergency procedures.

~~"(h)~~(k) All ~~operators who are members of a~~ the "One-Call Notification System" shall provide the "One-Call Notification System" with the following information:

"(1) ~~A list of cities and towns in which they have underground facilities in each county;~~ The notification area data in a format as required by the current database system utilized by the "One-Call Notification System" for the locations in which they have underground facilities or for other reasons wish to receive notifications of proposed excavations, demolitions, or

blasting. This information shall be updated at least once a year.

~~"(2) The Townships, Ranges and Sections in each county in which they have underground facilities or for other reasons wish to receive notification of proposed excavations, demolition, or blasting;~~

~~"(3) Total trench or right-of-way miles of underground facilities within the boundaries of the State of Alabama updated at least once a year;~~

~~"(4)(2) The name, address, and telephone number of a person to receive emergency notifications.~~

~~"(i) A(1) The "One-Call Notification System" shall promptly transmit the information received from the excavator, as set forth in Section 37-15-4, to its appropriate member operators.~~

~~"(j)(m) All operators who are members of a the "One-Call Notification System" and who have changes, additions, or new installations of buried facilities within the boundaries of the State of Alabama shall notify the "One-Call Notification System" of changes in the information required in subdivisions subdivision (1), ~~(2),~~ and ~~(4)~~ of subsection ~~(h)~~ of this section (k), within 30 days of the completion of such change, addition, or new installation.~~