

Re: Docket OR00-001

02/17/00 - Proposed Rules

02/17/00 - Admission of Service signed by the Secretary of Department of Commerce and Regulation

02/17/00 - Waiver of Waiting Period signed by the Secretary of Department of Commerce and Regulation

02/17/00 - Fiscal Note

02/17/00 - Notice of Public Hearing to Adopt Rules

02/17/00 - Letter to Capital Journal

02/17/00 - Letter to Brookings Register

02/17/00 - Letter to Black Hills Pioneer

02/18/00 - Admission of Service signed by Bureau of Finance and Management

02/18/00 - Admission of Service signed by Legislative Research Council

02/18/00 - Affidavit of Mailing Notice to Interested Parties

02/24/00 - Fiscal Note signed by Bureau of Finance and Management

03/02/00 - Letter from the Legislative Research Council Regarding Changes to the Proposed Rules

03/07/00 - Affidavit of Publication (Black Hills Pioneer)

03/07/00 - Affidavit of Publication (Capital Journal)

03/09/00 - Affidavit of Publication (The Brookings Register)

03/16/00 - Comments from Underground Utility Locating

03/24/00 - Comments from South Dakota Bureau of Administration

03/24/00 - Comments from Associated General Contractors of South Dakota, Inc.

03/27/00 - Comments from MidAmerican Energy

04/01/00 - Minutes of Hearing

05/09/00 - Affidavit

05/10/00 - Letter to Paul Lowe

05/10/00 - Letter to Curtis T. Pohl

05/18/00 - Approval of Rules

05/19/00 – Certificate

06/07/00 - Letters to Doug Decker and Joyce Hazeltine

06/07/00 - Docket Closed

20:25:01:01. Definitions. Terms defined in SDCL 49-7A-1 have the same meaning when used in this article.

(1) "Ticket," a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

(2) "Excavation Site," the specific location where an excavation will occur.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

20:25:03:01 Operator participation.

20:25:03:01.01 Operator requirements for receiving tickets.

20:25:03:02 Membership classes.

20:25:03:03 Membership fees.

20:25:03:04 Information required to be submitted by all operators.

20:25 03:05 Color standards for marking underground facilities.

20:25:03:06 Excavating near sensitive telecommunication facilities.

20:25:03:07 Requirements for operation of a one-call notification center.

20:25:03:08 Ticket standards.

20:25:03:09 Procedures for marking sites which are impractical to flag, mark or describe.

20:25:03:10 Operator requirements after receipt of the ticket.

20:25:03:11 Petition for declaratory rulings.

20:25:03:12 Board action on petition.

20:25:03:01.01. Operator requirements for receiving tickets. All operators who receive more than an average of thirty (30) tickets per month in any three consecutive months shall receive tickets in an electronic format other than by voice telephone.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:04. Information required to be submitted by all operators. Each operator shall provide information to the one-call center that locates the operator's underground facilities. This information shall be provided in a format compatible with the computer software systems used by the one-call notification center. Such information must be supplied by quarter section, section, range, township, and county and may also include any of the following:

- (1) A specific street or rural address which is numbered and is on a marked street or avenue that is publicly recorded;
- (2) Platted lot number of record; or
- (3) Similar identifying information which can be placed into the center's database to locate the operator's facilities.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-6.

20:25:03:05. Color standards for marking underground facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall use the following color standards:

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink; ~~and;~~
- (7) Proposed excavation boundaries - White; ~~and;~~
- (8) Reclaimed water, irrigation and slurry lines - Purple.

Source: 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:07. Requirements for operation of a one-call notification center.

The one-call notification center shall provide the following services:

- (1) Accept location requests from the excavator twenty-four (24) hours a day, seven (7) days a week;
- (2) Accept tickets by telephone call, facsimile transmission, and remote entry from a computer terminal;
- (3) At close of each location request, confirm with the excavator all information

provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request:

(4) Record all conversations which pertain to a location request:

(5) Maintain a copy of the conversations and tickets for a period of seven years:

and

(6) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at a fee, set by the one-call notification center.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time entered on tickets shall be stated as central standard time or central daylight time when it is in effect:

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them:

(3) A separate ticket shall be issued for each excavation site:

(4) On a continuous job site, a ticket shall be issued for each separate road, street, or avenue and may include multiple adjacent properties; and

(5) A modified ticket may be issued if the excavator determines that inaccurate information was provided on the original request. Upon its issuance the modified ticket will supersede the original ticket. Revised information will only be accepted from the excavator identified on an original ticket. The start time on the modified ticket will be

two (2) working days from the issuance of the modified ticket.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark or describe. When it is impractical to flag, mark or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 9 o'clock a.m. and 3 o'clock p.m. and appointments for this shall be scheduled not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in SDCL 49-7A-6, in writing, at the time of the appointment; and

(3) When the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:10. Operator requirements after receipt of the ticket. If multiple underground facilities exist, the operator shall separately mark each underground facility. If any underground facilities cannot be separately marked, the excavator shall be notified of the existence of the unmarked underground facilities.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:11. Petition for Declaratory Rulings. Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota

One-Call Notification Board

Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and quote the pertinent statute, rule, or order).

(2) The facts and circumstances which give rise to the issue to be answered by the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at _____ (city and state), this _____ day of _____, 19____.

(Signature of petitioner)

General Authority: SDCL 49-7A-2, 49-7A-3, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:03:12. Board action on petition. Upon receipt of the petition for declaratory ruling, the board may request from petitioner such other or further information as may be required for the issuance of its ruling. Within 120 days after the filing of the petition or within 120 days following the receipt of further requested information, the board shall issue its declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

General Authority: SDCL 49-7A-2, 49-7A-3, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:04:01. Competitive bidding procedures. The board shall issue requests for proposals describing the services and the specifications required for the one-call notification center. Following ~~competitive bidding~~ receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one or more than three years. The board may extend the term of the agreement for periods which do not exceed a total of three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-4, 49-7A-7.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01; and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 17th day of February, 2000.

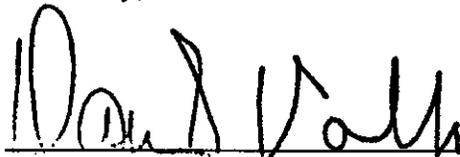

Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the One-Call Notification Board's proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

Dated this 17th day of February, 2000.


Secretary of Department of Commerce and Regulation

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	13	Department of Commerce & Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1396	One-Call Notification Board

PROPOSED RULE 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07,
 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and
 Hearing Date March 16, 2000 20:25:04:01

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
TOTAL	0	0
Local Subdivisions:		
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
TOTAL	0	0

APPROVED *Todd R Chambers* DATE 2/17/00
 Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

EXPLANATION OF RULES EFFECT

The One-Call Notification Board will hold a public hearing at RDT-Aberdeen-NSU1, Northern State University, Beulah Williams Library, Rooms 117 and 118, 1200 South Jay Street, Aberdeen, South Dakota, RDT-Brookings-SDSU2, South Dakota State University, 101 Pugsley Center, Rooms 203/205, 8th and Medary Avenue, Brookings, South Dakota, RDT-Pierre-Studio A, State Capitol, Room B12, 500 East Capitol, Pierre, South Dakota, RDT-Rapid City-RCRH, Rapid City Regional Hospital, 353 Fairmont Boulevard, Rapid City, South Dakota, and RDT-Sioux Falls-STI, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota, on March 16, 2000, at 11:00 a.m., to consider the adoption and amendment of proposed rules numbered §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes new rules and modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, two new definitions are added. One definition is for the word "ticket" as that term is used throughout the rules. It is a document used in the one-call notification process and is defined as such. The second definition is for the term "excavation site." That term means the specific location where an excavation will occur.

In section 20:25:03:01.01 a new rule is proposed which will require operators of underground facilities who receive more than an average of thirty tickets per month in any three consecutive months to receive them by an electronic means other than voice telephone.

In section 20:25:03:04, this rule is modified to provide that when an operator of underground facilities provides information to the one-call notification center, such information must be provided to that center in a format which is compatible with the computer software used by the one-call notification center.

In section 20:25:03:05, in the marking of underground facilities, a new color, purple, is added for marking reclaimed water, irrigations and slurry lines.

In section 20:25:03:07, the services that the one-call notification center is to provide are specified to include: (1) accepting location requests from excavators twenty-four hours a day, 7 days a week; (2) accepting of tickets by telephone call, facsimile transmission and remote entry from a computer terminal; (3) confirmation of certain information with an excavator; (4) recording of location request conversations; (5) maintaining copies of recorded conversations and tickets for seven years; and (6) providing copies of retained recordings and tickets, at a fee, to operators or excavators upon their request for either of these records.

In section 20:25:03:08, a new rule describes how location tickets are to be prepared. This rule includes specifications as to how time is shown on tickets, in whose name they may be issued and the fact that they are not transferrable, the necessity of a ticket for each excavation site, how continuous job sites are to be addressed on tickets, and the modification of tickets .

In section 20:25:03:09, a new section is proposed to address procedures when it is impractical to flag, mark or describe an excavation site. The scheduling and timing of on-site meetings is set. The identity of the excavation site must be in writing if the appointment requests do not identify an excavation site. A time limit of forty-eight hours after an on-site meeting is imposed upon the operator of underground facilities for it to complete the marking.

In section 20:25:03:10, a new rule is proposed to address situations where multiple underground facilities exist. They are to be separately marked and if this is impossible, the excavator is to be notified of the existence of unmarked underground facilities.

In section 20:25:03:11, a new rule is proposed which sets forth a procedure for seeking a declaratory ruling from the One-Call Notification Board. This procedure is mandated by SDCL 1-26-15.

In section 20:25:03:12, a new rule is proposed which sets the procedure for the One-Call Notification Board on requests for declaratory rulings and sets the time at 120 days for the action to be concluded.

In section 20:25:04:01, the existing rule for competitive bidding is clarified in that it uses requests for proposals and grants the One-Call Notification Board the authority to extend the term of an agreement with the one-call notification center for up to three years.

Since the reasons for the proposed rules are to clarify one-call notification procedures, there are no fiscal impacts on state agencies or local governmental subdivisions.

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

A public hearing will be held at RDT-Aberdeen-NSU1, Northern State University, Beulah Williams Library, Rooms 117 and 118, 1200 South Jay Street, Aberdeen, South Dakota, RDT-Brookings-SDSU2, South Dakota State University, 101 Pugsley Center, Rooms 203/205, 8th and Medary Avenue, Brookings, South Dakota, RDT-Pierre-Studio A, State Capitol, Room B12, 500 East Capitol, Pierre, South Dakota, RDT-Rapid City-RCRH, Rapid City Regional Hospital, 353 Fairmont Boulevard, Rapid City, South Dakota, and RDT-Sioux Falls-STI, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota, on March 16, 2000, at 11:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07,
20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and
20:25:04:01

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes new rules and modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, two new definitions are added. One definition is for the word "ticket" as that term is used throughout the rules. It is a document used in the one-call notification process and is defined as such. The second definition is for the term "excavation site." That term means the specific location where an excavation will occur.

In section 20:25:03:01.01 a new rule is proposed which will require operators of underground facilities who receive more than an average of thirty tickets per month in any three consecutive months to receive them by an electronic means other than voice telephone.

In section 20:25:03:04, this rule is modified to provide that when an operator of underground facilities provides information to the one-call notification center, such information must be provided to that center in a format which is compatible with the computer software used by the one-call notification center.

In section 20:25:03:05, in the marking of underground facilities, a new color, purple, is added for marking reclaimed water, irrigations and slurry lines.

In section 20:25:03:07, the services that the one-call notification center is to provide are specified to include: (1) accepting location requests from excavators twenty-four hours a day, 7 days a week; (2) accepting of tickets by telephone call, facsimile transmission and remote entry from a computer terminal; (3) confirmation of certain information with an

excavator; (4) recording of location request conversations; (5) maintaining copies of recorded conversations and tickets for seven years; and (6) providing copies of retained recordings and tickets, at a fee, to operators or excavators upon their request for either of these records.

In section 20:25:03:08, a new rule describes how location tickets are to be prepared. This rule includes specifications as to how time is shown on tickets, in whose name they may be issued and the fact that they are not transferrable, the necessity of a ticket for each excavation site, how continuous job sites are to be addressed on tickets, and the modification of tickets .

In section 20:25:03:09, a new section is proposed to address procedures when it is impractical to flag, mark or describe an excavation site. The scheduling and timing of on-site meetings is set. The identity of the excavation site must be in writing if the appointment requests do not identify an excavation site. A time limit of forty-eight hours after an on-site meeting is imposed upon the operator of underground facilities for it to complete the marking.

In section 20:25:03:10, a new rule is proposed to address situations where multiple underground facilities exist. They are to be separately marked and if this is impossible, the excavator is to be notified of the existence of unmarked underground facilities.

In section 20:25:03:11, a new rule is proposed which sets forth a procedure for seeking a declaratory ruling from the One-Call Notification Board. This procedure is mandated by SDCL 1-26-15.

In section 20:25:03:12, a new rule is proposed which sets the procedure for the One-Call Notification Board on requests for declaratory rulings and sets the time at 120 days for the action to be concluded.

In section 20:25:04:01, the existing rule for competitive bidding is clarified in that it uses requests for proposals and grants the One-Call Notification Board the authority to extend the term of an agreement with the one-call notification center for up to three years.

The reasons for the proposed rules are to clarify one-call notification procedures.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by March 27, 2000, to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

February 17, 2000

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Shirleen Fugitt
Mary Giddings
Lewis Hammond
Leni Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦

Capital Journal
P. O. Box 878
Pierre, SD 57501

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by February 24, 2000.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Camron Hoseck
Staff Attorney

CH:dk
Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

February 17, 2000

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Shirleen Fugitt
Mary Giddings
Lewis Hammond
Leni Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦

Brookings Register
P. O. Box 177
Brookings, SD 57006

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by February 24, 2000.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Camron Hoseck
Staff Attorney

CH:dk
Enc.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

February 17, 2000

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.puc.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Shirleen Fugitt
Mary Giddings
Lewis Hammond
Leni Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Aiits Wiest
♦

Black Hills Pioneer
P. O. Box 7
Spearfish, SD 57783

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by February 24, 2000.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Camron Hoseck
Staff Attorney

CH:dk
Enc.

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 18th day of February, 2000.


Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01,
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 18th day of February, 2000.



Legislative Research Council

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on February 18, 2000, I mailed a copy of the notice attached to this affidavit to the list of persons attached to this affidavit. I further swear that the attached list is a true and correct list of all persons who have usually been given notice of the activities of the One-Call Notification Board as furnished to me by that Board's Executive Director and it is my belief that these parties would want advance notice of rulemaking proceedings by the One-Call Notification Board.



Delaine Kolbo

Subscribed and sworn to
before me this 18th day
of February, 2000.



Notary Public - South Dakota

(SEAL)

My Commission Expires
_____, 19__.

CAMRON HOSECK
Notary Public
My Commission Expires Mar. 15, 2005

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

A public hearing will be held at RDT-Aberdeen-NSU1, Northern State University, Beulah Williams Library, Rooms 117 and 118, 1200 South Jay Street, Aberdeen, South Dakota, RDT-Brookings-SDSU2, South Dakota State University, 101 Pugsley Center, Rooms 203/205, 8th and Medary Avenue, Brookings, South Dakota, RDT-Pierre-Studio A, State Capitol, Room B12, 500 East Capitol, Pierre, South Dakota, RDT-Rapid City-RCRH, Rapid City Regional Hospital, 353 Fairmont Boulevard, Rapid City, South Dakota, and RDT-Sioux Falls-STI, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota, on March 16, 2000, at 11:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07,
20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and
20:25:04:01

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes new rules and modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, two new definitions are added. One definition is for the word "ticket" as that term is used throughout the rules. It is a document used in the one-call notification process and is defined as such. The second definition is for the term "excavation site." That term means the specific location where an excavation will occur.

In section 20:25:03:01.01 a new rule is proposed which will require operators of underground facilities who receive more than an average of thirty tickets per month in any three consecutive months to receive them by an electronic means other than voice telephone.

In section 20:25:03:04, this rule is modified to provide that when an operator of underground facilities provides information to the one-call notification center, such information must be provided to that center in a format which is compatible with the computer software used by the one-call notification center.

In section 20:25:03:05, in the marking of underground facilities, a new color, purple, is added for marking reclaimed water, irrigations and slurry lines.

In section 20:25:03:07, the services that the one-call notification center is to provide are specified to include: (1) accepting location requests from excavators twenty-four hours a day, 7 days a week; (2) accepting of tickets by telephone call, facsimile transmission and remote entry from a computer terminal; (3) confirmation of certain information with an

excavator; (4) recording of location request conversations; (5) maintaining copies of recorded conversations and tickets for seven years; and (6) providing copies of retained recordings and tickets, at a fee, to operators or excavators upon their request for either of these records.

In section 20:25:03:08, a new rule describes how location tickets are to be prepared. This rule includes specifications as to how time is shown on tickets, in whose name they may be issued and the fact that they are not transferrable, the necessity of a ticket for each excavation site, how continuous job sites are to be addressed on tickets, and the modification of tickets .

In section 20:25:03:09, a new section is proposed to address procedures when it is impractical to flag, mark or describe an excavation site. The scheduling and timing of on-site meetings is set. The identity of the excavation site must be in writing if the appointment requests do not identify an excavation site. A time limit of forty-eight hours after an on-site meeting is imposed upon the operator of underground facilities for it to complete the marking.

In section 20:25:03:10, a new rule is proposed to address situations where multiple underground facilities exist. They are to be separately marked and if this is impossible, the excavator is to be notified of the existence of unmarked underground facilities.

In section 20:25:03:11, a new rule is proposed which sets forth a procedure for seeking a declaratory ruling from the One-Call Notification Board. This procedure is mandated by SDCL 1-26-15.

In section 20:25:03:12, a new rule is proposed which sets the procedure for the One-Call Notification Board on requests for declaratory rulings and sets the time at 120 days for the action to be concluded.

In section 20:25:04:01, the existing rule for competitive bidding is clarified in that it uses requests for proposals and grants the One-Call Notification Board the authority to extend the term of an agreement with the one-call notification center for up to three years.

The reasons for the proposed rules are to clarify one-call notification procedures.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission by March 27, 2000, to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.

USWEST

Mac McCracken
612 Mt. Rushmore Rd.
Rapid City, SD 57701
Tel: (605) 394-4279
Fax: (605) 394-4517
Email: rmccrac@uswest.com

Paul Lowe
Tel: (605) 394-4693
Fax: (605) 394-
1627 Creek Drive
Rapid City, SD 57701
Email: plowe@uswest.com

MidContinent Communications

Erin Hayes
P. O. Box 5010
Sioux Falls, SD 57117-5010
Email: erinhayes@mml.net

SD Association of Counties

Richard Howard
207 E Capitol Ave, Suite 203
Pierre, SD 57501
Tel: (605) 224-4553
Fax: (605) 224-4833
Email: sdaco@aol.com

SD Dept. of Transportation

Scott Pretzer
700 E Broadway Ave
Pierre, SD 57501
Tel: (605) 773-3710
Fax (605) 773-3921
Email: scott.pretzer@state.sd.us

SD Independent Telephone Coalition

Richard Coit
P. O. Box 57
Pierre, SD 57501
Tel: (605) 224-7629
Fax: (605) 224-1637
Email: resditc@sd.cybernex.net

Otter Tail Power Company

Kevin Kouba
P. O. Box 392
Milbank, SD 57252
Tel: (605) 432-4579
Fax: (605) 432-9163
Email: kkouba@otpc.com

SD Electric Utilities Companies

Bob Miller, Executive Director
300 East Capitol
Pierre, SD 57501
Tel: (605) 224-6311
Fax: (605) 224-0520
Email: bobsofc@aol.com

Williams Energy Group

Jeff Hartig
5300 W 12th St.
Sioux Falls, SD 57107
Tel: (605) 338-5931
Fax: (605) 338-4463
Email:

Montana Dakota Utilities

Geoff Simon
521 W 5th Street
Pierre, SD 57501
Tel: (605) 224-8137
Fax: (605) 224-4947
Email: simong@mduresources.com

Heartland Power District

Matt O'Loughlin
P. O. Box 248
Madison, SD 57042
Tel: (605) 256-653
Fax: (605) 256-2990
Email: moloughl@hcpd.com

MidAmerican Energy Company

Don Freitag
1200 S Bauvelt Avenue
Sioux Falls, SD 57105
Tel: (605) 373-6020
Fax: (605) 373-6091
Email: djfreitag@midamerican.com

SD Ass'n of Rural Water Systems

Dennis Davis
5009 W 12th St, Suite 5 Cedar Plaza
Sioux Falls, SD 57106
Tel: (605) 336-7219
Fax: (605) 334-9753
Email: dndrh2o@dtgnet.com

Black Hills Power & Light

Ted Massey
P. O. Box 1400
Rapid City, SD 57709
Tel: (605) 342-3200
Fax: (605) 342-4991
Email: trmassey@blackhillspower.com

Associated General Contractors

James Keyes
P. O. Box 488
Pierre, SD 57501
Tel: (605) 224-8689
Fax: (605) 224-9915
Email: agcdnise@nvc.net

SD Municipal League

Yvonne Vik
214 E Capitol Avenue
Pierre, SD 57501
Tel:
Fax: (605) 224-8655
Email: Yvonne@sd.cybernex.net

Underground Utilities Locating

Jim Krsnak
222A N. Marion Road
Sioux Falls, SD 57107
Tel: (605) 338-2355
Fax: (605) 338-3101
Email: uulsd@uswest.net

SD Petroleum Council

P. O. Box 1395
Bismarck, ND 58502
Tel: (701) 223-6380
Fax:
Email: ndpc@btigate.com

RECEIVED

BFM 50.11

FEB 24 2000

#00057

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	13	Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1396	One-Call Notification Board

PROPOSED RULE: 20:25:01:01, 20:25:03:01.01, 20:25:03:04&05, 20:25:03:07thru20:25:03:12 and 20:25:04:01

Hearing Date: March 16, 2000

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
	0	0
TOTAL	0	0
Local Subdivisions:		
	0	0
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
	0	0
TOTAL	0	0

APPROVED *Curtis A. Everson* DATE 02/22/2000
 Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.



DEPARTMENT OF EXECUTIVE MANAGEMENT

BUREAU OF FINANCE AND MANAGEMENT

500 East Capitol, Pierre, SD 57501

(605) 773-3411

FAX: (605) 773-4711

February 22, 2000

The Bureau of Finance and Management has reviewed the attached proposed rules from the Department of Commerce & Regulation and concurs with the assumptions and fiscal impact calculations within the attached package.


DL/jc



Legislative Research Council

Rep. Kenneth G. McNenny, Chair
Sen. Arnold M. Brown, Vice Chair

Terry C. Anderson, Director
Doug Decker, Code Counsel

March 1, 2000

James Burg, Commissioner
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Commissioner Burg:

The Public Utilities Commission has proposed adoption and amendment of rules in chapter 20:25:03 and §§ 20:25:01:01 and 20:25:04:01 regarding one-call notification. We have reviewed the proposed rules, scheduled for hearing on March 16, 2000, and approve the rules for legality, with the following exceptions:

20:25:03:07(6) -- The general authority cited does not provide any specific authority for the one-call notification center to establish fees for copies of tickets or recorded conversations. It is also unclear as to whom and for what purpose that these copies would be made available.

20:25:03:11 -- You may prescribe a form through the rules promulgation process by giving a narrative description of its essential contents in a rule. This allows the opportunity to change the style of the form without going through the rule-making procedure.

This letter is based on a preliminary review of your rules. Attached are your rules edited for form and style pursuant to SDCL 1-26-6.5 and directions for submitting the final draft of the rules. If you have any questions, please don't hesitate to call me or the staff member who has reviewed your rules.

Sincerely yours,


Doug Decker
Code Counsel

DD:FJB

20:25:01:01. Definitions. Terms defined in SDCL 49-7A-1 have the same meaning when used in this article.

(1) "Ticket," a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

(2) "Excavation Site," the specific location where an excavation will occur.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

20:25:03:01 Operator participation.

20:25:03:01.01 Operator requirements for receiving tickets.

20:25:03:02 Membership classes.

20:25:03:03 Membership fees.

20:25:03:04 Information required to be submitted by all operators.

20:25 03:05 Color standards for marking underground facilities.

20:25:03:06 Excavating near sensitive telecommunication facilities.

20:25:03:07 Requirements for operation of a one-call notification center.

20:25:03:08 Ticket standards.

20:25:03:09 Procedures for marking sites which are impractical to flag, mark or describe.

20:25:03:10 Operator requirements after receipt of the ticket.

20:25:03:11 Petition for declaratory rulings.

20:25:03:12 Board action on petition.

20:25:03:01.01. Operator requirements for receiving tickets. ^{Any} All operators
who receive ^S more than an average of thirty ~~(30)~~ tickets per month in any three
consecutive months shall receive tickets in an electronic format other than by voice
telephone.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:04. Information required to be submitted by all operators. Each operator shall provide information to the one-call center that locates the operator's underground facilities. This information shall be provided in a format compatible with the computer software systems used by the one-call notification center. Such information must be supplied by quarter section, section, range, township, and county and may also include any of the following:

- (1) A specific street or rural address which is numbered and is on a marked street or avenue that is publicly recorded;
- (2) Platted lot number of record; or
- (3) Similar identifying information which can be placed into the center's database to locate the operator's facilities.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-6.

20:25:03:05. Color standards for marking underground facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall use the following color standards:

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink, and;
- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

Source: 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:07. Requirements for operation of a one-call notification center.

The one-call notification center shall provide the following services:

(1) ^a Accept location requests from the excavator twenty-four (24) hours a day, seven (7) days a week;

(2) ^a Accept tickets by telephone call, facsimile transmission, and remote entry from a computer terminal;

(3) At close of each location request, confirm with the excavator ^{any} ~~all~~ information

provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request;

(4) Record ^{each} ~~all~~ ^{conversations} which pertain to a location request;

(5) Maintain a copy of ^{each} ~~the~~ ^{conversations} and tickets for a period of seven years;

and

(6) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, ^{at each the cost of making providing such copies.} ~~at a fee, set by the one-call notification center.~~

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time entered on tickets shall be stated as central standard time or central daylight time when it is in effect;

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for each separate road, street, or avenue and may include multiple adjacent properties; and

(5) A modified ticket may be issued if the excavator determines that inaccurate information was provided on the original request. Upon its issuance the modified ticket ~~will~~ ^s supersede the original ticket. Revised information ~~will~~ ^{may} only be accepted from the excavator identified on an original ticket. The start time on the modified ticket ~~will be~~ /S

two (2) working days from the issuance of the modified ticket.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark or describe. ^{IF} When it is impractical to flag, mark or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 9^{:00} o'clock a.m. and 3^{:00} o'clock p.m. and appointments for this ^{may} shall be scheduled ^{ok} not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in SDCL 49-7A-6, in writing, at the time of the appointment; and

(3) ^{IF} When the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:10. Operator requirements after receipt of the ticket. If multiple underground facilities exist, the operator shall separately mark each underground facility. If any underground facilities cannot be separately marked, the excavator shall be notified of the existence of the unmarked underground facilities.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:11. Petition for Declaratory Rulings. Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota

One-Call Notification Board

Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and quote the pertinent statute, rule, or order).

(2) The facts and circumstances which give rise to the issue to be answered by the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at _____ (city and state), this _____ day of _____, ²⁰~~19~~.

(Signature of petitioner)

General Authority: SDCL ¹⁻²⁶⁻¹⁵ ~~49-7A-2, 49-7A-3~~ / 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:03:12. Board action on petition. Upon receipt of the petition for declaratory ruling, the board may request from petitioner ^{to provide} ~~such other or further~~ information as may be required for the issuance of its ruling. Within 120 days after the filing of the petition or within 120 days following the receipt of further requested information, the board shall issue ^a ~~its~~ declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

General Authority: SDCL ¹⁻²⁶⁻¹⁵ ~~49-7A-2, 49-7A-3~~ /49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:04:01. Competitive bidding procedures. The board shall issue requests for proposals describing the services and the specifications required for the one-call notification center. Following ~~competitive bidding~~ receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one or more than three years. The board may extend the term of the agreement for periods ^a ~~which do~~ ^{that does} not exceed a total of three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-4, 49-7A-7.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)

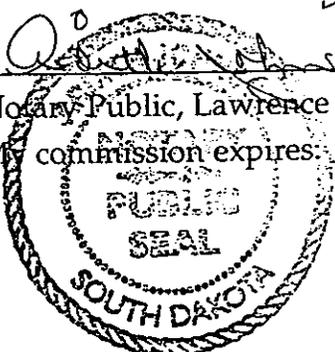
Billy T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Billy T. Masterson, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Billy T. Masterson, Jr., the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

4X8 display advertisement
One-Call Notification

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 23rd day of Feb, 2000 and the last publication on the 23rd day of Feb, 2000, that the full amount of fees charged for publishing same, to-wit: The sum of \$260⁸⁰, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 23rd day of Feb, 2000.

[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2004



One-Call Notice of Public Hearing

A public hearing will be held at RDT-Aberdeen-NSU1, Northern South Jay Street, Aberdeen, South Dakota, RDT-Brookings-SDSU2, 8th and Medary Avenue, Brookings, South Dakota, RDT-Pierre-Studio, RDT-Rapid City-RCRH, Rapid City Regional Hospital, 353 Fairmount Southeast Technical Institute, Mickelson Education Center, Room 20 at 11:00 a.m., to consider the adoption and amendment of proposed
20:25:01:01, 20:25:03:01.01, 20:25:03:02:01, 20:25:03:03:01, 20:25:03:04:01, 20:25:03:05:01, 20:25:03:06:01, 20:25:03:07:01, 20:25:03:08:01, 20:25:03:09:01, 20:25:03:10:01, 20:25:03:11:01, 20:25:03:12:01, 20:25:03:13:01, 20:25:03:14:01, 20:25:03:15:01, 20:25:03:16:01, 20:25:03:17:01, 20:25:03:18:01, 20:25:03:19:01, 20:25:03:20:01, 20:25:03:21:01, 20:25:03:22:01, 20:25:03:23:01, 20:25:03:24:01, 20:25:03:25:01, 20:25:03:26:01, 20:25:03:27:01, 20:25:03:28:01, 20:25:03:29:01, 20:25:03:30:01, 20:25:03:31:01, 20:25:03:32:01, 20:25:03:33:01, 20:25:03:34:01, 20:25:03:35:01, 20:25:03:36:01, 20:25:03:37:01, 20:25:03:38:01, 20:25:03:39:01, 20:25:03:40:01, 20:25:03:41:01, 20:25:03:42:01, 20:25:03:43:01, 20:25:03:44:01, 20:25:03:45:01, 20:25:03:46:01, 20:25:03:47:01, 20:25:03:48:01, 20:25:03:49:01, 20:25:03:50:01, 20:25:03:51:01, 20:25:03:52:01, 20:25:03:53:01, 20:25:03:54:01, 20:25:03:55:01, 20:25:03:56:01, 20:25:03:57:01, 20:25:03:58:01, 20:25:03:59:01, 20:25:04:00:01

The One-Call Notification Board is responsible for administering the rules and it proposes new rules and modifications of existing rules.

The effects of the proposed rule changes are as follows:
In section 20:20:01:01, two new definitions are added. One definition is a document used in the one-call notification process and is defined as a specific location where an excavation will occur.

In section 20:25:03:01.01 a new rule is proposed which will require a fee of thirty tickets per month in any three consecutive months to receive a ticket.

In section 20:25:03:04, this rule is modified to provide that when a notification center, such information must be provided to that center in a one-call notification center.

In section 20:25:03:05, in the making of underground facilities, a rule is proposed for slurry lines.

In section 20:25:03:07, the services that the one-call notification requests from excavators twenty-four hours a day, 7 days a week; remote entry from a computer terminal; (3) confirmation of certain information; (5) maintaining copies of recorded conversations and tickets; tickets, at a fee, to operators or excavators upon their request for tickets.

In section 20:25:03:08, a new rule describes how location tickets shown on tickets, in whose name they may be issued and the fact that the location site, how continuous job sites are to be addressed on tickets, and

In section 20:25:03:09, a new section is proposed to address procedures. The scheduling and timing of on-site meetings is set. The identification does not identify an excavation site. A time limit of forty-eight hours after the marking is to complete the marking.

In section 20:25:03:10, a new rule is proposed to address situations marked and if this is impossible, the excavator is to be notified of the

In section 20:25:03:11, a new rule is proposed which sets the procedure for the Board. This procedure is mandated by SDCL 1-26-16.

In section 20:25:03:12, a new rule is proposed which sets the procedures and sets the time at 120 days for the action to be concluded.

In section 20:25:04:01, the existing rule for competitive bidding is modified to give the Notification Board the authority to extend the term of an agreement with

The reasons for the proposed rules are to clarify one-call notification procedures. Persons interested in presenting data, opinions, and arguments for the hearing or by sending them to the One-Call Notification Board, c/o Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must be received by the hearing date.

After the hearing, the One-Call Notification Board will consider all proposed rules. The One-Call Notification Board may modify or amend a proposed rule at that time.

Notice is further given to individuals with disabilities that this hearing will be held at the Utilities Commission at least 48 hours before the public hearing if you need special arrangements call (605) 777-7777.

The telephone number for making special arrangements is (605) 777-7777. Copies of the proposed rules may be obtained without charge from the One-Call Notification Board.

South Dakota Public Utilities Commission
500 E. Pierre, SD

The proposed rules may also be found on the Public Utilities Commission website at <http://www.state.sd.us/puc>



Capit

AFFIDAVIT O

State of South Dakota, County of Hughes

Michelle Austin

oath, says: That he/she is the publisher of **Capital Journal**, a daily newspaper published in the State of South Dakota; that the facts herein stated, that said newspaper published within the said County of Hughes, SDCL 17-2-2.1 through 17-2-2.4 included within the said County of Hughes, year next prior to the first publication of legal/display advertisement headed Notice of Public Hearing and which is hereto attached and made a printed copy of which, taken from the said newspaper for one succes

February 22 19 2000

19

19

19

19

That the full amount of the fee charged for the publication of this notice inures to the sole benefit of the publisher and for the understanding for the division thereof and that no part thereof has been agreed to be paid and that the fees charged for the publication

Signed: Michelle Austin

subscribed and sworn to before me this

Notary Public in and for the County of _____
My Commission expires _____

One-Call Notification Board Notice of Public Hearing to Adopt Rules

A public hearing will be held at RDT-Aberdeen-NSU1, Northern State University, Beulah Williams Library, Rooms 117 and 118, 4200 South Jay Street, Aberdeen, South Dakota, RDT-Brookings-SDSU2, South Dakota State University, 101 Pugsley Center, Rooms 203/205, 8th and Medary Avenue, Brookings, South Dakota, RDT-Pierre-Studio A, State Capitol, Room B12, 500 East Capitol, Pierre, South Dakota, RDT-Rapid City-RCRH, Rapid City Regional Hospital, 353 Fairmont Boulevard, Rapid City, South Dakota, and RDT-Sioux Falls-STI, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota, on March 16, 2000, at 11:00 a.m., to consider the adoption and amendment of proposed rules numbered

- 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05,
- 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11,
- 20:25:03:12 and 20:25:04:01

The one-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes new rules and modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, two new definitions are added. One definition is for the word "ticket" as that term is used throughout the rules. It is a document used in the one-call notification process and is defined as such. The second definition is for the term "excavation site". That term means the specific location where an excavation will occur.

In section 20:25:03:01.01 a new rule is proposed which will require operators of underground facilities who receive more than an average of thirty tickets per month in any three consecutive months to receive them by an electronic means other than voice telephone.

In section 20:25:03:04, this rule is modified to provide that when an operator of underground facilities provides information to the one-call notification center, such information must be provided to that center in a format which is compatible with the computer software used by the one-call notification center.

In section 20:25:03:05, in the marking of underground facilities, a new color, purple, is added for marking reclaimed water, irrigations and slurry lines.

In section 20:25:03:07, the services that the one-call notification center is to provide are specified to include: (1) accepting location requests for excavators twenty-four hours a day, 7 days a week; (2) accepting of tickets by telephone call, facsimile transmission and remote entry from a computer terminal; (3) confirmation of certain information with an excavator; (4) recording of location request conversations; (5) maintaining copies of recorded conversations and tickets for seven years; and (6) providing copies of retained recordings and tickets, at a fee, to operators or excavators upon their request for either of these records.

In section 20:25:03:08, a new rule describes how location tickets are to be prepared. This rule includes specification as to how time is shown on tickets, in whose name they may be issued and the fact that they are not transferrable, the necessity of a ticket for each excavation site, how continuous job sites are to be addressed on tickets, and the modification of tickets.

In section 20:25:03:09, a new section is proposed to address procedures when it is impractical to flag, mark or describe an excavation site. The scheduling and timing of on-site meetings is set. The identity of the excavation site must be in writing if the appointment requests do not identify an excavation site. A time limit of forty-eight hours after an on-site meeting is imposed upon the operator of underground facilities for it to complete the marking.

In section 20:25:03:10, a new rule is proposed to address situations where multiple underground facilities exist. They are to be separately marked and if this is impossible, the excavator is to be notified of the existence of unmarked underground facilities.

In section 20:25:03:11, a new rule is proposed which sets forth a procedure for seeking a declaratory ruling from the One-Call Notification Board. This procedure is mandated by SDCL 1-26-15.

In section 20:25:03:12, a new rule is proposed which sets the procedure for the One-Call Notification Board on requests for declaratory rulings and sets the time at 120 days for the action to be concluded.

In sections 20:25:04:01, the existing rule for competitive bidding is clarified in that it uses requests for proposals and grants the One-Call Notification Board the authority to extend the term of an agreement with the One-Call Notification Center for up to three years.

The reasons for the proposed rules are to clarify one-call notification

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

RECEIVED

County of Brookings

MAR 19 2000

Christina Nelson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

ication Board ring to Adopt Rules

DT-Aberdeen-NSU1, Northern State rooms 117 and 118, 1200 South Jay Brookings-SDSU2, South Dakota State s 203/205, 8th and Meary Avenue, Studio A, State Capitol, Room B12, RDT-Rapid City-RCRH, Rapid City vard, Rapid City, South Dakota, and ical Institute, Mickelson Education Sioux Falls, South Dakota, on March adoption and amendment of proposed

03:04, 20:25:03:05, 20:25:03:07, 10, 20:25:03:11, 20:25:03:12 and

esponsible for administering the one- of underground facilities. If proposes rules.

ges are as follows: itions are added. One definition is for oughout the rules. It is a document s and is defined as such. The second e." That term means the specific loca-

is proposed which will require opera- re more than an average of thirty tick- months to receive them by an elec-

modified to provide that when an opera- formation to the one-call notification ed to that center in a format which is used by the one-call notification cen-

ing of underground facilities, a new claimed water, irrigations and slurry

at the one-call notification center is to epting location requests from excava- veek; (2) accepting of tickets by tele- mote entry from a computer terminal; with an excavator, (4) recording of taining copies of recorded conversa-) providing copies of retained record- or excavators upon their request for

scribes how location tickets are to be ns as to how time is shown on tickets, he fact that they are not transferrable,

Display Legal Notice of Public Hearing To Adopt Rules Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affadavit, was published in said newspaper for _____ 1 times, to-wit:

February 24, 2000

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit fo the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Two hundred twenty-eight dollars and fourty-two cents \$228.42

Christina Nelson

Subscribed and sworn to before me this _____ 1 day of March _____, 2000.

Mary Schaefer

Notary Public in and for the County of Brookings, South Dakota. My Commission expires January 28, 2005.



UNDERGROUND UTILITY LOCATING

222A N. Marion Road
Sioux Falls, SD 57107
Phone: (605) 338-2355
Fax: (605) 338-1413

RECEIVED

MAR 16 2000

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

March 16, 2000

One-Call Notification Board
% South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5070

RE: Public Hearing to adopt Rules

Underground Utility Locating is a contract locating company. We contract with South Dakota utilities to locate their underground plant for them. This summer Underground Utility Locating will have approximately 80 locators working in the State. The statutes and rules under which we locate are, therefore, very important to us and to our customers. We offer the following comments:

1. 20:25:01:01. We support the new definitions of "ticket" and "excavation site".
2. 20:25:03:08. We strongly support all five sub paragraphs. They will go a long way toward removing the gray areas that now exist concerning validity of tickets and excavation sites.
3. 20:25:03:09. We strongly support the requirement for the excavator to describe the work area in writing and for providing 48 hours to complete the locate after obtaining the written description of the work area.
4. 20:25:03:10. We support the new rule. It is our standard operating procedure. A closely related issue involves the presence of unknown and abandoned plant within the 36" hand-dig area. Excavators will find an abandoned plant, assume it is the marked plant, bring mechanical equipment into the hand-dig area and damage the marked plant.
5. 20:25:03:11 and 20:25:03:12. We support the establishment of any procedure which could be used to provide answers during the interpretation of the statutes and rules.

Our only disappointment in the rules revision is that they did not go far enough in answering questions involving the validity of various tickets issued ten days before excavation started and the legality of subsequent excavation. Additionally, we would like to see movement toward requiring some excavators to use white paint or flags to mark excavation routes.

We wish to thank the Board for their efforts and for the opportunity to provide comment.

Sincerely,

Jimmy Krsnak
General Manager



WILLIAM J. JANKLOW
Governor

RECEIVED

MAR 24 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

STATE OF
SOUTH DAKOTA

BUREAU OF
ADMINISTRATION

BUILDINGS AND
GROUNDS

STATE CAPITOL
500 EAST CAPITOL
PIERRE, SD 57501-5070
(605) 773-3344
FAX (605) 773-6333

March 23, 2000

South Dakota Public Utilities Commission
One-Call Notification Board
500 E. Capitol
Pierre, South Dakota 57501

SUBJECT: PROPOSED RULE CHANGES TO ONE-CALL NOTIFICATION PROCEDURES

Dear Board Members:

This letter is in response to the Public Hearing on Proposed Rule Changes held March 16, 2000 at the RDTN Studios.

Chapter 20:25:03:01.01. Operator requirements for receiving tickets

Insert verbiage that clarifies "electronic format". Currently tickets are received, at this location, via facsimile (fax) and this is the preferred method. Emergency tickets are received by both fax and voice telephone, due to the urgent natures of the locate requests. Electronic formats such as computer notification would be detrimental due to the fact that the one-call ticket would go to only the main contact person and not the alternate. A fax copy can be delivered to the appropriate person and a voice telephone message can be transferred when the main contact is away from his/her office.

It is our feeling that the words *such as; facsimile (fax)* be inserted between "format" and "other" to read as follows: *All operators who receive more than an average of thirty (30) tickets per month in any three consecutive months shall receive tickets in an electronic format, such as facsimile (fax), other than by voice telephone.*

Chapter 20:25:03:04. Information required to be submitted by all operators

If this rule change were adopted as written, all operators would be required to have the same or compatible software that the notification center has. If the notification center changes software or the notification center contractor is changed, all utility operators in the State would have to change their software and would possibly need training. Therefore, the proposed rule change is not feasible.

Currently a form is completed by the operator and faxed to the notification center. This form has the applicable information as outlined in paragraphs (1), (2) and (3) of this chapter. The notification center then enters this information into their database.

It is our feeling that this proposed rule change be stricken.

Chapter 20:25:03:08. Ticket Standards

PARAGRAPH (1) - Due to the fact that there are two (2) time zones in South Dakota and any reference to central standard or central daylight time is easily misconstrued in mountain-time zone, it is our feeling that paragraph (1) be changed as follows: *Statements of time entered on tickets shall be stated as local time.*

PARAGRAPH (4) - A clarification of multiple adjacent properties should be provided in Chapter 20:25:01 - Definitions.

Verbiage may be: *Any properties that share a common property line.*

Chapter 20:25:03:10. Operator requirements after receipt of the ticket

This verbiage puts the excavator at a greater risk of injury and liability. All utilities should be staked, flagged or painted in the immediate area of the excavation to reflect that a utility is present in the area, if exact or separate marking of said utility was not feasible.

The second sentence of this chapter should read: *If any underground facilities cannot be located and or marked separately, the operator shall mark in the immediate area that a utility is present. In addition the excavator shall be notified of the presence of facilities that cannot be marked separately.*

Sincerely,

A handwritten signature in black ink that reads "Steve Stoneback". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Steve Stoneback, Director
Buildings & Grounds

cc: Rich Ivey

ASSOCIATED GENERAL CONTRACTORS OF SOUTH DAKOTA, INC.

HIGHWAY-HEAVY-UTILITIES CHAPTER

"THE CONSTRUCTION ASSOCIATION OF CHOICE"

605/224-8689 • 1-800-242-6373 • FAX 605/224-9915
P.O. Box 488 • 300 East Capitol Avenue
Pierre, South Dakota 57501

James R. Keyes, Executive Vice President

"The AGC of South Dakota and its members promote skill, responsibility & integrity through construction & services which enhance the quality of life for all who live, work or travel in South Dakota."

South Dakota



OFFICERS

PRESIDENT

Lynn Kading, Rapid City

SENIOR VICE PRESIDENT

Neil Reede, Aberdeen

VICE PRESIDENT

Terry Larson, Rapid City

SECRETARY-TREASURER

Milt Morris, Pierre

DIRECTORS

Rick Anderson, Pierre

Bill Bartholow, Huron

Dan Healy, Rapid City

Gary Johnson, Fort Pierre

Richard Johnson, Sioux Falls

Gary Joyce, Sioux Falls

Kari Karst, Dell Rapids

Doug Lind, Rapid City

Jim Loiseau, Flandreau

Carl Weatheron, Beresford

Bill Whitney, Rapid City

NAT'L DIRECTORS

Greg Branaugh, Sioux Falls

Merle Davis, Sioux Falls

Tom Graves, Sioux Falls

Gary Johnson, Fort Pierre

Lynn Kading, Rapid City

Mark Knight, Webster

LIFE NAT'L DIRECTORS

Owen Emme, Rapid City

George Spencer, Sioux Falls

March 22, 2000

One-Call Notification Board
c/o South Dakota Public Utilities Commission
State Capitol
500 E. Capitol
Pierre, SD 57501

Dear Sirs:

The following is in response to your "One-Call Notification Board Notice of Public Hearing to Adopt Rules".

We were pleased to have several members of the Associated General Contractors of South Dakota in attendance at your March 16, 2000 public hearing. At that time there were questions and concerns expressed regarding several proposed revisions to the One-Call rules. On March 22, 2000 we met and discussed changes to clarify the rules.

Enclosed is the rules packet as distributed by your office. We have added our suggested changes in bold-face, upper-case type.

Thank you for the opportunity to comment. We share the desire of the One-Call Notification Board to develop and maintain rules which are understood by all parties and which are beneficial to one-call process.

Sincerely,

MR. JAMES R. KEYES
EXECUTIVE VICE PRESIDENT

ASSOCIATED GENERAL CONTRACTORS
OF SOUTH DAKOTA, INC.

"BUILD WITH THE BEST"

20:25:01:01. Definitions. Terms defined in SDCL 49-7A-1 have the same meaning when used in this article.

(1) "Ticket," a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

(2) "Excavation Site," the specific location where an excavation will occur.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

20:25:03:01 Operator participation.

20:25:03:01.01 Operator requirements for receiving tickets.

20:25:03:02 Membership classes.

20:25:03:03 Membership fees.

20:25:03:04 Information required to be submitted by all operators.

20:25 03:05 Color standards for marking underground facilities.

20:25:03:06 Excavating near sensitive telecommunication facilities.

20:25:03:07 Requirements for operation of a one-call notification center.

20:25:03:08 Ticket standards.

20:25:03:09 Procedures for marking sites which are impractical to flag, mark or describe.

20:25:03:10 Operator requirements after receipt of the ticket.

20:25:03:11 Petition for declaratory rulings.

20:25:03:12 Board action on petition.

20:25:04:01 Competitive bidding procedures.

20:25:03:01.01. Operator requirements for receiving tickets. All operators who receive more than an average of thirty (30) tickets per month in any three consecutive months shall receive tickets in an electronic format other than by voice telephone.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:04. Information required to be submitted by all operators. Each operator shall provide information to the one-call center that locates the operator's underground facilities. This information shall be provided in a format compatible with the computer software systems used by the one-call notification center. Such information must be supplied by quarter section, section, range, township, and county and may also include any of the following:

- (1) A specific street or rural address which is numbered and is on a marked street or avenue that is publicly recorded;
- (2) Platted lot number of record; or
- (3) Similar identifying information which can be placed into the center's database to locate the operator's facilities.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-6.

20:25:03:05. Color standards for marking underground facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall use the

following color standards:

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink, and;
- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation and slurry lines - Purple.

Source: 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:07. Requirements for operation of a one-call notification center. The one-call notification center shall provide the following services:

- (1) Accept location requests from the excavator twenty-four (24) hours a day, seven (7) days a week;
- (2) Accept tickets by telephone call, facsimile transmission, and remote entry from a computer terminal;
- (3) At close of each location request, confirm with the excavator all information provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request. **WHEN REQUESTED VIA FAX OR REMOTE ENTRY, CONFIRMATION SHALL BE SENT IMMEDIATELY VIA THE SAME MEDIA AS THE REQUEST AND IN THE FORM OF THE ACTUAL TICKET SENT**

TO THE FACILITY OPERATORS :

- (4) Record all conversations which pertain to a location request;
- (5) Maintain a copy of the conversations and tickets for a period of seven years; and
- (6) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at a fee, set by the one-call notification center.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

- (1) Statements of time entered on tickets shall be stated as central standard time or central daylight time when it is in effect **FOR THE PURPOSE OF RECORDING TICKET ENTRY TIME. ANY TIME STATED REGARDING DIG DATES OR APPOINTMENTS SHALL REFER TO LOCAL TIME AT THE LOCATION SITE :**

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for each separate road, street, or avenue and **SHALL , IF REQUESTED, include multiple adjacent properties AND RETURNS ON INTERSECTING STREETS TO THE REAR PROPERTY LINE OF ADJACENT PROPERTIES;** and

(5) A modified ticket may be issued if the excavator determines that **IT PROVIDED** inaccurate information on the original request. Upon its issuance the modified ticket will supersede the original ticket. Revised information will only be accepted

from the excavator identified on an original ticket. The start time on the modified ticket will be two (2) working days from the issuance of the modified ticket.

(6) IF THE CENTER OR A FACILITY OPERATOR PROVIDES INACCURATE INFORMATION, THE OPERATOR SHALL PROVIDE CORRECTED LOCATIONS WITHIN 4 HOURS OR BY THE ORIGINAL TIME STATED ON THE TICKET, WHICHEVER IS LATER.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark or describe. When it is impractical to flag, mark or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 8 o'clock a.m. and 4 o'clock p.m. LOCAL TIME and appointments for this shall be scheduled not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in SDCL 49-7A-6, in writing, at the time of the appointment; and

(3) When the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:10. Operator requirements after receipt of the ticket. If multiple

underground facilities exist, the operator shall separately mark each underground facility. If any underground facilities cannot be separately marked, the excavator shall be notified of the existence of the unmarked underground facilities, THE TYPE OF FACILITY, AND THE REASON THE FACILITY CANNOT BE MARKED. SUCH NOTIFICATION SHALL NOT RELIEVE THE FACILITY OWNER OF LIABILITY UNDER STATUTE.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:11. Petition for Declaratory Rulings. Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota

One-Call Notification Board

Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and quote the pertinent statute, rule, or order).

(2) The facts and circumstances which give rise to the issue to be answered by the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at _____ (city and state), this _____ day of _____, 19 _____.

(Signature of petitioner)

General Authority: SDCL 49-7A-2, 49-7A-3, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:03:12. Board action on petition. Upon receipt of the petition for declaratory ruling, the board may request from petitioner such other or further information as may be required for the issuance of its ruling. Within 120 days after the filing of the petition or within 120 days following the receipt of further requested information, the board shall issue its declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

General Authority: SDCL 49-7A-2, 49-7A-3, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:04:01. Competitive bidding procedures. The board shall issue requests for proposals describing the services and the specifications required for the one-call notification center. Following ~~competitive bidding~~ receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one or more than three years. The board may extend the term of the agreement for periods which do not exceed a total of three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-4, 49-7A-7.



RECEIVED

MAR 28 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

MidAmerican Energy
401 Douglas Street
Sioux City, Iowa 51101
712 277-7587 Telephone
[REDACTED]
smstewart@midamerican.com

712-252-7396 Fax
Suzan M. Stewart
Senior Managing Attorney

FAX Received MAR 27 2000

March 27, 2000

BY TELEFAX & OVERNIGHT DELIVERY
(605) 773-3809

One-Call Notification Board
c/o South Dakota Public Utilities
Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

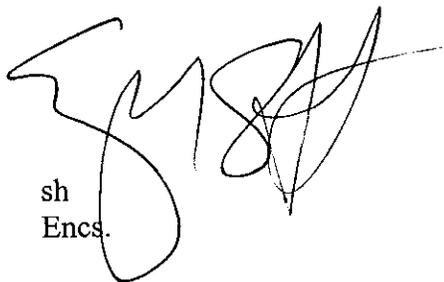
In Re: Proposed Changes to the One-Call Notification Procedures

To Whom It May Concern:

Please find enclosed for filing the original and eleven copies of the Comments of MidAmerican Energy Company in the above-captioned matter.

Please file stamp one copy and return it in the self-addressed stamped envelope.

Very truly yours,



sh
Encs.

BEFORE THE ONE-CALL NOTIFICATION BOARD
OF THE STATE OF SOUTH DAKOTA

MAR 28 2000

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF) COMMENTS OF
PROPOSED CHANGES TO THE) MIDAMERICAN ENERGY COMPANY
ONE-CALL NOTIFICATION PROCEDURES)

COMES NOW, MidAmerican Energy Company (“MidAmerican”), and for its Comments regarding the changes to the one-call notification procedures proposed by the South Dakota One-Call Notification Board (“Board”) in its Notice of Public Hearing to Adopt Rules, submits as follows.

Description of MidAmerican Energy Company

MidAmerican is an electric and natural gas distribution utility operating in the states of South Dakota, Iowa, Illinois and Nebraska. MidAmerican supplies electricity in portions of southeast South Dakota, including North Sioux City and Dakota Dunes. MidAmerican supplies natural gas in portions of southeast South Dakota and also in the Sioux Falls area. MidAmerican is one of the largest natural gas public utilities serving South Dakota.

MidAmerican is an “operator” and, in the course of operating its underground facilities, from time to time, performs excavation activities. Therefore, MidAmerican will be affected by any revisions adopted by the Board to these rules.

20:25:01:01. Definitions.

In proposed definition (1), “ticket” is defined as a “document”. There is no reference to the document format. Since, later in the rule, it is contemplated that tickets be received in electronic format, MidAmerican would recommend a clarification to this definition to ensure that tickets in

electronic format will be considered to be documents in compliance with this rule.

20:25:03:01.01. Operator requirements for receiving tickets.

MidAmerican proposes lowering the threshold for receipt of tickets in electronic format. MidAmerican would recommend that the “average of thirty (30) tickets per month in any three consecutive months” minimum threshold for electronic format tickets be replaced with a minimum threshold of an average of ten (10) tickets per month during a comparable period. The reason for this recommendation is to increase the efficiency of the notification center. In order to increase efficiency, the goal of the notification center should be to eliminate voice telephone tickets as much as possible, with electronic type ticket transmission being preferred as the most cost effective and efficient method.

20:25:03:05. Color standards for marking underground facilities.

MidAmerican suggests adding a color standard reference to this rule by amending the introductory sentence of the rule as follows:

"Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall use the following color standards established by the American Public Works Association's utility location and coordination council: "

The reason for this suggestion is that many states have experienced problems with the many different shades of various colors being utilized; including fluorescent hot pink. Iowa and several other states utilize the American Public Works Association standard colors as a base standard so that the colors remain uniform and consistent.

20:25:03:07. Requirements for operation of a one-call notification center.

MidAmerican suggests revising (2) and (6) to read as follows:

"(2) Accept tickets by telephone call, facsimile transmission, and electronic or remote entry from a computer or similar electronic data terminal or modem."

"(6) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at a reasonable fee, set by the one-call notification center."

The proposed revision to (2) is consistent with the effort to move to an electronic system wherever possible to increase efficiency. The proposed revision to (6) is self-explanatory.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark or describe.

The Board is proposing an exception for excavation sites that are "impractical" to flag or mark. MidAmerican believes that large excavation projects should be handled in a similar manner and would propose the following additions to this new rule.

MidAmerican suggests revising the introductory sentence to add the words "or where a large excavation project is proposed" such that it reads:

"When it is impractical to flag, mark or describe an excavation site or where a large excavation project is proposed the following procedures shall be followed:"

MidAmerican suggests revising (3) to read as follows:

"(3) When the excavation site is not identified on the ticket, the operator shall complete the marking of small areas that do not require an extensive amount of locating within 48 hours of the conclusion of the appointment, excluding weekends and legal holidays. For large excavation projects that require an extensive amount of locating the excavator and operator will agree on a reasonable schedule for locating the entire length of the project."

20:25:04:01. Competitive bidding procedures.

MidAmerican suggests adding the words "no less frequently than every 3 years" at the end of the first introductory sentence to create consistency with the other language and time frames within this section, such that it reads:

"The board shall issue requests for proposals describing the services and the specifications required for the one-call notification center no less frequently than every 3 years."

REQUEST TO FILE REPLY COMMENTS

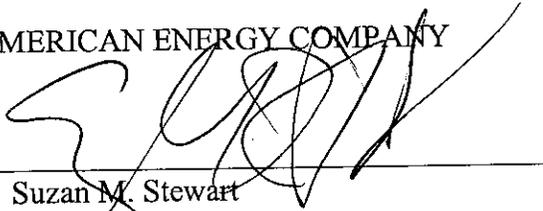
MidAmerican respectfully requests the opportunity to respond to other comments which may be filed in this docket. It is likely that other persons will file comments and proposed rules with the Commission. The most complete record will be developed when all interested persons have the opportunity to thoroughly address all proposals. MidAmerican would propose an exchange of comments and a reply period of approximately 30 days.

DATED this 27th day of March, 2000.

Respectfully Submitted,

MIDAMERICAN ENERGY COMPANY

By: _____


Suzan M. Stewart
Managing Senior Attorney
P.O. Box 778
Sioux City, IA 51102

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE ESTABLISHMENT)
OF REVISED RULES) MINUTES OF HEARING

The One Call Notification Board convened a public hearing at 11:10 a.m. on Thursday, March 16, 2000, through the facilities of the Rural Development Telecommunications Network. The meeting was called to order by Chairman Todd Chambers who was at the Pierre site. The following board members were present at the following sites: Doug Biersbach, Brookings; Pat Gilligan, Brookings; Tom Krueger, Sioux Falls; Curtis Pohl, Aberdeen; Eugene Solseth, Rapid City; Kevin Kouba, Brookings; Paul Lowe, Pierre; and John Pudwill, Sioux Falls.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the board numbered ARSD 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12, and 20:25:04:01. Those in attendance at the various sites who commented on the rules are noted in these minutes.

Oral Testimony

20:25:01:01 Comment was made by Mr. Krsnak on behalf of Underground Utility Locating in support of this rule. Rich Coit, on behalf of the SDITC, raised a concern with regard to the continuous job site and how rule 20:25:03:08 would play into the definitions.

20:25:03:01.01 Mr. Coit, on behalf of SDITC, expressed concern about the definition of the electronic format in this rule and wondered if it included the use of facsimile machines, it being his thought that this may need further clarification. He also expressed concern as to how this rule would apply to emergency locates and whether a fax would be an approved method of conveying information in emergency locates.

20:25:03:04 John Kirk, on behalf of the State of South Dakota, Buildings and Grounds, expressed concern that the rule was unclear as to what it entails and raised the question as to whether or not the State would be required to have software different than is presently used.

Mr. Davis, of the South Dakota Rural Water System, expressed concern that it may not be unusual to have data on three different systems and that the data that his constituency would have may not be in the same format as the One Call Center. He further questioned whether or not the use of hard copy was allowed.

Terry Larson, on behalf of the Associated General Contractors, expressed concern that his constituency may be ignored in the mechanized notification process.

20:25:03:05 No comments were made.

20:25:03:07 Bill Brinkmann, on behalf of the South Dakota Chapter of the American Concrete Pavement Association, expressed a concern with regard to (2) and that his constituents would like to see the confirmation of the acceptance of a ticket in the form of a facsimile transmission.

20:25:03:08 Mr. Coit spoke with regard for a need to clarify the continuous job site and to

clarify the issue of Central Time and whether or not this applies uniformly across the state, even in the Mountain Time Zone.

Terry Larson, on behalf of the Associated General Contractors, expressed concern with regard to confusion in the West River on the time issue, especially with new people. His concern was echoed by Jim Keyes of the Associated General Contractors. Mr. Coit suggested that this be made in bold on the ticket. Mr. Krsnak, on behalf of Underground Utility Locating, supported the rule in its present form.

20:25:03:08 (4) Terry Larson, on behalf of the Associated General Contractors, expressed the opinion that this subsection was a bad idea in a rural setting and in certain municipal applications. Bill Brinkmann, on behalf of the South Dakota Chapter of the American Concrete Pavement Association, suggested better clarification of this rule.

20:25:03:08 (5) Terry Larson, Associated General Contractors, expressed concern that the present language was unfair if an error had been committed by the One Call Center causing contractors to have to wait two additional days. Bill Brinkmann, on behalf of the South Dakota Chapter of the American Concrete Pavement Association, suggested that this was another reason for the need to fax back a confirmation of the information the One Call Center received.

20:25:03:09 Mr. Coit, on behalf of SDITC, expressed a need for revision to (3) to reflect statutory language regarding the 48 hours referenced in SDCL 49-7A-8 and suggested that language similar to the statute would be preferable in this regard. He further pointed out that references to business days in (1) are not contained in (3).

Jim Ahl of Rapid City expressed concern with regard to (1) in the reference of meetings between 9 o'clock a.m. and 3 o'clock p.m. He suggested that 8:00 a.m. to 4:00 or 5:00 p.m. might be preferable. Mr. Krsnak, on behalf of Underground Utility Locating, supported the rules.

Further, Mr. Coit suggested a reference to a time mutually agreed to by the parties.

20:25:03:10 Mr. Davis, on behalf of the Rural Waters Systems, expressed displeasure with the entirety of this rule and raised various safety issues. Jim Keyes and Terry Larson, on behalf of the AGC, expressed displeasure with the second sentence and raised concerns with regard to liability.

20:25:03:11 No comments were made.

20:25:03:12 No comments were made.

20:25:04:01 No comments were made.

Respectfully submitted,



Camron Hoseck
Staff Attorney
SD Public Utilities Commission

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Delaine Kolbo, hereby certify that on May 9, 2000, I mailed a full, true, and correct copy of the following rules adopted by the One Call Notification Board on May 2, 2000, together with a copy of the minutes of the public hearing and written comments, to the members of the Interim Rules Review Committee, listed below, at their respective post office addresses:

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04,
20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10,
20:25:03:11, 20:25:03:12 and 20:25:04:01.

The Honorable Jerry Shoener, Chair
State Senator
4012 Clover Street
Rapid City, SD 57702-0252

The Honorable Orville Smidt, Vice Chair
State Representative
117 Fourth Street
Brookings, SD 57006-1915

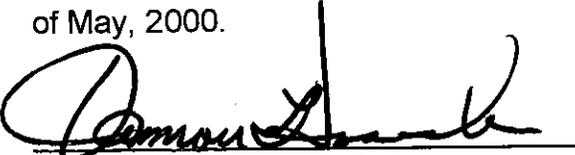
The Honorable Eric Bogue
State Senator
P. O. Box 400
Dupree, SD 57623-0400

The Honorable William Cerny
State Representative
Route 1, Box 2
Burke, SD 57523-9505

The Honorable H. Paul Dennert
State Senator
11853 391st Avenue
Columbia, SD 57433-7002

The Honorable Matthew Michels
State Representative
1213 Walnut Street
Yankton, SD 57078

Subscribed and sworn to
before me this 9th day
of May, 2000.


Notary Public - South Dakota


Delaine Kolbo

(SEAL)

My Commission Expires

CAMRON HOSECK
Notary Public
My Commission Expires Mar. 15, 2005

South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



May 10, 2000

Mr. Paul Lowe
7788 Croyle Drive
Rapid City, SD 57701

Re: One Call Notification Board Rules

Dear Paul:

Enclosed you will find Approval of Rules with reference to the One Call Notification Board Rules. Could you and Gene please get together and sign the enclosure as soon as possible and return it to me. I will need it no later than Thursday, May 11, 2000. Enclosed you will find a postage prepaid envelope for your convenience in returning this to me.

Thank you.

Very truly yours,

Camron Hoseck
Staff Attorney

CH:dk
Enc.



Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

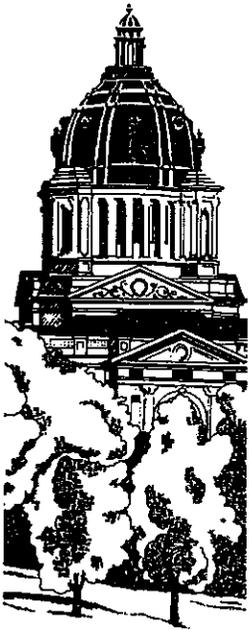
TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

May 10, 2000

Mr. Curtis T. Pohl
600 Market Street
Huron, SD 57350

Re: One Call Notification Board Rules

Dear Curt:

Enclosed you will find Approval of Rules with reference to the One Call Notification Board Rules. Would you please sign the enclosure as soon as possible and return it to me. I will need it no later than Thursday, May 11, 2000. Enclosed you will find a postage prepaid envelope for your convenience in returning this to me.

Thank you.

Very truly yours,

Camron Hoseck
Staff Attorney

CH:dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

Following public hearing held on March 16, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

Date: May 15, 2000

Date 5/18/2000

ONE CALL NOTIFICATION BOARD

Don Decker
LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

John Smith

Tom Ferguson

Harold Anderson

Donna Diamond

Robert Leary

Steve

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

Following public hearing held on March 16, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

Date: May 15, 2000

Date _____

ONE CALL NOTIFICATION BOARD



Todd Chambers

LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

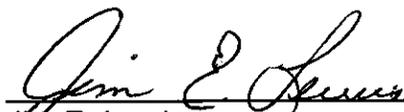
Following public hearing held on March 16, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

Date: May 15, 2000

Date _____

ONE CALL NOTIFICATION BOARD



Jim E. Lewis

LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

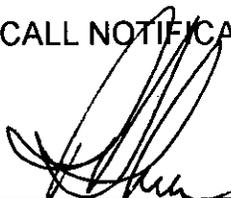
Following public hearing held on March 16, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12 and 20:25:04:01.

Date: May 11, 2000

Date _____

ONE CALL NOTIFICATION BOARD



Paul Lowe

LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)



Eugene Solseth

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

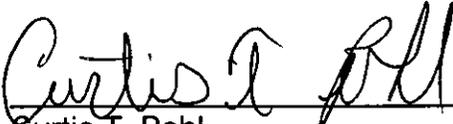
Following public hearing held on March 16, 2000, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04,
20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10,
20:25:03:11, 20:25:03:12 and 20:25:04:01.

Date: May 15, 2000

Date _____

ONE CALL NOTIFICATION BOARD


Curtis T. Pohl

LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

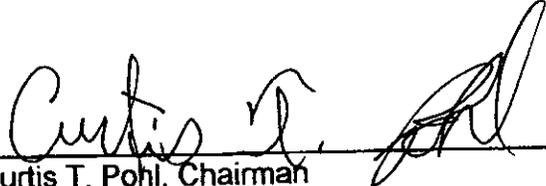
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Curt Pohl, hereby certify that I am a duly appointed member and the duly elected chair of the One Call Notification Board and that the attached instruments are full, true, and correct copies of the following rules adopted by the One Call Notification Board on May 2, 2000.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01.01, 20:25:03:04,
20:25:03:05, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10,
20:25:03:11, 20:25:03:12 and 20:25:04:01.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.


Curtis T. Pohl, Chairman
One Call Notification Board

Subscribed and sworn to
before me this 18th day
of May, 2000.


Notary Public - South Dakota

(SEAL)

My Commission Expires
5/29, 2004

Filed this 19th day of
May, 2000



SECRETARY OF STATE

20:25:01:01. Definitions. Terms defined in SDCL 49-7A-1 have the same meaning when used in this article. Terms used in this article mean:

(1) "Excavation Site," the specific location where an excavation will occur;

(2) "Ticket" a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

20:25:03:01 Operator participation.

20:25:03:01.01 Operator requirements for receiving tickets.

20:25:03:02 Membership classes.

20:25:03:03 Membership fees.

20:25:03:04 Information required to be submitted by all operators.

20:25 03:05 Identification of and Color standards for marking underground facilities.

20:25:03:06 Excavating near sensitive telecommunication facilities.

20:25:03:07 Requirements for operation of a one-call notification center.

20:25:03:08 Ticket standards.

20:25:03:09 Procedures for marking excavation sites which are impractical to flag, mark, or describe.

20:25:03:10 Operator requirements after receipt of the ticket.

20:25:03:11 Petition for declaratory rulings.

20:25:03:12 Board action on petition.

20:25:04:01 Competitive bidding procedures.

20:25:03:01.01. Operator requirements for receiving tickets. Any operator who receives more than an average of thirty tickets per month in any three consecutive months shall receive tickets by electronic transmission other than by voice telephone. Electronic transmission includes e-mail, facsimile, data printer, or computer transmission.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:04. Information required to be submitted by all operators. Each operator shall provide information to the one-call center that locates the operator's underground facilities. This information shall be provided on printed forms approved by the one call notification center or in an electronic format, compatible with the computer software systems used by the one-call notification center. Such information must be supplied by quarter section, section, range, township, and county and may also include any of the following:

- (1) A specific street or rural address which is numbered and is on a marked street or avenue that is publicly recorded;
- (2) Platted lot number of record; or
- (3) Similar identifying information which can be placed into the center's database to locate the operator's facilities.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-6.

20:25:03:05. Identification of and Color standards for marking

underground facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall identify the operator of the marked underground facility and use the following color standards

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink, ~~and~~;
- (7) Proposed excavation boundaries - White, and
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

Source: 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:07. Requirements for operation of a one-call notification center.

The one-call notification center shall provide the following services:

- (1) Accept a location request from the excavator twenty-four hours a day, seven

days a week;

(2) Accept a ticket by telephone call, facsimile transmission, and e-mail or remote entry by computer transmission;

(3) At close of each location request, confirm with the excavator any information provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request;

(4) If a locate request, submitted in compliance with SDCL 49-7A-6, is received by facsimile, e-mail, or computer transmission, the excavator shall receive a ticket, within four hours, as the confirmation notice;

(5) Record each conversation which pertains to a location request;

(6) Maintain a copy of each conversation and ticket for a period of seven years;

and

(7) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at the cost of providing such copies.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for the right of way of each separate road, street, avenue, or identified continuous easement;

(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. Revised information may only be accepted from the excavator identified on an original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center, or the operator determine that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark, or describe. If it is impractical to flag, mark, or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 9:00 a.m. and 4:00 p.m. central standard time or central

daylight time when it is in effect and appointments for this may be scheduled not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in SDCL 49-7A-6, in writing, at the time of the appointment; and

(3) If the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:10. Operator requirements after receipt of the ticket. If multiple underground facilities exist, the operator shall separately mark each underground facility.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:11. Petition for Declaratory Rulings. Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota

One-Call Notification Board

Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address

of petitioner), am (title or capacity of petitioner), and do hereby petition the South Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and quote the pertinent statute, rule, or order).

(2) The facts and circumstances which give rise to the issue to be answered by the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at _____ (city and state), this _____ day of _____, 20__.

(Signature of petitioner)

General Authority: SDCL 1-26-15, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:03:12. Board action on petition. Upon receipt of the petition for declaratory ruling, the board may request the petitioner to provide information as may be required for the issuance of its ruling. Within 120 days after the filing of the petition or within 120 days following the receipt of further requested information, the board shall issue a declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

General Authority: SDCL 1-26-15, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:04:01. Competitive bidding procedures. The board shall issue requests for proposals describing the services and the specifications required for the one-call

notification center. Following ~~competitive bidding~~ receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one or more than three years. The board may extend the term of the agreement for a period that does not exceed a total of three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-4, 49-7A-7.



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

June 7, 2000

Mr. Doug Decker
Code Counsel
Legislative Research Council
Capitol Building
Pierre, SD 57501

Re: Chapter 20:25:03, One Call Notification Board Rules

Dear Doug:

As a result of the action taken by the Interim Rules Review Committee on this date relative to an incorrect term in ARSD 20:25:03:04 (2), we have corrected this rule and have struck the word "ticket" and inserted in lieu thereof "locate request."

Enclosed you will find a complete set of the revised chapter, as previously filed, and a separate page 4 of these rules with this revision made. In other words, it is intended that you may either discard our entire previous filing or just substitute page 4, whichever is more convenient for you.

Thank you for your attention to this matter.

Very truly yours,

Camron Hoseck

cc: Larry Englerth

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

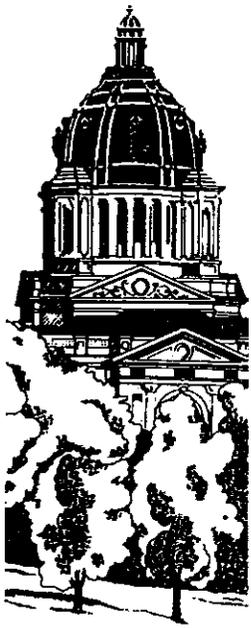
TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

June 7, 2000

The Honorable Joyce Hazeltine
Secretary of State
Capitol Building
Pierre, SD 57501

Re: Chapter 20:25:03, One Call Notification Board Rules

Dear Mrs. Hazeltine:

As a result of the action taken by the Interim Rules Review Committee on this date relative to an incorrect term in ARSD 20:25:03:04 (2), we have corrected this rule and have struck the word "ticket" and inserted in lieu thereof "locate request."

Enclosed you will find a separate page 4 of these rules with this revision made. At the suggestion of Code Counsel Doug Decker, I am submitting this revision which corrects a rule as to style and form and ask that it be filed in lieu of our previous filing of this specific rule.

Thank you for you attention to this matter.

Very truly yours,

Camron Hoseck

cc: Larry Englerth

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

William Bullard Jr.
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Fomey
Mary Giddings
Lewis Hammond
Leni Healy
Mary Healy
Camron Hoseck
Lisa Hull
Dave Jacobson
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦

Filed this 7th day of
June, 2000

SECRETARY OF STATE

days a week;

(2) Accept a locate request by telephone call, facsimile transmission, and e-mail or remote entry by computer transmission;

(3) At close of each location request, confirm with the excavator any information provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request;

(4) If a locate request, submitted in compliance with SDCL 49-7A-6, is received by facsimile, e-mail, or computer transmission, the excavator shall receive a ticket, within four hours, as the confirmation notice;

(5) Record each conversation which pertains to a location request;

(6) Maintain a copy of each conversation and ticket for a period of seven years;

and

(7) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at the cost of providing such copies.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them;

20:25:01:01. Definitions. Terms defined in SDCL 49-7A-1 have the same meaning when used in this article. Terms used in this article mean:

(1) “Excavation Site,” the specific location where an excavation will occur;

(2) “Ticket” a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

20:25:03:01 Operator participation.

20:25:03:01.01 Operator requirements for receiving tickets.

20:25:03:02 Membership classes.

20:25:03:03 Membership fees.

20:25:03:04 Information required to be submitted by all operators.

20:25 03:05 Identification of and Color standards for marking underground facilities.

20:25:03:06 Excavating near sensitive telecommunication facilities.

20:25:03:07 Requirements for operation of a one-call notification center.

20:25:03:08 Ticket standards.

20:25:03:09 Procedures for marking excavation sites which are impractical to flag, mark, or describe.

20:25:03:10 Operator requirements after receipt of the ticket.

20:25:03:11 Petition for declaratory rulings.

20:25:03:12 Board action on petition.

20:25:04:01 Competitive bidding procedures.

20:25:03:01.01. Operator requirements for receiving tickets. Any operator who receives more than an average of thirty tickets per month in any three consecutive months shall receive tickets by electronic transmission other than by voice telephone.

Electronic transmission includes e-mail, facsimile, data printer, or computer transmission.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:04. Information required to be submitted by all operators. Each operator shall provide information to the one-call center that locates the operator's underground facilities. This information shall be provided on printed forms approved by the one call notification center or in an electronic format, compatible with the computer software systems used by the one-call notification center. Such information must be supplied by quarter section, section, range, township, and county and may also include any of the following:

(1) A specific street or rural address which is numbered and is on a marked street or avenue that is publicly recorded;

(2) Platted lot number of record; or

(3) Similar identifying information which can be placed into the center's database to locate the operator's facilities.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-6.

20:25:03:05. Identification of and Color standards for marking

underground facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall identify the operator of the marked underground facility and use the following color standards

- (1) Electric - Red;
- (2) Gas/oil/steam - Yellow;
- (3) Communications/CATV - Orange;
- (4) Water - Blue;
- (5) Sewer - Green;
- (6) Temporary survey markings - Pink, ~~and~~;
- (7) Proposed excavation boundaries - White, and
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

Source: 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:07. Requirements for operation of a one-call notification center.

The one-call notification center shall provide the following services:

- (1) Accept a location request from the excavator twenty-four hours a day, seven

days a week;

(2) Accept a locate request by telephone call, facsimile transmission, and e-mail or remote entry by computer transmission;

(3) At close of each location request, confirm with the excavator any information provided by the excavator, the ticket number associated with this request, and a list of underground facility operators who will be notified of this request;

(4) If a locate request, submitted in compliance with SDCL 49-7A-6, is received by facsimile, e-mail, or computer transmission, the excavator shall receive a ticket, within four hours, as the confirmation notice;

(5) Record each conversation which pertains to a location request;

(6) Maintain a copy of each conversation and ticket for a period of seven years;

and

(7) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at the cost of providing such copies.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for the right of way of each separate road, street, avenue, or identified continuous easement;

(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. Revised information may only be accepted from the excavator identified on an original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center, or the operator determine that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:09. Procedures for marking excavation sites which are impractical to flag, mark, or describe. If it is impractical to flag, mark, or describe an excavation site the following procedures shall be followed:

(1) An excavator may request an appointment from the one-call notification center for the purpose of meeting the operator at the excavation site. These meetings shall occur only between 9:00 a.m. and 4:00 p.m. central standard time or central

daylight time when it is in effect and appointments for this may be scheduled not less than two business days from the time of the call;

(2) If appointment requests do not identify the excavation site, the excavator shall identify the excavation site as required in SDCL 49-7A-6, in writing, at the time of the appointment; and

(3) If the excavation site is not identified on the ticket, the operator shall complete the marking within 48 hours of the conclusion of the appointment.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:10. Operator requirements after receipt of the ticket. If multiple underground facilities exist, the operator shall separately mark each underground facility.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 79-7A-8.

20:25:03:11. Petition for Declaratory Rulings. Any person wishing the board to issue its ruling as to the applicability to that person of any statutory provision or rule or order of the board may file with the board a petition in substantially the following form:

State of South Dakota

One-Call Notification Board

Petition for Declaratory Ruling

Pursuant to the provisions of SDCL 1-26-15, I, (name of petitioner), of (address

of petitioner), am (title or capacity of petitioner), and do hereby petition the South
Dakota One-Call Notification Board for its declaratory ruling in regard to the following:

(1) The state statute or board rule or order in question is: (here identify and
quote the pertinent statute, rule, or order).

(2) The facts and circumstances which give rise to the issue to be answered by
the board are:

(3) The precise issue to be answered by the board's declaratory ruling is:

Dated at _____ (city and state), this _____ day of _____, 20 _____.

(Signature of petitioner)

General Authority: SDCL 1-26-15, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:03:12. Board action on petition. Upon receipt of the petition for
declaratory ruling, the board may request the petitioner to provide information as may
be required for the issuance of its ruling. Within 120 days after the filing of the petition
or within 120 days following the receipt of further requested information, the board shall
issue a declaratory ruling and serve a copy of the ruling by mail upon the petitioner.

General Authority: SDCL 1-26-15, 49-7A-4.

Law Implemented: SDCL 1-26-15.

20:25:04:01. Competitive bidding procedures. The board shall issue requests
for proposals describing the services and the specifications required for the one-call

notification center. Following ~~competitive bidding~~ receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one or more than three years. The board may extend the term of the agreement for a period that does not exceed a total of three years. The board shall review the services provided by the contractor at least annually and may modify the agreement with the one-call notification center as necessary.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-4, 49-7A-7.