

Direct Testimony of

Dale Kuhn, JULIE, Inc.

On Behalf of

Staff of the Illinois Commerce Commission

Village of Hoyleton

Docket No. 04-0081

March 5, 2004

1 **Q. Please state your name and business address.**

2 A. Dale Kuhn, 1209 Wakefield Drive, Springfield, Illinois 62704 (JULIE, Inc.,
3 3275 Executive Drive, Joliet, Illinois 60431).

4

5 **Q. By whom are you employed and in what capacity?**

6 A. I am the Central Illinois Damage Prevention Manager for the Joint Utility
7 Locating Information for Excavators (“JULIE, Inc.”), a not-for-profit
8 corporation with approximately 1,750 members. I am responsible for
9 implementing proactive outreach campaigns targeting members, potential
10 members, professional and non-professional excavators that promote the
11 use and growth of JULIE, Inc.

12

13 **Q. Please state your work history and educational background.**

14 A. I joined JULIE, Inc. in December 2003 after serving as the executive director
15 of the Illinois Municipal Utilities Association. I have also worked for White
16 County REMC, Coles-Moultrie Electric Cooperative, Eastern Illinois Electric
17 Cooperative, Illinois Power Company and the Central Illinois Public Service
18 Company.

19

20 I attended the University of Illinois at Urbana-Champaign and received a
21 Master of Business Administration Degree. I also attended Western Illinois
22 University where I received Master of Science/Education and Bachelor of
23 Science/Education Degrees.

24

25 **Q. On whose behalf are you testifying?**

26 A. I am testifying on behalf of the Staff of the Illinois Commerce Commission
27 (“Staff”).

28

29 **Q. What is the purpose of your testimony?**

30 A. I will explain the steps that JULIE has taken, in general, to assist utility
31 facility operators in compliance with Section 3 of the Underground Utility
32 Facilities Damage Prevention Act, 220 ILCS 50 (“the Act”). I will also detail
33 the contacts that JULIE has had with the Village of Hoyleton (“Hoyleton” or

34 "Village") with regard to JULIE membership and explain its membership
35 status as of this date.

36

37 **Q. In general, what steps has JULIE taken to assist utility facility**
38 **operators to comply with Section 3 of the Act?**

39 A. Our team implemented a variety of proactive outreach methods and
40 traveled across the state to meetings with public works directors, village
41 officials and representatives from potential members. We met one-on-
42 one and in group settings to review membership forms, explain the JULIE
43 system and to answer questions.

44

45 Letters, newsletter articles and flyers were sent to village representatives.
46 News releases were sent to statewide newspaper publications. JULIE
47 staff also attended municipal and industry events and functions to
48 promote membership, including the Illinois Municipal League conference.
49 The JULIE Web site also highlighted the importance of becoming a
50 member.

51

52 The Public Relations Department worked with the Illinois Commerce
53 Commission ("ICC" or "Commission") to send out Notice of Violation
54 letters in 2003.

55

56 **Q. What specific contacts has JULIE had with the Village of Hoyleton?**

57 A. JULIE sent letters to Hoyleton and many other potential members on the
58 following dates: February 28, 2003; November 7, 2002; September 27,
59 2002; and April 26, 2002. A membership packet and cost study summary
60 was sent to the Village on December 14, 2001 and again on February 12,
61 2004 (per Dale Sachtleben, City Clerk).

62

63 The February and November letters were written by the ICC Staff. Because
64 JULIE already had the database, equipment and staff to send out a large
65 mailing, JULIE offered to prepare and mail the letters on behalf of the ICC
66 Staff. Those letters were printed on ICC letterhead, and sent postage
67 prepaid in an envelope bearing the Commission's address as the return

68 address. Copies of the April and September 2002 letters sent to Hoyleton
69 are attached to this testimony as ICC Staff Exhibits 2.1 and 2.2,
70 respectively.

71

72 **Q. What is ICC Staff Exhibit 2.3?**

73 A. ICC Staff Exhibit 2.3 is a copy of the cost study summary provided to
74 Hoyleton in September 2002. The table shows the calculation of the
75 estimated annual membership costs based on the number of calls that the
76 potential member would have received over a designated 12 month period.
77 This information is typically used as a guide for budgetary reasons for new
78 members.

79

80 **Q. For the Village of Hoyleton, what was the estimated JULIE**
81 **membership cost and how was it determined?**

82 A. The annual call volume estimate for the village was 37. Depending upon
83 the delivery method option chosen by the member, this number would be
84 multiplied by either 80 cents for e-mail/printer (95 cents in 2004), \$1.30 for
85 fax (\$1.45 in 2004) or \$1.80 for manual (\$1.95 in 2004). The original cost is
86 the rate prior to April 2003 when a rate adjustment approved by the JULIE
87 Board went into effect (numbers in parenthesis). Most small facility
88 operators use either the fax or manual notification process because the
89 equipment costs are less.

90

91

92 **Q. Did you provide an estimated JULIE membership cost for Staff to use**
93 **in its penalty calculations?**

94 A. Yes. The number provided to Staff was the estimated number of tickets that
95 the Village would receive in a year. This was not the actual cost, but as
96 discussed above, was the number which could be multiplied by the cost of a
97 member's chosen delivery method option (e-mail/printer, fax or manual) to
98 arrive at a final cost estimate.

99

100 **Q. On February 10, 2004, the date this proceeding was initiated, was the**
101 **Village of Hoyleton a member of JULIE?**

102 A. No. JULIE, Inc. keeps a file on all current members of JULIE and also has a
103 list of potential members. The file is up-dated on a weekly basis. I checked
104 the file on February 20, 2004, and the Village of Hoyleton was not included
105 in the list of members on that date.

106

107 **Q. Is the Village of Hoyleton a JULIE member as of the date of this**
108 **testimony?**

109 A. No. I again checked the file on March 1, 2004, and the Village of Hoyleton
110 was not included in the list of members on that date.

111

112 **Q. Does this complete your direct testimony?**

113 A. Yes.



**JULIE, INC., 3275 EXECUTIVE DRIVE
JOLIET, IL 60431 (815) 741-5000**

April 26, 2002

The Honorable Ronald Holle
Village President
Village of Hoyleton
66 N. Park
Hoyleton, IL 62803-9999

Re: Compliance with Illinois State Law--JULIE Membership

Dear President Holle:

With only a few months for villages and cities to comply with a new state law, is your municipality a member of the Joint Utility Locating Information for Excavators (JULIE)? Over 70 municipalities and other owners and operators of underground facilities have already joined JULIE in the first quarter of the year, while many others are in the process of reviewing and completing membership forms.

Governor Ryan signed a bill last year, approved unanimously by members of the Illinois House and Senate, creating a true one-call process in the state by daily penalizing (\$100 per day/per offense) all non-participating underground facility operators who do not join JULIE, Inc., also known as the Illinois One Call System, by January 1, 2003. This new bill, effective July 1, 2002, provides for an administrative penalty program enforced through the Illinois Commerce Commission (ICC).

JULIE, Inc. is a not-for-profit organization that provides professional and non-professional excavators with a toll-free telephone number (1-800-892-0123) to call for the free locating and marking of underground facilities. JULIE currently has over 1,050 members and serves as a message handling service, taking information about planned excavations and distributing this information to its members. It is then the responsibility of each member to mark the location of their underground facilities at the excavation site.

Municipalities and other owners and operators of underground facilities are encouraged to begin the process of becoming a member of JULIE now. If you are interested in receiving a membership packet, which includes a helpful cost study summary for your budget process, *please contact one of JULIE's Field Liaisons, David Van Wy (847/635-7992 or 815/351-5002, Northern Illinois) or Raymond Muhs (618/662-2118 or 618/843-2513, Central and Southern Illinois).* For your convenience, you can also contact the Public Relations Department at 815/741-5000 or visit www.julie1call.com for information about the benefits of membership.

Thank you for your cooperation and commitment to safety.

Sincerely,

Kevin T. Chmura
Manager, Public Relations

Dig Safely Illinois.



**JULIE, INC., 3275 EXECUTIVE DRIVE
JOLIET, IL 60431 (815) 741-5000**

September 27, 2002

The Honorable Ronald Holle
Village President
Village of Hoyleton
66 N. Park
Hoyleton, IL 62803-9999

Dear President Holle:

Thank you for your commitment to safety.

On behalf of the Joint Utility Locating Information for Excavators (JULIE), I encourage you to comply with a new state law, related to public safety, which requires your municipality to join the Illinois One-Call System *before Jan. 1, 2003*.

According to amendatory language in the Illinois Underground Utility Facilities Damage Prevention Act, "the ICC has the power and jurisdiction to, and shall, enforce the provisions of the Act and may impose administrative penalties."

220 ILCS 50/11(f) states: As provided by Section 3 of this Act, all owners or operators who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of \$100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense.

The Governor signed a bill last year, approved unanimously by members of the Illinois House and Senate, creating a true one-call process in the state. This law defines underground utility facilities as, "wires, ducts, fiber optic cable, conduits, pipes, sewers and cables and their connected appurtenances installed beneath the surface of the ground . . ." (220 ILCS 50/2.2). If your municipality does not own or operate any underground utility facilities, please notify a JULIE representative listed below so that we can make a note that you do not need to be contacted again by JULIE or the ICC.

As mentioned in previous correspondence from JULIE, with less than three months to comply with state law, you are encouraged to begin the process of becoming a member immediately. Over 250 municipalities and other owners and operators of underground facilities have already joined JULIE this year, while others are in the final steps of completing membership forms. More information about the JULIE System, membership requirements and a copy of the Act are available at www.julie1call.com or <http://eweb.icc.state.il.us/julie/> (includes link to JULIE Web site).

JULIE, Inc. is a not-for-profit organization that provides excavators with a toll-free telephone number (1-800-892-0123) to call for the free locating and marking of underground facilities. JULIE currently has over 1,250 members and serves as a message service, taking information about planned excavations and distributing this information to its members. It is then the responsibility of each member to mark the location of their underground facilities at the excavation site.

Underground facility owners and operators that delay in requesting and/or completing information until later this year **cannot** be guaranteed membership or system activation by Jan. 1, 2003. **Please call one of JULIE's Field Liaisons, either David Van Wy (847/635-7992 or 815/351-5002, Northern Illinois) or Raymond Muhs (618/662-2118 or 618/843-2513, Central and Southern Illinois), for more information about membership today. Both are also available to meet with you.** For your convenience, you can also contact the JULIE Public Relations Department at 815/741-5000.

Sincerely,

Kevin T. Chmura
Manager, Public Relations



JULIE, Inc. Membership Cost Study Summary

This Summary shows the approximate cost for JULIE Membership. The message column indicates the number of calls that were received in your area last year. The cost is determined according to the method you would receive your messages.

Date: December 14, 2001
Potential Member: Village of Hoyleton
Contact Person: Dale Sachtleben
Address: 66 N. Park
City/State/Zip: Hoyleton, IL 62803
Phone Number: (618) 493-6100
County: Washington

Month	Messages Received in 2000	Printer/Email \$0.80 per message	Fax Machine* \$1.30 per message	Manually* \$1.80 per message
January	1	\$0.80	\$1.30	\$1.80
February	0	\$0.00	\$0.00	\$0.00
March	4	\$3.20	\$5.20	\$7.20
April	3	\$2.40	\$3.90	\$5.40
May	4	\$3.20	\$5.20	\$7.20
June	4	\$3.20	\$5.20	\$7.20
July	9	\$7.20	\$11.70	\$16.20
August	3	\$2.40	\$3.90	\$5.40
September	4	\$3.20	\$5.20	\$7.20
October	3	\$2.40	\$3.90	\$5.40
November	2	\$1.60	\$2.60	\$3.60
December	0	\$0.00	\$0.00	\$0.00
YEARLY TOTALS	37		\$48.10	\$66.60

**To receive your messages either by a fax machine or manually, the yearly total must be 300 or less.*

Questions? Please call the JULIE P. R. Department - (815)741-5005 or (815)741-5936.

COST STUDY REQUEST

Date Needed By: _____

JULIE Staff Requesting/Date: _____

Potential Member Name: VILLAGE OF HOYLETON

Contact Person: DALE SACHTLEBEN

Address: 66 N PARK

City: HOYLETON State: IL Zip Code: _____

Phone: (618) 493-6100 Fax: () _____

Cost Study Informational Area Covered by Potential Member's Facilities

County: WASHINGTON

City/Village: HOYLETON

Township: _____

Cost Study completed by/date: 12/13/01 [Signature]

Cost Study typed by/date: _____

Cost Study, letter, membership packet sent by/date: _____

**2001 Potental Member
Cost Study**

Company: Village of Hoyleton

County:	Washington	January	1
		February	0
		March	4
Place:	Hoyleton Cit	April	3
		May	4
		June	4
		July	9
		August	3
		September	4
		October	3
		November	2
		December	0
		Total	37

Done By: Lisa
12/13/01 10:51