



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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CONSUMER ASSISTANCE AND SAFETY DIVISION – BULLETIN 2025-02

To: All Underground Utility Stakeholders

From: Nathan Dore, Manager
Safety Programs

Re: Clarifications on Provisions of Chapter 895 (Underground Facility Damage Prevention Requirements)

Date: September 24, 2025

The Maine Public Utilities Commission (MPUC) Consumer Assistance and Safety Division (CASD) is issuing this bulletin to clarify certain rules pertaining to Underground Facility Damage Prevention Requirements in Chapter 895 of the Commission's Rules.

Chapter 895 specifies requirements for operators and excavators in situations involving an "Emergency excavation." This term is defined in Chapter 23 MRS § 3360-A (1)(B) to mean immediate excavation necessary to prevent injury, death, or loss of an existing vital service."

23 MRS § 3360-A(5) requires that excavators commence excavation on emergency excavations within 12 hours after providing notice to member and non-member operators, or as soon thereafter as can safely be accomplished. The statute requires that underground facility operators locate facilities at emergency excavation sites as soon as reasonably possible after receiving notification.

Chapter 895 § 6(B)(2)(c) requires that member and non-member underground facility operators mark underground facilities at emergency excavations sites as soon as practicable after receiving notification of an emergency excavation.

In order to facilitate the excavators' 12-hour commencement requirement safely and practicably, both member and non-member operators must have a method to receive emergency excavation notifications from excavators, both during normal business hours and after hours. This notification receipt process may be achieved through use of the Dig Safe system, or through an alternative method.

Operators must establish a process whereby emergency locates can be performed as soon as reasonably possible (whether or not the excavation has begun) in order to facilitate safe excavation at emergency excavation sites. Operators should commence communication immediately with the excavator who issues the emergency notice, and are encouraged to document this communication.

Excavators are reminded that emergency excavation notifications are only allowable under very limited circumstances as defined by 23 MRS § 3360-A and Chapter 895.

This is an informal CASD interpretation of Chapter 895. The CASD may from time-to-time issue bulletins to assist utilities, ratepayers and other interested persons in interpreting and applying provisions of the Commission's rules. Any bulletin shall not constitute res judicata or legal precedent in any subsequent proceeding, nor shall it be binding on any party. In any subsequent enforcement action initiated by the Commission, however, any person's justifiable reliance upon the bulletin may be considered in mitigation of any penalty sought to be assessed.

If anyone has questions regarding this opinion, please contact me at (207) 287-1375 or at nathan.dore@maine.gov.

Faithfully,

A handwritten signature in black ink, appearing to read 'Nathan Dore', with a stylized, flowing script.

Nathan Dore
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