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November 5, 2001

The Honorable Rosemary Waldorf
Town of Chapel Hill
306 North Columbia St.
Chapel Hill, NC 27516

Dear Mayor Waldorf,

PSNC Energy has reviewed Section 5.12.2 – "Other Utilities" of the second draft of the Town's proposed development ordinance, restated below:

- (c) No Certificate of Occupancy for a structure shall be issued until the following documents have been submitted to the Town Manager:
- (1) Certification or certifications from the appropriate utilities that all facilities necessary to provide electric, gas, telephone, and/or CATV service to such structure have been completed to the standards of the appropriate utilities; and
 - (2) As-built construction drawings of those completed electric, gas, telephone, and CATV facilities located within a public right-of-way or easement.

With regards to **subsection (c)(1)**, PSNC Energy is regulated by the Department of Transportation's Office of Pipeline Safety, and will not provide service to any customer until all facilities necessary to provide natural gas service have been completed to both DOT and PSNC Energy standards. We believe this proposed requirement is redundant to the federal rules and regulations, and therefore serves little value to the Town and PSNC Energy.

With regards to **subsection (c)(2)**, PSNC Energy is hesitant to provide as-built drawings to someone outside of our company, for the following two reasons:

- The drawings would have to comply with NC General Statute 89-C, of which utilities are exempt if the drawings are for its own use. PSNC Energy is not adequately staffed to provide quality as-built drawings via our engineering department. We believe this requirement would add undue hardship to our company and provide little value to the Town, as we currently provide free locating services per the North Carolina One-call law to help identify facility locations;
- PSNC Energy is under heightened security, and the information contained in the provided drawing would be considered confidential. This most likely would require someone who uses or is in possession of this information to sign an agreement with PSNC Energy.

With these thoughts in mind, we respectfully request that subsection (c) be stricken from Section 5.12.2. If you would like to discuss this matter further, please feel free to contact Jerry O'Keeffe at 686-6868 or Ken Griffin at 598-7413.

Sincerely,

Jerry O'Keeffe
Director – External Relations

Ken Griffin
Operations Manager