

OR DISTURBED, THE PUBLIC SERVICE COMPANY SHALL NOTIFY THE PERSON WHO PROPOSES TO EXCAVATE AND SHALL MARK THE HORIZONTAL LOCATION OF THE UNDERGROUND FACILITY ON THE GROUND TO WITHIN THREE FEET ON EITHER SIDE OF THE UNDERGROUND FACILITY BY MEANS OF STAKES, PAINT, OR OTHER SUITABLE MEANS WITHIN TWO BUSINESS DAYS AFTER THE REQUEST. IN THE CASE OF EXTRAORDINARY CIRCUMSTANCES, IF THE PUBLIC SERVICE COMPANY CANNOT MARK THE LOCATION WITHIN TWO BUSINESS DAYS, THE COMPANY SHALL NOTIFY THE PERSON WHO PROPOSES TO EXCAVATE AND SHALL, IN ADDITION, NOTIFY THE PERSON OF THE DATE AND TIME WHEN THE LOCATION WILL BE MARKED.

(4) IF THE PUBLIC SERVICE COMPANY HAS NO UNDERGROUND FACILITY IN THE AREA OF THE PROPOSED EXCAVATION OR IF IT IS DETERMINED THAT A PROPOSED EXCAVATION, [[EXCEPT AN EXCAVATION BY BLASTING,]] IS NOT PLANNED WITHIN FIVE FEET OF AN UNDERGROUND FACILITY AS MEASURED IN THE HORIZONTAL PLANE, [[OR]] AND IF A PROPOSED EXCAVATION, BY BLASTING OR OTHER MEANS, IS NOT PLANNED IN SUCH PROXIMITY TO THE PUBLIC SERVICE COMPANY'S UNDERGROUND FACILITY THAT THE FACILITY MAY BE DAMAGED, THE PUBLIC SERVICE COMPANY SHALL ADVISE THE PERSON WHO PROPOSES TO EXCAVATE THAT MARKING IS UNNECESSARY. [[AND AND THAT THE PERSON MAY THEREFORE BEGIN THE EXCAVATION.]]

(5) NO PERSON SHALL BEGIN EXCAVATION PRIOR TO THE MARKING REQUIRED BY THIS SECTION OR NOTIFICATION BY EACH AND EVERY PUBLIC SERVICE COMPANY, OR BY THE ONE-NUMBER UTILITY PROTECTION SYSTEM, THAT MARKING IS UNNECESSARY.

(D) OBTAINING INFORMATION AS REQUIRED BY THIS SECTION DOES NOT EXCUSE ANY PERSON MAKING ANY EXCAVATION FROM DOING SO IN A CAREFUL AND PRUDENT MANNER, NOR SHALL IT EXCUSE ANY PERSON FROM LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE EXCAVATION.

(E) IN THE EVENT OF ANY DAMAGE TO OR DISLOCATION OR DISTURBANCE OF ANY UNDERGROUND FACILITY IN CONNECTION WITH ANY EXCAVATION, THE PERSON RESPONSIBLE FOR THE EXCAVATION OPERATIONS SHALL IMMEDIATELY NOTIFY THE OWNER OF THE FACILITY.

(F) IF ANY UNDERGROUND FACILITY IS DAMAGED BY ANY PERSON WHO HAS FAILED TO COMPLY WITH ANY PROVISION OF THIS SECTION, THAT PERSON SHALL BE DEEMED NEGLIGENT AND SHALL BE LIABLE TO THE OWNER OF THE UNDERGROUND FACILITY FOR THE TOTAL COST OF THE REPAIR.

(G) ANY PERSON WHO EXCAVATES WITHOUT FIRST NOTIFYING THE APPROPRIATE PUBLIC SERVICE COMPANIES AND OBTAINING INFORMATION CONCERNING THE LOCATION OF UNDERGROUND FACILITIES, AS REQUIRED BY THIS SECTION, AND