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Stacey W. Goff
Executive Vice President and General Counsel
LUMEN d/b/a CENTURYLINK
100 CenturyLink Drive
Monroe, LA 71203

RE: One Call Violations

Dear Mr. Goff:

I am an attorney with the Iowa Attorney General's Office ("Office"), and our office is responsible for investigating complaints of alleged violations of Iowa's One Call law (Iowa Code chapter 480). The alleged violations may include conducting excavations contrary to the requirements set forth in the statute, but also the untimely or inaccurate locating and marking of underground facilities.

The State has received numerous complaints over the last three (3) years against CenturyLink, alleging the company has repeatedly failed to timely and accurately locate and mark underground facilities. The Iowa Utilities Board ("IUB") conducted investigations, on behalf of our Office, about whether the locating and marking of the underground facilities at issue in these complaints was conducted in compliance with Iowa law.

As indicated in the attached spreadsheet, after reviewing the investigatory files for the complaints against CenturyLink, our Office has confirmed CenturyLink violated Iowa's One Call Law on twelve (12) separate occasions in the prior three (3) years. Also attached are the summaries prepared by the IUB for each of the twelve cases. Complete investigative files for each case are available if requested but have not been provided due to size of the files.

In some instances CenturyLink, through United States Infrastructure Company ("USIC")—whom CenturyLink has contracted with to conduct locating and marking services on its behalf to meet the requirements of Iowa's One Call law—admits to the violation. CenturyLink also explains the remedies it has taken in some instances where the violations occurred, including, but not limited to, training of staff, employee discipline, or hiring additional staff. In several instances, CenturyLink argues no violation occurred, but, as indicated in the

parentheticals in “Remedy/Response” column of the attached spreadsheet, our Office disagrees and concludes CenturyLink committed a violation.

As I am sure you are well aware, violations of Iowa’s One Call requirements can lead to delays in completing planned excavations, resulting in increased expenses and labor for excavators and those who hire excavators to conduct excavations. Violations involving the inaccurate locating and marking of underground facilities are particularly concerning because they can lead to striking and damaging of underground facilities, which in turn can cause injury, or worse, to excavators, workers, first responders, and citizens, and/or lead to the loss of essential services to customers, businesses, and governmental agencies.

The aforementioned violations of Iowa’s One Call requirements can also have impacts on the State of Iowa’s One Call infrastructure itself. In 2021, our Office and the IUB have received an influx of complaints concerning USIC’s ability to timely locate underground facilities. USIC’s delays in timely locating and marking underground facilities have created a backlog at Iowa’s Statewide One Call Notification Center and impeded the Center’s ability to timely process incoming, live locate requests as it addresses the backlog of non-response tickets from USIC. While the impacts and delays have alleviated somewhat, there are still anecdotal reports of locate delays of 3+ days, and in some instances, 1 week or more.

During a fact-finding inquiry before the Iowa One Call Board’s Legislative Committee on Friday, May 7, 2021, when asked to explain the delays, USIC responded, in part, that the unanticipated early start to the construction season because of good weather, combined with several large fiber over-build projects, caused USIC to be unprepared for the influx of locate requests and had insufficient personnel to timely process and respond to the locate requests. Setting aside the veracity of any such claims, Iowa’s One Call requirements do not provide for an exception to the forty-eight (48) hour requirement to locate and mark underground facilities because of an early start to the construction season or insufficient personnel. Under Iowa’s One Call law, the legal responsibility to ensure the timely and accurate locating of underground facilities rests with the owner/operator. Owners/operators must address the persistent delays in locating and marking underground facilities with USIC.

Failure to timely and accurately mark the “horizontal location of the operator’s underground facility” constitutes a violation of Iowa Code section 480.4(3)(a)(1). Iowa Code section 480.6(1)(a) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation involving natural gas pipelines. Iowa Code section 480.6(1)(b) authorizes the Attorney General to seek civil penalties up to a maximum of One Thousand Dollars (\$1,000) per day of each such violation to all other underground facilities. Injunctive relief is also authorized pursuant to Iowa Code section 480.7.

Our Office understands that CenturyLink receives thousands of locate requests each year, and while our Office appreciates CenturyLink’s substantial compliance with and long-standing

support for Iowa's One Call program, the purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Notwithstanding CenturyLink's past compliance and support, failure to comply in the future and eliminate the untimely and inaccurate locates of CenturyLink's underground facilities may result in judicial enforcement proceedings initiated by our office pursuant to Iowa Code sections 480.6 and 480.7.

Thank you for your attention to this matter.

Sincerely,

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