



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

September 29, 2023

Via Email

Ms. Katherine Collier  
Executive Secretary  
Mississippi Public Service Commission  
PO Box 1174  
Jackson, MS 39215-1174

Dear Executive Secretary Collier:

On August 1, 2023, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Mississippi Underground Facilities Damage Prevention Board's ("Board") enforcement of the Mississippi excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code § 60114 and 49 Code of Federal Regulations (CFR) Part 198, Subpart D -- State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the enforcement of Mississippi's excavation damage prevention law is "adequate."

PHMSA evaluates a state's excavation damage prevention enforcement program based on the criteria detailed in 49 CFR 198.55 and scores the state's compliance with those criteria. Although the Board's enforcement program was deemed "adequate" for calendar year (CY) 2022, this is not a finding by PHMSA that the state program has no room to further improve the program's effectiveness. Accordingly, PHMSA would like to bring to your attention an area of improvement involving the requirements of 49 CFR 198.55(a)(3). This is one of the evaluation criteria for a state's program and assesses, in part, whether the state is "assessing civil penalties and other appropriate sanctions for violations at levels sufficient to deter noncompliance." In CY 2022, Mississippi's gas distribution operators reported a total of 1,490 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, 257 of these damages were submitted as complaints to the Board, but only four of those led to the assessment of a civil penalty.

On April 21, 2021, PHMSA communicated this same concern. In our view, there has been limited progress in the application of effective enforcement processes and no discernable improvement in excavation safety since then. To avoid a potential determination of "inadequacy"

in the future, PHMSA encourages the Board to evaluate how it may improve its program and provide an update to PHMSA relative to this issue within 60 days from receipt of this letter.

PHMSA appreciates your dedication to safety. As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which have resulted in fatalities, serious injuries, and environmental damage. Nationwide statistics show that effective enforcement of state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety.

Should you or your staff have any questions regarding this letter, please contact Mr. David Appelbaum, PHMSA State Evaluator, at (202) 617-6329 or by email at David.Appelbaum@dot.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zach Barrett", with a long, sweeping flourish extending to the right.

Zach Barrett  
Director, State Programs

cc: Mr. Rickey Cotton, Director, Pipeline Safety Division, Mississippi Public Service Commission