

**EXHIBIT A TO FIRST AMENDED AND RESTATED  
MICHIGAN BEST PRACTICES CONTRACT**

**MICHIGAN BEST PRACTICES  
JULY 2006 EDITION**

## **MICHIGAN BEST PRACTICES**

(July, 2006 Edition)

Pursuant to Article IV of the First Amended and Restated Michigan Best Practices Contract (the "Contract"), the parties hereby declare and agree upon the following practices and procedures as the July, 2006 edition of Michigan Best Practices. This July, 2006 edition shall be governed by the terms and conditions of the Contract and is hereby incorporated into and made a part of the Contract pursuant to the provisions of Article IV thereof. Capitalized terms used but not defined herein shall have the meanings given such terms in the Contract. These Michigan Best Practices are supplemental to the provisions of the Miss Dig Act, P.A. 1974, No.53, as amended.

### **1. NORMAL NOTICE**

Anyone intending to excavate shall give notice (a "Dig Notice") to MISS DIG System, Inc. ("MISS DIG") of the intent to excavate at least 72 hours, but not more than 14 calendar days, before commencing the excavation. The 72 hour period shall be measured from the time the notice is made to MISS DIG, if the Dig Notice is made on a business day. For Dig Notices made before 7:00 am, the period begins at 7:00 am that day; for Dig Notices made after 5:00 pm, the period begins at 7:00 am on the next business day.

For purposes of these Best Practices, business days shall be deemed to commence at 7:00 am and expire at 5:00 pm. and shall exclude all Saturdays, Sundays and Legal Holidays.

If an excavator does not commence excavation within 14 calendar days of the date and time set forth in a Dig Notice, the excavator shall be required to give a new Dig Notice of the proposed commencement of excavation and the prior Dig Notice shall be null and void.

### **2. LOCATING OF NORMAL NOTICE**

An Underground Facility Owner shall stake or otherwise mark its Underground Facilities by the dig start date and time set forth in such Dig Notice.

### **3. NOTICE TO MICHIGAN FACILITIES OWNERS POSITIVE RESPONSE SYSTEM**

An Underground Facility Owner, upon determining that it has no Underground Facility in the area of planned excavation as described in a Dig Notice, shall

make this information available through an automated positive response system administered by MISS DIG (effective as of January 1, 2003) or by other reasonable means prior to the dig start date and time as set forth in the Dig Notice.

#### **4. NO MARKS**

If the excavator, having commenced excavation within the 14 calendar day period on or after the dig start date and time as set forth in the Dig Notice, has cause to be concerned about the presence of an unmarked facility(s) because:

- (i) there is visible evidence of a facility(s),
- (ii) a noticed Underground Facility Owner failed to provide a positive response, or
- (iii) there exists a positive response indicating a location was marked, but the marks are missing,

then the excavator shall give notice to the potential unmarked Underground Facility Owner(s) by contacting MISS DIG. Upon notification of this situation to MISS DIG, the Underground Facility Owner shall respond within three (3) hours; unless a later time period for response is agreed upon by the excavator and the Underground Facility Owner.

#### **5. ADDITIONAL ASSISTANCE**

If the location of a facility is marked, but the precise location of the marked Underground Facilities cannot be established after a reasonable attempt, and, the excavator commenced the excavation within the 14 calendar day period on or after the dig start date and time as set forth in the Dig Notice, the excavator may contact MISS DIG and request that the Underground Facility Owner provide additional assistance.

If such additional assistance is requested on a business day, the Underground Facility Owner shall provide such additional assistance within three (3) hours of such request, or such later time as the parties shall mutually agree.

If such additional assistance is requested at any time other than during normal working hours between 7:00 am and 5:00 pm on a business day, the Underground Facility Owner shall provide additional assistance at a mutually agreed upon time, or within three (3) hours of the commencement of the next business day following the request, whichever is earlier.

## **6. EXTENSION OF TIME DUE TO FORCE MAJEURE DELAY**

If, due to reasons of force majeure, including acts of God, acts of the government, acts of the public enemy, fires, floods, epidemic, labor disputes with its employees, or other unforeseeable causes shown to be not the fault of and beyond the control of the Underground Facility Owner, the Underground Facility Owner is prevented from performing its obligations within the times specified in these Michigan Best Practices, the times specified herein shall be extended to afford the Underground Facility Owner additional time to complete performance. In no event shall any extension of the times specified herein for the Underground Facility Owner to perform its obligations under these Michigan Best Practices exceed the lesser of two times (2x) the time specified herein for any given response or the time for performance of the activity for which a time is specified in the Michigan Miss Dig Act, P.A. 1974, No. 53, as amended. To avail itself of the extension of time provided herein, an Underground Facility Owner shall, immediately upon the occurrence of a force majeure event, provide written notice to the Secretary of the Michigan Damage Prevention Board (MDPB), that due to force majeure circumstances, the Underground Facility Owner is claiming the extension of time provided herein. Such written notice shall be provided either electronically via email or via facsimile to the MDPB Secretary and shall substantially comply with the form and content of the written notice form attached hereto as Appendix 1. The MDPB Secretary shall immediately distribute the notice to all parties to the Michigan Best Practices Contract. Upon expiration or termination of the force majeure event contained in the initial notice, the party suffering the force majeure shall provide notice of the date and time of the termination of the force majeure event to the MDPB Secretary, who will in turn, distribute the notice of termination of force majeure event to all other parties to the Michigan Best Practices Contract. Nothing herein contained shall prohibit a party requesting service under these Michigan Best Practices from challenging the validity of the claimed force majeure delay and pursuing the remedies provided in the Best Practices Contract.

## **7. PERPENDICULAR CROSSING OF UNDERGROUND FACILITY(IES) BY OPEN CUT CONSTRUCTION: SAFE / CAUTION ZONE**

### **A. PROCEDURES:**

- 1. Safe Zone:** If no visible or obvious evidence of other Underground Facilities are present, the excavator may use power excavation equipment 60” or farther away from the approximately marked Underground Facility(s) location.
- 2. Caution Zone:** Within 60” of the approximately marked facility location, the excavator shall employ hand dug test hole(s) or other similar means of soft excavation to establish the precise location of the Underground Facility(s) before proceeding into the Caution Zone.

8. **PARALLEL OPEN CUT CONSTRUCTION  
OF UNDERGROUND FACILITY (IES)**

A. **PROCEDURES:**

For parallel type excavations, within the **Caution Zone**, the excavator shall employ hand dug test holes or other similar means of soft excavation at intervals as often as reasonably necessary to establish the precise location of the Underground Facility(s) before digging.

9. **LENGTH OF TICKET (TICKET LIFE)**

MISS DIG notification to excavate tickets are valid for 21 days from the dig start date, unless the excavator has provided information that the job specified will not be completed within 21 days from the dig start date, in which case the ticket is valid for 180 days from the dig start date.

**APPENDIX 1 TO MICHIGAN BEST PRACTICES (2006 EDITION)**

**NOTICE OF FORCE MAJEURE DELAY IN SERVICE**

**To: Secretary of the Michigan Damage Prevention Board**

PLEASE TAKE NOTICE that pursuant to Paragraph 6 of the Michigan Best Practices (June, 2006 Edition), there will be a delay in providing utility locating services. This delay in service is due to *<describe/state nature of force majeure circumstances causing delay in service >*

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<Underground Facility Owner Name> Notice issued: \_\_\_\_\_, 200\_\_ at \_\_\_\_ .m.  
<print name of person issuing notice> Via Facsimile to:(\_\_\_\_) \_\_\_\_ - \_\_\_\_\_  
Via Email to: \_\_\_\_\_

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**NOTICE OF TERMINATION OF FORCE MAJEURE DELAY IN SERVICE**

**To: Secretary of the Michigan Damage Prevention Board**

PLEASE TAKE NOTICE that the force majeure delay in service described above or notice of which was given to you on \_\_\_\_\_, 20\_\_ due to *<description of force majeure event or condition described in intitial notice>* has expired or has otherwise terminated as of \_\_\_\_\_, 20\_\_ at \_\_\_\_:\_\_\_\_.m.

<Underground Facility Owner Name> Notice issued: \_\_\_\_\_, 200\_\_ at \_\_\_\_ .m.  
<print name of person issuing notice> Via Facsimile to:(\_\_\_\_) \_\_\_\_ - \_\_\_\_\_  
Via Email to: \_\_\_\_\_