

(ii) "Contractor" includes a person who performs work under a contract or subcontract.

(2) "Excavation" means any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, tunnelling, scraping, cable or pipe plowing and driving, demolition, wrecking, razing, rending, moving or removing any structure or mass of material.

(3) "One-call system" means a communications network in the State that allows a person to call the telephone number of a one-number utility protection system.

(4) "Owner" means a public utility, telecommunications or cable television corporation, political subdivision, municipality, authority, or other person that:

- (i) Owns or operates an underground facility; and
- (ii) Has the right to bury an underground facility.

(5) "Person" means any individual, firm, joint venture, partnership, corporation, association, municipality, governmental unit, department or agency and shall include any trustee, receiver, assignee or personal representative thereof, provided, however, that nothing in this section shall apply to any excavation done by the owner of a private residence when said excavation is made entirely on the land on which the private residence is situated.

(6) (i) "Underground facility" means any item of personal property which shall be buried or placed below ground or submerged for use in connection with the storage or conveyance of water, sewage, electronic, telephonic, or telegraphic communications, electric energy, oil, gas or other substances, and shall include but not be limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments and those portions of poles below ground.

(ii) "Underground facility" does not mean or include any stormwater drains.

(c) (1) Any person operating a one-call system in the State shall register with and be certified by the Public Service Commission. The Commission shall have the authority to grant, amend, or revoke certificates of any such system. Any one-call system engaged in business on or before July 1, 1990 shall be automatically registered and certified, and authorized to continue its business operations.

(2) Each owner shall:

(i) File written notice with the Public Service Commission and give the telephone number of the person in each county of the State to whom calls concerning proposed excavation should be directed;

(ii) Be a member of a one-call system that has a telephone number filed with the Public Service Commission on behalf of all the owners;