

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:

Final Rule on Ultra-Wideband
Transmission Systems

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)

ET Docket No. 98-153

FCC Docket No. 02-48

PETITION OF THE
AMERICAN GAS ASSOCIATION AND THE AMERICAN PUBLIC GAS ASSOCIATION FOR
RECONSIDERATION OF THE FINAL RULE

Filed By:

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Submitted: June 17, 2002

June 17, 2002

The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 12th Street, N.W.
Washington, D.C. 20554

Re: Petition for reconsideration
ET Docket No. 98-153; FCC Docket 02-48
Final Rule on Ultra-Wideband Transmission Systems

Dear Chairman Powell:

The American Gas Association (AGA) and the American Public Gas Association (APGA) represent 187 investor owned utility companies and 970 municipally owned utilities, respectively, that deliver natural gas to more than 52 million homes, businesses and industries throughout the United States. The Associations are concerned the above referenced final rule will significantly hinder the development of ground penetrating radar (GPR) technologies that enhance efforts to locate underground facilities. The Associations therefore submit the attached petition for reconsideration.

Respectfully submitted:

Phil Bennett
By: _____
Philip Bennett
Senior Counsel and Director
American Gas Association

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Final Rule on Ultra-Wideband)
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ET Docket No. 98-153
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**PETITION BY THE AMERICAN GAS ASSOCIATION AND
THE AMERICAN PUBLIC GAS ASSOCIATION FOR RECONSIDERATION
OF FINAL RULE**

I. Background

The American Gas Association (AGA) and the American Public Gas Association (APGA) represent 187 investor owned utility companies and 970 municipally owned utilities, respectively, that deliver natural gas to more than 52 million homes, businesses and industries throughout the United States. Their member companies account for 90 percent of all natural gas delivered by local natural gas distribution companies. AGA is an advocate for local natural gas utility companies and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international gas companies and industry associates. Natural gas meets one-fourth of the United States' energy needs and is the fastest growing major energy source.

Natural gas utilities own and operate more than 1.2 million miles of gas pipelines in the U.S. All facility owners and excavators share the responsibility of protecting the underground infrastructure to ensure homeowners and businesses experience safe, reliable service from their utility providers. AGA is concerned that the Federal Communications Commission final rule on Ultra-wideband Transmission Systems, 67 Fed. Reg. 34852, May 16, 2002, will significantly hinder the development of ground

penetrating radar (GPR) technologies that enhance efforts to locate underground facilities. The Associations therefore submit this petition for reconsideration.

II. Petition Filing

The final rule was published in the federal register on May 16, 2002. The petition for reconsideration was timely filed. The petition to reconsider is also justified because the Associations believe that there are additional facts not known or not existing until after the petitioner's last opportunity to comment.

III. Comments for Reconsideration

Providing safe and reliable service to customers is the highest priority in the natural gas industry. The industry spends an estimated \$6.4 billion each year to ensure that natural gas is delivered safely and efficiently throughout the United States. In the past 15 years, approximately 58% of all Department of Transportation reportable incidents involving escaping natural gas were from excavation damage to buried gas lines. Therefore, it is critical that we identify and utilize innovative locating technologies that ensure underground facilities are located accurately for all proposed excavation.

AGA and AGPA support the efforts of the Common Ground Alliance to provide comments to the FCC regarding the need for ground penetrating radar. AGA and APGA are strong supporters of the CGA, a national non-profit organization sponsored by the U.S. Department of Transportation and dedicated to promoting shared responsibility between all stakeholders in damage prevention. The CGA achieves this through promotion of its best practices. The practices are agreed to by consensus of all 15 of its stakeholders including, natural gas, operators telecommunications, electric utilities, excavators, liquid pipelines, locators, equipment services, engineering, private water, government regulators, road builders, One-Call, railroad, public works, and insurance companies. What makes the CGA unique is that it is a member-driven organization where all stakeholders have an equal voice in its decision-making. Eliminating damage to underground facilities is the mission of the CGA.

The final rule acknowledges the role GPRs provide in safety and provides that the systems may be used by fire and emergency rescue organizations, by scientific

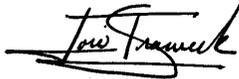
research organizations, by commercial mining companies, or by construction companies. See section 47 CFR 15.509 (b)(1). AGA and APGA believe at a minimum 15.509(b)(1) should be expanded to include use of GPRs by natural gas pipeline operators.

In conclusion, the AGA is deeply concerned about the proposal to limit the use of UWB technologies. We concur with and support the comments submitted by the National Utility Contractors Association (NUCA) on June 13, 2002 in a letter to FCC Chairman Michael K. Powell.

Respectfully submitted,

AMERICAN GAS ASSOCIATION

AMERICAN PUBLIC GAS ASSOCIATION



By: _____
Lori S. Traweek
Senior-Vice President

By: _____
Robert Cave
President

Date: June 17, 2002

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