

Re: Docket OR02-001

08/04/02 - Proposed Rules

08/04/02 - Fiscal Note

08/08/02 - Admission of Service signed by the Secretary of Department of Commerce and Regulation

08/08/02 - Waiver of Waiting Period signed by the Secretary of Department of Commerce and Regulation

08/08/02 - Notice of Public Hearing to Adopt Rules

08/08/02 - Letter to Capital Journal

08/08/02 - Letter to Brookings Register

08/08/02 - Letter to Black Hills Pioneer

08/09/02 - Admission of Service signed by Bureau of Finance and Management

08/09/02 - Admission of Service signed by Legislative Research Council

08/08/02 - Affidavit of Mailing Notice to Interested Parties

08/13/07 - Affidavit of Publication (Black Hills Pioneer)

08/16/02 - Letter from the Legislative Research Council Regarding Changes to the Proposed Rules

09/06/02 - Letter and Rules Review Committee Agenda from LRC

09/09/02 - Affidavit of Publication (The Brookings Register)

09/10/02 - Affidavit of Publication (Capital Journal)

09/10/02 - Minutes of Public Hearing

10/02/02 - Minutes of Board Meeting

10/18/02 - Minutes of Board Meeting

11/05/02 - Affidavit

11/14/07 - Approval of Rules

12/05/02 - Comments from SDTA

12/06/02 - Comments from South Dakota Society of Professional Land Surveyors

12/11/02 - Minutes of Board Meeting

12/17/02 - Minutes of Board Meeting

12/20/02 - Affidavit

1/03/03 - Letter to Curtis T. Pohl

01/08/03 - Approval of Rules

01/23/03 - Certificate

01/23/03 - Docket Closed

CHAPTER 20:25:01
DEFINITIONS

ARTICLE 20:25

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.
- (3) "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation.
- (4) "Planned Excavation Locate Request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit or design work relative to specific excavation activity is planned to start within the next eighteen months.
- (5) "Informational Locate Request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit, surveying, mapping or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months.
- (6) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date.

- (7) “Routine Locate Request,” a communication between an excavator and the one call center in which a request for locating underground facilities for excavation activity that will commence within the next ten business days.
- (8) “Normal Business Hours,” 8 a.m. to 5 p.m. Monday through Friday excluding holidays as defined by SDCL 1-5-1.

Source: 21 SDR 27, effective August 21, 1994; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND

MEMBERSHIP CLASSIFICATIONS AND FEES

- 20:25:03:01. Operator participation.
- 20:25:03:01.01. ~~Operation requirements for receiving tickets.~~ Repealed.
- 20:25:03:02. Membership classes.
- 20:25:03:03. Membership fees.
- 20:25:03:04. Information required to be ~~submitted by all operators~~ provided by excavators when initiating or modifying a locate request; routine, planned excavation and informational locate requests.
- 20:25:03:04.01. Locate requests in emergency situations.
- 20:25:03:05. ~~Identification of and color~~ Color standards for marking underground facilities and identification of marked facilities, preservation of markings, valid period for markings, and excavation near markings.
- 20:25:03:06. Excavating near sensitive telecommunication facilities.

- 20:25:03:07. Requirements for operation on a one-call notification center.
- 20:25:03:08. Ticket standards.
- 20:25:03:09. Procedures for making excavation sites which are impractical to flag, mark, or describe.
- 20:25:03:10. Operator response requirements after receipt of ~~the~~ an emergency, modified, routine, planned excavation or informational ticket.
- 20:25:03:11. Petition for declaratory rulings.
- 20:25:03:12. Board action on petition.

20:25:03:01 Operator participation. ~~An operator shall participate in the one-call notification center by:~~ Every operator required by SDCL 49-7A-2 to join the one call system:

~~(1) Initially submitting the information required by § 20:25:03:04 to the one-call notification center within 30 days after membership or operation of underground facilities, whichever is shorter;~~ Shall provide to the notification center, initial and updates to previously provided data that will allow proper notification to the operator of excavation near the operator's utility lines. This data shall be provided to the notification center as soon as possible, but no later than 30 days after membership or operation of underground facilities, whichever is shorter. 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;

~~(2) Updating the information provided to the one-call notification center on a timely basis, but not less than quarterly; and~~

~~(3) (2) Receiving and responding~~ Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and Article 20:25.

(3) Shall establish a means of receiving notification of excavation from the one call notification center;

(4) 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.

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-5, 49-7A-7, 49-7A-8, 49-7A-15.

~~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. Repealed.~~

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04. Information required to be submitted by all operators provided by excavators when initiating or modifying a locate requests; routine, planned excavation and informational locate requests. ~~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.~~

The following information is required to be provided by the excavator when a routine locate request is submitted:

a. The name, address and telephone number of the person making the notification request;

b. The name, address and telephone number of the excavator doing the work;

c. The date and time when excavation is scheduled to begin;

d. The depth of planned excavation within 24 inches vertical;

e. The type and extent of excavation being planned including:

i. Whether the excavation involves tunneling or horizontal boring; and, if applicable;

ii. Whether the use of explosives is anticipated;

f. A phone number that provides access to the excavator during normal business hours;

g. The location of the excavation by any one or more of the following means:

i. Latitude/Longitude Coordinates; or

ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

iii. A specific quarter section by section, range, township and county.

h. A description of the specific excavation area within each location:

- i. In relationship to structures or roads or other known points of reference on or near the property; or
- ii. In the event the excavation area cannot be clearly identified on the locate request, the excavator shall mark the route or boundaries of the excavation site of the proposed excavation by means of white paint or flags; or
- iii. When it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the operators to inform them of the extent of the excavation on the site.

The following information is required to be provided by the planner when a planned excavation locate request is submitted. No excavation activity may occur relative to a planned excavation locate request.

The name, address and telephone number of the person making the notification request;

- a. The name, address and telephone number of the business doing the work;
- b. The approximate date when planned excavation is scheduled to begin;
- c. The type and extent of the planned excavation;
- d. A phone number that provides access to the planner during normal business hours;
- e. The location of the planned excavation by any one or more of the following means:
 - i. Latitude/Longitude Coordinates; or
 - ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

iii. A specific quarter section by section, range, township and county.

g. The planned excavation area within each location:

i. In relationship to structures or roads or other known points of reference on or near the property; or

ii. In the event the planned excavation area cannot be clearly identified on the locate request, the planner shall mark the route or boundaries of the planned excavation site by means of pink paint or flags; or

iii. When it is impractical to flag, mark, or describe the planned excavation area or the planned excavation involves a major project, the planner may schedule a meeting with the operators to inform them of the extent of the planned excavation.

The following information is required to be provided by the person initiating the request when an informational locate request is submitted. No excavation activity may occur relative to an informational locate request. Operators may require compensation for marking or providing facility information on informational locate requests. The informational locate request shall contain:

a. The name, address and telephone number of the person making the notification request;

b. The name, address and telephone number of the business requesting the facility location information;

c. The approximate date when the facility information is required;

d. The type and extent of the informational request;

- e. A phone number that provides access to a person, knowledgeable about this request, during business hours;
- f. The location of the required facility information by any one or more of the following means:
 - i. Latitude/Longitude Coordinates; or
 - ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
 - iii. A specific quarter section by section, range, township and county.
- g. The specific area for which facility information is required:
 - i. In relationship to structures or roads or other known points of reference on or near the property; or
 - ii. In the event the specific area for which facility information is required cannot be clearly identified on the locate request, the requesting party shall mark the route or boundaries of the facility information required by means of white paint or flags; or
 - iii. When it is impractical (not possible) to flag, mark, or describe the area for which facility information is required or the informational request involves a major project, the party making the request may schedule a meeting with the operators to inform them of the extent of the informational request.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.01. Locate requests in emergency situations. If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, all reasonable precautions shall be taken to protect public safety and the underground facilities. In such a case, the excavator shall give notification, substantially in compliance with a routine locate request.

An excavator requesting a location due to an emergency shall provide the name and the phone number of a person who has knowledge regarding the excavation. This person shall be available by telephone during the response period to discuss the specifics of the excavation.

An excavator providing a misrepresentation of an emergency excavation as defined in SDCL 49-7A-1 may be subject to penalties under SDCL 49-7A-18 and 49-7A-19.

General Authority: SDCL 49-7A-4.

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

20:25:03:05. Identification of and color **Color standards for marking underground facilities and identification of marked facilities, preservation of markings , valid period for markings, and excavation near markings.** 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;

- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

All utility lines of the same type must be marked individually. If multiple utility lines are indicated by a single mark, the number of facilities lines shall be indicated.

When determining the most suitable means to mark underground facilities, terrain, site conditions and the type and extent of the proposed excavation shall be considered.

The excavator may request off-set marks to maintain an accurate record of the facility locations.

Markings of underground facilities shall be considered valid so long as the markings are clearly visible but not for more than twenty-one calendar days from the start date on the ticket.

On extensive and continuous excavation activity, written working agreements between the operator and the excavator may be established to extend the valid period of the original ticket(s).

After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator shall plan the excavation in such a manner as to avoid damage to, and minimize interference with, the marks. The excavator is responsible for protecting and preserving the staking, marking, or other designation until they are no longer required for proper and safe excavation work at or near the underground facilities.

If excavation is required within eighteen inches, horizontally, of the marked facility, the excavator shall expose the facility only by use of hand excavation, air cutting, water cutting or vacuum excavation in a manner that does not damage the underground facilities.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-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) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other 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.~~

Source: 26 SDR 161, effective June 8, 2000; 28 SDR 58, effective October 29, 2001.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 49-7A-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 in accordance with § 20:25:03:04, 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.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:10. Operator response requirements after receipt of the an emergency, modified routine, planned excavation or informational ticket. ~~If multiple underground facilities exist, the operator shall separately mark each underground facility.~~ Every operator required by SDCL 49-7A-2 to join the one call system must respond to notification of excavation as required by SDCL chapter 49-7A or by the response intervals listed below:

If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, each operator shall respond as follows:

- a. The operator shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later.
- b. Any operator, who determines that its facilities will not be impacted by the notification, shall immediately notify the excavator that the operator's facilities are clear from the excavation.

When a modified routine ticket is issued because it has been determined that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site, each operator shall respond in accordance with the response intervals provided for emergencies or the original start date of the ticket, whichever is later.

When a routine ticket is reissued to remark the excavation site due to obliteration, destruction or removal of the markings, the underground facility operator shall respond within twenty-four hours excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Requests to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05 of this section are subject to penalties pursuant to SDCL 49-7A-18 and 49-7A-19.

When a ticket is issued to mark the site of a planned excavation within the next eighteen months, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. Since no excavation will occur, the operator shall respond in any of the following methods:

- a. Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or
- b. Provide to the planner submitting the locate request the best available written description of all facilities in the planned excavation area, which might be as-constructed drawings, or other facility maps that are maintained by the facility operator; or
- c. Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

When a ticket is issued to mark the site of an informational locate request, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. The operator shall respond in the manner provided for planned excavation locate requests.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

CHAPTER 20:25:04

COMPETITIVE BIDDING FOR ONE-CALL CENTER CONTRACTOR SELECTION

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 receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one nor more than three years. The board may extend the term of the agreement

for a ~~period that does not exceed a total of~~ incremental period(s) of one to 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; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

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

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

PROPOSED RULES 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:04:01
Hearing Date September 4, 2002

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 *Tom R. Chandler* DATE 8/4/02
Signature Department Secretary of Board or Commission Chairman
Secretary / Treasurer

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.

CHAPTER 20:25:01
DEFINITIONS

ARTICLE 20:25

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- (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.
- (3) "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation.
- (4) "Planned Excavation Locate Request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit or design work relative to specific excavation activity is planned to start within the next eighteen months.
- (5) "Informational Locate Request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit, surveying, mapping or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months.
- (6) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date.

(7) “Routine Locate Request,” a communication between an excavator and the one call center in which a request for locating underground facilities for excavation activity that will commence within the next ten business days.

(8) “Normal Business Hours,” 8 a.m. to 5 p.m. Monday through Friday excluding holidays as defined by SDCL 1-5-1.

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General Authority: SDCL 49-7A-4.

Law implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND

MEMBERSHIP CLASSIFICATIONS AND FEES

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~~(1) Initially submitting the information required by § 20:25:03:04 to the one-call notification center within 30 days after membership or operation of underground facilities, whichever is shorter;~~ Shall provide to the notification center, initial and updates to previously provided data that will allow proper notification to the operator of excavation near the operator's utility lines. This data shall be provided to the notification center as soon as possible, but no later than 30 days after membership or operation of underground facilities, whichever is shorter. 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;

~~(2) Updating the information provided to the one-call notification center on a timely basis, but not less than quarterly; and~~

~~(3) (2) Receiving and responding~~ Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and Article 20:25.

(3) Shall establish a means of receiving notification of excavation from the one call notification center;

(4) 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.

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General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-7, 49-7A-8, 49-7A-15.

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General Authority: SDCL 49-7A-4.

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

20:25:03:04. Information required to be submitted by all operators provided by excavators when initiating or modifying a locate requests; routine, planned excavation and informational locate requests. ~~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.~~

The following information is required to be provided by the excavator when a routine locate request is submitted:

a. The name, address and telephone number of the person making the notification request;

b. The name, address and telephone number of the excavator doing the work;

c. The date and time when excavation is scheduled to begin;

d. The depth of planned excavation within 24 inches vertical;

e. The type and extent of excavation being planned including:

i. Whether the excavation involves tunneling or horizontal boring; and, if applicable;

ii. Whether the use of explosives is anticipated;

f. A phone number that provides access to the excavator during normal business hours;

g. The location of the excavation by any one or more of the following means:

i. Latitude/Longitude Coordinates; or

ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

iii. A specific quarter section by section, range, township and county.

h. A description of the specific excavation area within each location:

- i. In relationship to structures or roads or other known points of reference on or near the property; or
- ii. In the event the excavation area cannot be clearly identified on the locate request, the excavator shall mark the route or boundaries of the excavation site of the proposed excavation by means of white paint or flags; or
- iii. When it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the operators to inform them of the extent of the excavation on the site.

The following information is required to be provided by the planner when a planned excavation locate request is submitted. No excavation activity may occur relative to a planned excavation locate request.

The name, address and telephone number of the person making the notification request;

- a. The name, address and telephone number of the business doing the work;
- b. The approximate date when planned excavation is scheduled to begin;
- c. The type and extent of the planned excavation;
- d. A phone number that provides access to the planner during normal business hours;
- e. The location of the planned excavation by any one or more of the following means:
 - i. Latitude/Longitude Coordinates; or
 - ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

iii. A specific quarter section by section, range, township and county.

g. The planned excavation area within each location:

i. In relationship to structures or roads or other known points of reference on or near the property; or

ii. In the event the planned excavation area cannot be clearly identified on the locate request, the planner shall mark the route or boundaries of the planned excavation site by means of pink paint or flags; or

iii. When it is impractical to flag, mark, or describe the planned excavation area or the planned excavation involves a major project, the planner may schedule a meeting with the operators to inform them of the extent of the planned excavation.

The following information is required to be provided by the person initiating the request when an informational locate request is submitted. No excavation activity may occur relative to an informational locate request. Operators may require compensation for marking or providing facility information on informational locate requests. The informational locate request shall contain:

a. The name, address and telephone number of the person making the notification request;

b. The name, address and telephone number of the business requesting the facility location information;

c. The approximate date when the facility information is required;

d. The type and extent of the informational request;

- e. A phone number that provides access to a person, knowledgeable about this request, during business hours;
- f. The location of the required facility information by any one or more of the following means:
 - i. Latitude/Longitude Coordinates; or
 - ii. A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
 - iii. A specific quarter section by section, range, township and county.
- g. The specific area for which facility information is required:
 - i. In relationship to structures or roads or other known points of reference on or near the property; or
 - ii. In the event the specific area for which facility information is required cannot be clearly identified on the locate request, the requesting party shall mark the route or boundaries of the facility information required by means of white paint or flags; or
 - iii. When it is impractical (not possible) to flag, mark, or describe the area for which facility information is required or the informational request involves a major project, the party making the request may schedule a meeting with the operators to inform them of the extent of the informational request.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.01. Locate requests in emergency situations. If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, all reasonable precautions shall be taken to protect public safety and the underground facilities. In such a case, the excavator shall give notification, substantially in compliance with a routine locate request.

An excavator requesting a location due to an emergency shall provide the name and the phone number of a person who has knowledge regarding the excavation. This person shall be available by telephone during the response period to discuss the specifics of the excavation.

An excavator providing a misrepresentation of an emergency excavation as defined in SDCL 49-7A-1 may be subject to penalties under SDCL 49-7A-18 and 49-7A-19.

General Authority: SDCL 49-7A-4.

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

20:25:03:05. Identification of and color **Color standards for marking underground facilities and identification of marked facilities, preservation of markings , valid period for markings, and excavation near markings.** 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;

- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

All utility lines of the same type must be marked individually. If multiple utility lines are indicated by a single mark, the number of facilities lines shall be indicated.

When determining the most suitable means to mark underground facilities, terrain, site conditions and the type and extent of the proposed excavation shall be considered.

The excavator may request off-set marks to maintain an accurate record of the facility locations.

Markings of underground facilities shall be considered valid so long as the markings are clearly visible but not for more than twenty-one calendar days from the start date on the ticket.

On extensive and continuous excavation activity, written working agreements between the operator and the excavator may be established to extend the valid period of the original ticket(s).

After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator shall plan the excavation in such a manner as to avoid damage to, and minimize interference with, the marks. The excavator is responsible for protecting and preserving the staking, marking, or other designation until they are no longer required for proper and safe excavation work at or near the underground facilities.

If excavation is required within eighteen inches, horizontally, of the marked facility, the excavator shall expose the facility only by use of hand excavation, air cutting, water cutting or vacuum excavation in a manner that does not damage the underground facilities.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-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) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other 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.~~

Source: 26 SDR 161, effective June 8, 2000; 28 SDR 58, effective October 29, 2001.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 49-7A-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 in accordance with § 20:25:03:04, 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.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:10. Operator response requirements after receipt of the an emergency, modified routine, planned excavation or informational ticket. ~~If multiple underground facilities exist, the operator shall separately mark each underground facility.~~ Every operator required by SDCL 49-7A-2 to join the one call system must respond to notification of excavation as required by SDCL chapter 49-7A or by the response intervals listed below:

If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, each operator shall respond as follows:

- a. The operator shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later.
- b. Any operator, who determines that its facilities will not be impacted by the notification, shall immediately notify the excavator that the operator's facilities are clear from the excavation.

When a modified routine ticket is issued because it has been determined that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site, each operator shall respond in accordance with the response intervals provided for emergencies or the original start date of the ticket, whichever is later.

When a routine ticket is reissued to remark the excavation site due to obliteration, destruction or removal of the markings, the underground facility operator shall respond within twenty-four hours excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Requests to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05 of this section are subject to penalties pursuant to SDCL 49-7A-18 and 49-7A-19.

When a ticket is issued to mark the site of a planned excavation within the next eighteen months, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. Since no excavation will occur, the operator shall respond in any of the following methods:

- a. Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or
- b. Provide to the planner submitting the locate request the best available written description of all facilities in the planned excavation area, which might be as-constructed drawings, or other facility maps that are maintained by the facility operator; or
- c. Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

When a ticket is issued to mark the site of an informational locate request, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. The operator shall respond in the manner provided for planned excavation locate requests.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

CHAPTER 20:25:04

COMPETITIVE BIDDING FOR ONE-CALL CENTER CONTRACTOR SELECTION

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 receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one nor more than three years. The board may extend the term of the agreement

for ~~a period that does not exceed a total of~~ incremental period(s) of one to 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; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

EXPLANATION OF RULES EFFECT

The South Dakota One Call Notification Board will hold a public hearing on September 4, 2002, in Conference Room A, at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, South Dakota, at 9:30 a.m. to consider the adoption and amendment of proposed rules numbered §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10 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 modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, definitions have been added to clarify understanding of the following terms: Respond, Planned Excavation Locate Request, Informational Locate Request, Planner, Routine Locate Request, and Normal Business Hours.

In section 20:25:03:01, language from 20:25:03:01.01 and 20:25:03:04 has been incorporated and language has been added that establishes the requirements for Facility Operators to provide database information within thirty days, establishes the requirement for Facility Operators to respond to a notification and requires the Facility Operators to establish a means of receiving a notification.

Section 20:25:03:01.01 has been repealed

In section 20:25:03:04, the title has been amended to reflect the notification requirements for excavators or planners when initiating or modifying a locate request. A more specific definition of the depth of the excavation is the only modifications from previous statutes involving excavation locate requests. Two new notification types, Planning Requests and Informational Requests have been added with language establishing information requirements for these types of tickets. Language has been added that would allow Facility Operators to require compensation for the marking of underground facilities on informational locate requests that do not have excavation activity planned within the next eighteen months.

In section 20:25:03:04.01, language has been added that establishes the requirements and guidelines for excavators requesting an emergency ticket notification and the requirements of Facility Operators in responding to the emergency notification.

In section 20:25:03:05, language has been added that establishes excavator requirements for protection and preservation of markings and establishes the valid period for a ticket as twenty-one calendar days from the excavation start time on the ticket. Language has also been added that requires the Facility Operator to consider terrain and site conditions when determining the type of marking materials to be used in identifying the location of the underground facility. Language has been added that allows air cutting, water cutting, and vacuum excavation within eighteen inches of the facility marking.

In section 20:25:03:08, language identifying the response time on a modified ticket is deleted. The response time for these tickets is now included in 20:25:03:10.

In section 20:25:03:09, language has been modified to reflect reference to a current rule rather than reference a statute that will be inaccurate when the new law becomes effective on January 1, 2003. The intent of the section remains the same as previously written.

In section 20:25:03:10, language has been added that identifies the response time for Facility Operators on emergency ticket notifications and modification ticket requests due to Center or Facility Operator error as two hours during normal business hours and four hours outside normal business hours. This section also adds language that establishes a response interval of twenty-four hours for Facility Operators when responding to a request to remark a previously marked excavation site. Language has been added that establishes a response time of five working days for Facility Operators when responding to non-excavation (Planning and Informational) locate requests and provides that the Facility Operator may respond to non-excavation requests by either marking the site or providing map information to the requesting party.

In section 20:25:04:01, language has been added to allow the Board to extend the vendor contract for operating the One Call Center in incremental periods of one to three years.

The reasons for the proposed rule changes are to insure that the administrative rules are in place for a smooth transition when the statute changes are effective January 1, 2003. Since the majority of the language added or modified is in response to deletions or modifications to the statute and will not change current operating procedures in any significant manner, there are no fiscal impacts on state agencies or local governmental subdivisions.

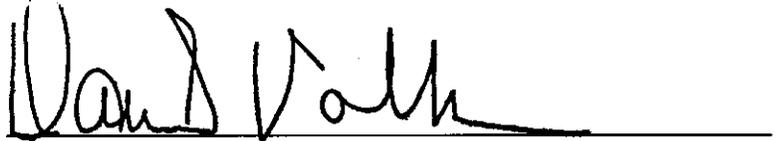
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ RULES 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:04:01; and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 8th day of August, 2002.

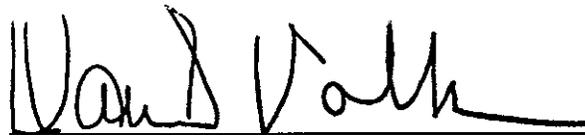

Secretary of Department of Commerce and Regulation

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 Public Utilities Commission's proposed revised rules: §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:04:01.

Dated this 8th day of August, 2002.

A handwritten signature in black ink, appearing to read "David Volk", written over a horizontal line.

Secretary of Department of Commerce and Regulation

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

A public hearing will be held on September 4, 2002, in Conference Room A, at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, South Dakota, at 9:30 a.m. to consider the adoption and amendment of proposed rules numbered

20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01,
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The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

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In section 20:25:03:04.01, language has been added that establishes the requirements and guidelines for excavators requesting an emergency ticket

notification and the requirements of Facility Operators in responding to the emergency notification.

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In section 20:25:04:01, language has been added to allow the Board to extend the vendor contract for operating the One Call Center in incremental periods of one to three years.

The reasons for the proposed rule changes are to insure that the administrative rules are in place for a smooth transition when the statute changes are effective January 1, 2003. The vast majority of the language added or modified is in response to deletions or modifications to the statute.

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, c/o South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota

57501-5070, or by email to debra.elifson@state.sd.us. All materials sent by mail or email must be received by the close of business on September 3rd 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 One-Call Notification Board 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) 339-0529.

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

South Dakota One-Call Notification Board
1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

The proposed rules may also be found on the South Dakota One Call Board web site at the following address: <http://www.sdonecall.com>.



South Dakota Public Utilities Commission



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

August 8, 2002

Attn: Kelley
Capital Journal
P.O. Box 878
Pierre, SD 57501

Dear Kelley:

Please publish the enclosed notice in your paper as a display advertisement for one issue by August 12, 2002.

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,

Karen E. Cremer
Staff Attorney

KEC: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
Bob Sahr
Commissioner

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Tina Douglas
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Tom Graham
Mary A. Healy
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest
♦



South Dakota Public Utilities Commission



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

August 8, 2002

Attn: Tracy
Brookings Register
P. O. Box 177
Brookings, SD 57006

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

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

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*Terry Emerson
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Lisa Hull
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Amy Kayser
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Delaine Kolbo
Gregory A. Rislov
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Rolayne Ailts Wiest
♦

Dear Tracy:

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Sincerely yours,

Karen E. Cremer
Staff Attorney

KEC:dk

Enc.

South Dakota Public Utilities Commission

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



August 8, 2002

Black Hills Pioneer
Attn: Advertising Department
P. O. Box 7
Spearfish, SD 57783

To whom it concerns:

Please publish the enclosed notice in your paper as a display advertisement for one issue by August 12, 2002.

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,

Karen E. Cremer
Staff Attorney

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Enc.



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Gregory A. Rislov
Keith Senger
John Smith
Rolayne Ailts Wiest
♦

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:04:01;
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 9th day of August, 2002.


Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:04:01;
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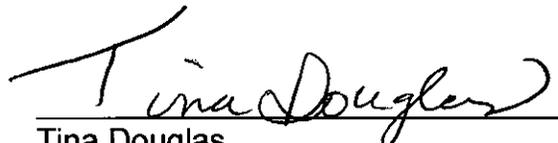


Legislative Research Council

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Tina Douglas, under oath, do swear, that on August 9, 2002, 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 requested advance notice of rulemaking proceedings by the Public Utilities Commission.


Tina Douglas

Subscribed and sworn to
before me this 9 day
of August, 2002.


Notary Public - South Dakota

(SEAL)

My Commission Expires

20
My Commission Expires
January 9, 2007

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

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

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, definitions have been added to clarify understanding of the following terms: Respond, Planned Excavation Locate Request, Informational Locate Request, Planner, Routine Locate Request, and Normal Business Hours.

In section 20:25:03:01, language from 20:25:03:01.01 and 20:25:03:04 has been incorporated and language has been added that establishes the requirements for Facility Operators to provide database information within thirty days, establishes the requirement for Facility Operators to respond to a notification and requires the Facility Operators to establish a means of receiving a notification.

Section 20:25:03:01.01 has been repealed

In section 20:25:03:04, the title has been amended to reflect the notification requirements for excavators or planners when initiating or modifying a locate request. A more specific definition of the depth of the excavation is the only modifications from previous statutes involving excavation locate requests. Two new notification types, Planning Requests and Informational Requests have been added with language establishing information requirements for these types of tickets. Language has been added that would allow Facility Operators to require compensation for the marking of underground facilities on informational locate requests that do not have excavation activity planned within the next eighteen months.

In section 20:25:03:04.01, language has been added that establishes the requirements and guidelines for excavators requesting an emergency ticket

notification and the requirements of Facility Operators in responding to the emergency notification.

In section 20:25:03:05, language has been added that establishes excavator requirements for protection and preservation of markings and establishes the valid period for a ticket as twenty-one calendar days from the excavation start time on the ticket. Language has also been added that requires the Facility Operator to consider terrain and site conditions when determining the type of marking materials to be used in identifying the location of the underground facility. Language has been added that allows air cutting, water cutting, and vacuum excavation within eighteen inches of the facility marking.

In section 20:25:03:08, language identifying the response time on a modified ticket is deleted. The response time for these tickets is now included in 20:25:03:10.

In section 20:25:03:09, language has been modified to reflect reference to a current rule rather than reference a statute that will be inaccurate when the new law becomes effective on January 1, 2003. The intent of the section remains the same as previously written.

In section 20:25:03:10, language has been added that identifies the response time for Facility Operators on emergency ticket notifications and modification ticket requests due to Center or Facility Operator error as two hours during normal business hours and four hours outside normal business hours. This section also adds language that establishes a response interval of twenty-four hours for Facility Operators when responding to a request to remark a previously marked excavation site. Language has been added that establishes a response time of five working days for Facility Operators when responding to non-excavation (Planning and Informational) locate requests and provides that the Facility Operator may respond to non-excavation requests by either marking the site or providing map information to the requesting party.

In section 20:25:04:01, language has been added to allow the Board to extend the vendor contract for operating the One Call Center in incremental periods of one to three years.

The reasons for the proposed rule changes are to insure that the administrative rules are in place for a smooth transition when the statute changes are effective January 1, 2003. The vast majority of the language added or modified is in response to deletions or modifications to the statute.

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, c/o South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota

57501-5070, or by email to debra.elfson@state.sd.us. All materials sent by mail or email must be received by the close of business on September 3rd 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 One-Call Notification Board 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) 339-0529.

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

South Dakota One-Call Notification Board
1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

The proposed rules may also be found on the South Dakota One Call Board web site at the following address: <http://www.sdonecall.com>.

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2002 Rules - List of Interested Parties

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Affidavit of Publication³ 2002

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Page 12, Monday, August 12, 2002

Stewart Huntington of said County and State being first duly sworn on his oath says: That the BLACK HILLS PIONEER is a legal newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; 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 newspaper herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Legal Advertisement
One-Call Notification Board

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 12th day of Aug, 2002, the last publication on the _____ day of _____, that the amount of fees charged for publishing same, to-wit: The sum of \$ 440.10, inures 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.

Stewart Huntington
Subscribed and sworn to before me this 12th day of Aug, 2002

Arith Johnson

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

One-Call Notification Notice of Public Hearing

A public hearing will be held on September 4, 2002 at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, SD, for the adoption and amendment of rules numbered 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, and 20:25:03:11.

The One-Call Notification Board is responsible for the location of underground facilities. It proposes the following changes:

The effects of the proposed rule changes are as follows: In section 20:25:01:01, definitions have been added for the following terms: Respond, Planned Excavation Locate Request, Routine Locate Request, and Normal Business Hours.

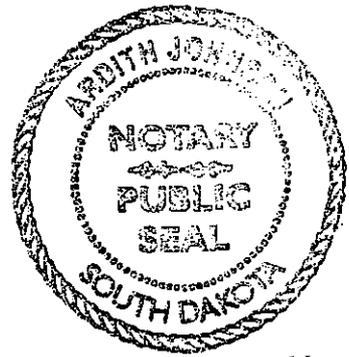
In section 20:25:03:01, language from 20:25:03:01.01 has been repealed and language has been added that establishes a requirement to provide database information within thirty days, establish a requirement to respond to a notification and requires the Facility Operator to provide notification.

Section 20:25:03:01.01 as been repealed.

In section 20:25:03:04, the title has been amended to read "Requirements for excavators or planners when initiating or modifying excavation locate requests." The definition of the depth of the excavation is the only modification. Two new notification types have been added with language establishing a requirement for tickets. Language has been added that would allow for the marking of underground facilities on information for excavation activity planned within the next eighteen months.

In section 20:25:03:04.01, language has been added to establish and guidelines for excavators requesting and emergency response of Facility Operators in responding to the emergency notification.

In section 20:25:03:05, language has been added to establish requirements for protection and preservation of markings and language has been added that requires the Facility Operator to consider the type of marking materials to be used in identifying markings. Language has been added that allows air cutting, water cutting, and marking within eighteen inches of the facility marking.





Legislative Research Council

Sen. Arnold M. Brown, Chair
Rep. Michael Derby, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

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AUG 16 2002

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

August 15, 2002

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

Dear Ms. Frazier:

The One-Call Notification Board 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 September 4, 2002, and approve the rules for legality, with the following exceptions:

20:25:01:01 -- Please list the terms defined in this section in alphabetical order.

20:25:03:04 -- This section includes more than one subject matter and should be subdivided into three sections. Please identify the lead lines for each section. The form and style for subdivisions is in the Administrative Rules Guide or you may use an existing rule with subdivisions to determine the proper format.

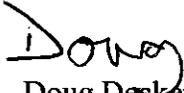
20:25:03:04.01 -- Requests made during an emergency situation require that the notification shall be substantially in compliance with a routine locate request. What does substantially mean and who will make that determination? It may be appropriate to create an emergency locate request form, if not please identify what items in the routine request form that are not necessary.

20:25:03:05 -- This section includes more than one subject matter and should be subdivided into two or more sections. Please identify the lead lines for each section.

20:25:03:10 -- How does the operator distinguish what routine request form is an emergency and which are not. This section also addresses several types of operator responses to different situations. It is recommend that this section be subdivided into several sections.

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,

A handwritten signature in black ink that reads "Doug". The signature is written in a cursive style with a large, sweeping initial "D".

Doug Decker
Code Counsel

PROPOSED RULES: Public Utilities Commission: One-Call Notification Board – ARSD
20:25:03, 20:25:01:01, and 20:25:04:01 – One-call notification.

HEARING DATE: September 4, 2002

RULES REVIEW MEETING SCHEDULE: September 17, November 20, and January 6

A copy of the final draft of the rules, together with the minutes of the public hearing, must be served on each member of the interim Rules Review Committee prior to the date that you appear before the committee. Regular mail may be used.

The Legislative Research Council requests that you submit the final draft of the rules for approval by this office at least ten days before the rules are filed with the Secretary of State. If you think substantive change may be needed in the final draft, you may send it to us before you send it to the committee.

When the final draft of the adopted rules is brought to this office for signature for legality and for form and style, please include the following items:

- (1) The edited copy of the first draft;
- (2) One legible copy of the final draft, to be left here. The final draft should be double spaced, contain only rules being amended, repealed, or adopted, and show changes from current printed rules by means of overstrikes and underscores;
- (3) The original form #11 which contains the signature of the officer empowered to adopt the rules or the signatures of a majority of the members of a board or commission which has the rule-making authority;
- (4) Copies of the following:
 - (a) The minutes of the public hearing;
 - (b) The affidavit of mailing to Rules Committee members, if already done.

Each agency must complete and sign all documents before filing the certificate of compliance with Chapter 1-26 and the final draft of the rules with the Secretary of State's Office. Although it is not required by statute, the Secretary of State's Office would like to have a copy of the approval signature sheet with the filing of the final draft and the certificate.

CHAPTER 20:25:01
DEFINITIONS

ARTICLE 20:25

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;
- ✓ (8) ~~(2)~~ "Ticket," a document issued by the one-call notification center to operators and excavators for the purpose of locating an underground facility;
- ✓ (6) ~~(3)~~ "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation;
- ✓ (4) "Planned ~~Excavation~~ ~~Locate~~ ~~Request~~," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit or design work relative to specific excavation activity is planned to start within the next eighteen months;
- ✓ (2) ~~(5)~~ "Informational ~~Locate~~ ~~Request~~," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit, surveying, mapping or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months;
- ✓ (5) ~~(6)~~ "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date;

✓ (7) "~~Routine Locate Request~~," a communication between an excavator and the one call center in which a request for locating underground facilities for excavation activity that will commence within the next ten business days;

✓ (3) ~~(8)~~ "Normal Business Hours," 8 a.m. to 5 p.m. Monday through Friday excluding holidays as defined by SDCL 1-5-1;

Source: 21 SDR 27, effective August 21, 1994; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND

MEMBERSHIP CLASSIFICATIONS AND FEES

20:25:03:01. Operator participation.

20:25:03:01.01. ~~Operation requirements for receiving tickets.~~ Repealed.

20:25:03:02. Membership classes.

20:25:03:03. Membership fees.

20:25:03:04. Information required to be ~~submitted by all operators provided by excavators~~ when initiating or modifying a ^{routine} locate request, ^{04.02} routine, planned excavation ^{request} and ^{04.03} informational locate requests.

⁰⁴ 20:25:03:04.01. Locate requests in emergency situations.

20:25:03:05. ~~Identification of and color~~ Color standards for marking underground facilities and identification of marked facilities, preservation of markings, valid period for markings, and excavation near markings.

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

- 20:25:03:07. Requirements for operation on a one-call notification center.
- 20:25:03:08. Ticket standards.
- 20:25:03:09. Procedures for making excavation sites which are impractical to flag, mark, or describe.
- 20:25:03:10. Operator response requirements after receipt of ~~the~~ an emergency, modified, routine, planned excavation or informational ticket.
- 20:25:03:11. Petition for declaratory rulings.
- 20:25:03:12. Board action on petition.

20:25:03:01 Operator participation. ~~An operator shall participate in the one-call notification center by: Every operator required by SDCL 49-7A-2 to join the one call system:~~
Each

(1) ~~Initially submitting the information required by § 20:25:03:04 to the one-call notification center within 30 days after membership or operation of underground facilities, whichever is shorter; Shall provide to the notification center, initial and updates to previously provided data that will allow proper notification to the operator of excavation near the operator's utility lines.~~
allows
Shall provide to the notification center, initial and updates to previously provided data that will allow proper notification to the operator of excavation near the operator's utility lines.

and updates to such data

This data shall be provided to the notification center as soon as possible, but no later than 30 days after (membership) or operation of underground facilities, whichever is ~~shorter~~ ^{first}. 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;

What does this term mean?

~~(2) Updating the information provided to the one-call notification center on a timely basis, but not less than quarterly; and~~

(3) ~~(2) Receiving and responding~~ Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and Article 20:25.

(3) Shall establish a means of receiving notification of excavation from the one call notification center; *and*

(4) 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.

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-5, 49-7A-7, 49-7A-8, 49-7A-15.

~~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. Repealed.~~

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

~~20:25:03:04. Information required to be submitted by all operators provided by excavators when initiating or modifying a locate requests; routine, planned excavation and informational locate requests. 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.~~

The following information is required to be provided by the excavator when a routine locate request is submitted:

- (1) ~~a.~~ ^{routine locate} The name, address and telephone number of the person making the notification request;
- (2) ~~b.~~ The name, address and telephone number of the excavator doing the work;
- (3) ~~c.~~ The date and time when excavation is scheduled to begin;
- (4) ~~d.~~ The depth of planned excavation within 24 inches vertical;
- (5) ~~e.~~ The type and extent of excavation being planned including:
- (a) ~~i.~~ Whether the excavation involves tunneling or horizontal boring; and if applicable;
- (b) ~~ii.~~ Whether the use of explosives is anticipated; *If applicable,*
- (6) ~~f.~~ A phone number that provides access to the excavator during normal business hours;
- (7) ~~g.~~ The location of the excavation by any one or more of the following means:
- (a) ~~i.~~ Latitude/Longitude Coordinates; or
- (b) ~~ii.~~ A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
- (c) ~~iii.~~ A specific quarter section by section, range, township and county; and

(8) ~~i.~~ A description of the specific excavation area within each location:

(a) ~~i.~~ In relationship to structures or roads or other known points of reference on or near the property; or

(b) ~~ii.~~ In the event the excavation area cannot be clearly identified on the locate request, the excavator shall mark the route or boundaries of the excavation site of the proposed excavation by means of white paint or flags; or

(c) ~~iii.~~ ^{If} When it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the operators to inform them of the extent of the excavation on the site.

20:25:03:04.01
The following information is required to be provided by the planner when a planned excavation locate request is submitted. No excavation activity may occur relative to a planned excavation locate request.

(1) The name, address and telephone number of the person making the ^{planned excavation locate} notification request;

(a) ~~i.~~ The name, address and telephone number of the business doing the work;

(b) ~~ii.~~ The approximate date when planned excavation is scheduled to begin;

(c) ~~iii.~~ The type and extent of the planned excavation;

(d) ~~iv.~~ A phone number that provides access to the planner during normal business hours;

(e) ~~v.~~ The location of the planned excavation by any one or more of the following means:

(a) ~~i.~~ Latitude/Longitude Coordinates; or

(b) ~~ii.~~ A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

(c) ~~iii.~~ A specific quarter section by section, range, township and county, and

(7) ~~(b)~~ g. The planned excavation area within each location:

(a) ~~i.~~ In relationship to structures or roads or other known points of reference on or near the property; or

(b) ~~ii.~~ In the event the planned excavation area cannot be clearly identified on the locate request, the planner shall mark the route or boundaries of the planned excavation site by means of pink paint or flags; or

~~IF~~
(c) ~~iii.~~ When it is impractical to flag, mark, or describe the planned excavation area or the planned excavation involves a major project, the planner may schedule a meeting with the operators to inform them of the extent of the planned excavation.

20:25:04:04.02

The following information is required to be provided by the person initiating the request when an informational locate request is submitted. No excavation activity may occur relative to an informational locate request. Operators may require compensation for marking or providing facility information on informational locate requests. The informational locate request shall contain:

(1) ~~a.~~ The name, address and telephone number of the person making the notification request;

(2) ~~b.~~ The name, address and telephone number of the business requesting the facility location information;

(3) ~~c.~~ The approximate date when the facility information is required;

(4) ~~d.~~ The type and extent of the informational request;

(5) ~~e.~~ A phone number that provides access to a person, knowledgeable about this request, during business hours;

(6) ~~f.~~ The location of the required facility information by any one or more of the following means:

(a) ~~i.~~ Latitude/Longitude/Coordinates; or

(b) ~~ii.~~ A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

(c) ~~iii.~~ A specific quarter section by section, range, township, and county; and

(7) ~~g.~~ The specific area for which facility information is required:

(a) ~~i.~~ In relationship to structures or roads or other known points of reference on or near the property; or

(b) ~~ii.~~ In the event the specific area for which facility information is required cannot be clearly identified on the ^{informational} locate request, the requesting party shall mark the route or boundaries of the facility information required by means of white paint or flags; or

(c) ~~iii.~~ ^{IF} When it is impractical ~~(not possible)~~ to flag, mark, or describe the area for which facility information is required or the informational request involves a major project, the party making the request may schedule a meeting with the operators to inform them of the extent of the informational request.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

⁰³
20:25:03:04.01. Locate requests in emergency situations. If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, all reasonable precautions shall be taken to protect public safety and the underground facilities. In such a case, the excavator shall give notification, substantially in compliance with a routine locate request.

who?
what?

An excavator requesting a location due to an emergency shall provide the name and the phone number of a person who has knowledge regarding the excavation. This person shall be available by telephone during the response period to discuss the specifics of the excavation.

An excavator providing a misrepresentation of an emergency excavation as defined in SDCL 49-7A-1 may be subject to penalties under SDCL 49-7A-18 and 49-7A-19.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL ^{49-7A-1} 49-7A-2, 49-7A-6. — 49-7A-18, 49-7A-19

20:25:03:05. ~~Identification of and color~~ Color standards for marking underground facilities and identification of marked facilities ^{new section} preservation of markings, valid period for markings, and excavation near markings. 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;

- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

All utility lines of the same type must be marked individually. If multiple utility lines are indicated by a single mark, the number of facilities lines shall be indicated.

When determining the most suitable means to mark underground facilities, terrain, site conditions and the type and extent of the proposed excavation shall be considered.

The excavator may request off-set marks to maintain an accurate record of the facility locations.

Markings of underground facilities shall be considered valid so long as the markings are clearly visible but not for more than twenty-one calendar days from the start date on the ticket.

On extensive and continuous excavation activity, written working agreements between the operator and the excavator may be established to extend the valid period of the original ticket(s).

new section
After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator shall plan the excavation ~~in~~ such a manner as to avoid damage to, and minimize interference with, the marks. The excavator is responsible for protecting and preserving the staking, marking, or other designation until ~~they~~ ^{the marks} are no longer required for proper and safe excavation work at or near the underground facilities.

If excavation is required within eighteen inches, horizontally, of the marked facility, the excavator shall expose the facility only by use of hand excavation, air cutting, water cutting, or vacuum excavation in a manner that does not damage the underground facilities.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-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) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other 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.~~

Source: 26 SDR 161, effective June 8, 2000; 28 SDR 58, effective October 29, 2001.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-6, 49-7A-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 in accordance with

§ 20:25:03:04 the following procedures shall be followed:

*either list
all three new
sections or delete*

- (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.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:10. Operator response requirements after receipt of the an emergency, modified routine, planned excavation, or informational ticket. ~~If multiple underground facilities exist, the operator shall separately mark each underground facility.~~ *Each* Every operator required by SDCL 49-7A-2 to join the one call system must respond to notification of excavation as required by SDCL chapter 49-7A or by the response intervals listed below:

How does the operator know that the response is needed for an emergency ticket?

If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, each operator shall respond as follows:

(1) ~~X~~ The operator shall respond as soon as possible but not longer than two hours during the business day and not longer than four hours outside of the business day or by the start time on the ticket, whichever is later; and

(2) ~~X~~ Any operator, who determines that its facilities will not be impacted by the notification, shall immediately notify the excavator that the operator's facilities are clear from the excavation.

~~When~~ ^{IF} a modified routine ticket is issued because it has been determined that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site, each operator shall respond in accordance with the response intervals provided for emergencies or the original start date of the ticket, whichever is later.

~~When~~ ^{IF} a routine ticket is reissued to remark the excavation site due to obliteration, destruction, or removal of the markings, the underground facility operator shall respond within twenty-four hours excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Requests to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05 of this section is ^{established} subject to penalties pursuant to SDCL 49-7A-18 and 49-7A-19.

~~When~~ ^{IF informational} a ticket is issued to mark the site of a planned excavation within the next eighteen months, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request.

Since no excavation will occur, the operator shall respond in any of the following methods:

New? Section

what kind of request

- (1) ~~a.~~ Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation;
- (2) ~~b.~~ Provide to the planner submitting the locate request the best available written description of all facilities in the planned excavation area, which might be as-constructed drawings, or other facility maps that are maintained by the facility operator; or
- (3) ~~c.~~ Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

~~When~~ a ticket is issued to mark the site of an informational locate request, the underground facility operator shall respond within five working days, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. The operator shall respond in the manner provided for planned excavation locate requests.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

CHAPTER 20:25:04

COMPETITIVE BIDDING FOR ONE-CALL CENTER CONTRACTOR SELECTION

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 receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one nor more than three years. The board may extend the term of the agreement

ONE OR MORE
30
for a period that does not exceed a total of incremental period(s) of one to 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; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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



Legislative Research Council

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

MEMORANDUM

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

James Fry, Director
Doug Decker, Code Counsel

September 5, 2002

TO: **Rules Contacts**

FROM: **Doug Decker, Code Counsel** *Doug*

RE: **Interim Rules Review Committee Meeting – September 17, 2002**

Your agency has been scheduled to present rules at the next Interim Rules Review Committee meeting (see the enclosed agenda). The agency must have a representative present at this meeting to explain the rules, give background information, or answer any questions from the committee.

Rules contact persons are no longer required to provide eight copies of the agency's rules before the meeting. The Committee's goal is to use the copy of the rules that is served on the committee as part of the rule adoption process according to SDCL 1-26-4(9). The service of the rules must be done with enough time between the service of the rules and the meeting to allow the members time to review the rules before the meeting. Recent statutory changes, effective July 1, 2002, require the agency to serve the committee members at least five days before the meeting. This statutory requirement should be considered the minimum time allowed for service of the rules before the meeting.

Thank you for your cooperation in this matter. This procedure will expedite the presentation of your rules before the committee and give the committee members access to the best and most recent version of your rules.



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Representative Orville Smidt, Chair
Senator Eric Bogue, Vice Chair

Two hundred thirty-second meeting
Tuesday
September 17, 2002

Room 413
State Capitol
Pierre, South Dakota

Agencies are asked to have a representative present at the meeting to give background information on their rules.

9:00 a.m. Call to order, roll call, approval of minutes, staff report

9:10 a.m. Review of proposed rules

Senator Bogue

Department of Education and Cultural Affairs – Change method of calculating exclusions when opting out of property tax limitations.

Public Utilities Commission: One Call Notification Board - One-call notification system, requirements for facility operators, notification requirements, emergency notification, excavator requirements, response time for facility operators, vendor contract.

Representative Lange

Bureau of Finance and Management - Allow agencies to accept payment for goods with credit cards.

Senator McCracken

South Dakota Lottery - Update existing Powerball game rule to conform with rules adopted by the Powerball Group of the Multi-State Lottery Association.

Department of Commerce and Regulation: Division of Insurance - Replacement of life insurance, HIPAA rules - employer plans, privacy of consumer financial information, and nondiscrimination in group market.

Department of Transportation – Amend speed zones in Minnehaha and Potter County.

Department of Agriculture: State Fair Board – Prices for 2003 State Fair.

Department of Agriculture – Sampling for verification of transgenic seed use.

Break

Representative Michels

Department of Commerce and Regulation: Real Estate Commission - Establish provisions for prelicensing and continuing education, compensate for reduction in funds, and conform the rules to statutes.

Department of Commerce and Regulation: State Plumbing Commission - License fees, exceptions to conformation with national code, water piping to livestock facilities, public bathrooms, wet venting and number of fixture units, location of dual check backflow preventers.

Department of Labor: Division of Labor and Management - Workers' compensation fee schedule, discount for uncategorized claims, reimbursement for dental claims, billing codes and reimbursements for physician claims, require explanation of benefits when reduced, redefine "physical medicine," repeal in-patient treatment standards.

Review of Legislation

11:30 p.m. Adjourn

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Representative Orville Smidt, Chair; Senator Eric Bogue, Vice Chair; Senator H. Paul Dennert, Senator Royal "Mac" McCracken, Representative Gerald Lange, and Representative Matthew Michels.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



All Legislative Research Council committee minutes and agendas are available on the South Dakota Legislature's Homepage (<http://legis.state.sd.us>). Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Christina Peck 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

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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Display Legal Notice of 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 affidavit, was published in said newspaper for _____ 1 times, to-wit:

August 10, 2002 _____

said Exhibit "A" inures to the sole benefit for 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:

Three hundred thirty-nine dollars and twenty cents \$339.20

Christina Peck

Subscribed and sworn to before me this _____ 24 day of
August _____ 2002.

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

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

A public hearing will be held on September 4, 2002, in Conference Room A, at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, South Dakota, at 9:30 a.m. to consider the adoption and amendment of proposed rules numbered

20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10 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 modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, definitions have been added to clarify understanding of the following terms, Respond, Planned Excavation Locate Request, Informational Locate Request, Planner, Routine Locate Request, and Normal Business Hours.

In section 20:25:03:01, language from 20:25:03:01.01 and 20:25:03:04 has been incorporated and language has been added that establishes the requirements for Facility Operators to provide database information within thirty days, establishes the requirement for Facility Operators to respond to a notification and requires the Facility Operators to establish a means of receiving a notification.

Section 20:25:03:01.01 has been repealed

In section 20:25:03:04, the title has been amended to reflect the notification requirements for excavators or planners, when initiating or modifying a locate request. A more specific definition of the depth of the excavation is the only modifications from previous statutes involving excavation locate requests. Two new notification types, Planning Requests and Informational Requests have been added with language establishing information requirements for these types of tickets. Language has been added that would allow Facility Operators to require compensation for the marking of underground facilities on informational locate requests that do not have excavation activity planned within the next eighteen months,

In section 20:25:03:04.01, language has been added that establishes the requirements and guidelines for excavators requesting an emergency ticket notification and the requirements of Facility Operators in responding to the emergency notification.

In section 20:25:03:05, language has been added that establishes excavator requirements for protection and preservation of markings and establishes the valid period for a ticket as twenty-one calendar days from the excavation start time on the ticket. Language has also been added that requires the Facility Operator to consider terrain and site conditions when determining the type of marking materials to be used in identifying the location of the underground facility. Language has been added that allows air cutting, water cutting, and vacuum excavation within eighteen inches of the facility marking.

In section 20:25:03:08, language identifying the response time on a modified ticket is deleted. The response time for these tickets is now included in 20:25:03:10.

In section 20:25:03:09, language has been modified to reflect reference to a current rule rather than reference a statute that will be inaccurate when the now law becomes effective on January 1, 2003. The intent of the section remains the same as previously written.

In section 20:25:03:10, language has been added that identifies the response time for Facility Operators on emergency ticket notifications and modification ticket requests due to Center or Facility Operator error as two hours during normal business hours and four hours outside normal business hours. This section also adds language that establishes a response interval of twenty-four hours for Facility Operators when responding to a request to remark a previously marked excavation site. Language has been added that establishes a response time of five working days for Facility Operators when responding to non-excavation (Planning and Informational) locate requests and provides that the Facility Operator may respond to non-excavation requests by either marking the site or providing map information to the requesting party.

In section 20:25:04:01, language has been added to allow the Board to extend the vendor contract for operating the One Call Center in incremental periods of one to three years.

The reasons for the proposed rule changes are to insure that the administrative rules are in place for a smooth transition when the statute changes are effective January 1, 2003. The vast majority of the language added or modified is in response to deletions or modifications to the statute.

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, c/o South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070, or by email to debra.elofson@state.sd.us. All materials sent by mail or email must be received by the close of business on September 3rd 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 One-Call Notification Board 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) 339-0529.

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

South Dakota One-Call Notification Board
1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

The proposed rules may also be found on the South Dakota One Call Board web site at the following address: <http://www.sdonecall.com>.



upstairs apartment with washer/dryer hook-ups. References required and deposit of \$100.00. Call 605-223-9828 or 605-223-2145. CLEAN. Well kept, three bsm. Asking for 605-223-2145.

Capital Journal

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SEP 10 2002

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Dawn Hedman of said county, being, first duly sworn, on oath, says: That he/~~she~~ is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/~~she~~ has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed One-Call Notification Board Notice of Public Hearing to Adopt Rules a printed copy of which, taken from the paper in which the same was published, and which is here-to attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

<u>August 12</u>	<u>20 02</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>
_____	<u>20</u>	_____	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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: \$176.12.

Signed: Dawn Hedman

subscribed and sworn to before me this 6 day of September 2002

Maugh Baker

Notary Public in and for the County of Hughes, South Dakota.
My Commission expires 2-12, 2003.

SOUTH DAKOTA ONE CALL NOTIFICATION MINUTES OF PUBLIC HEARING

Chairman Curt Pohl called the South Dakota One Call Notification Board (SDOCNB) rules hearing to order on September 4, 2002, at 9:30 A.M. in Conference Room A, at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, South Dakota.

Board Members in attendance forming a quorum: Todd Chambers, Kevin Kouba, Pat Gilligan, Curt Pohl, Eugene Solseth, Doug Larson, Jerry Schroeder & Rod Cundy. Board Members absent: Ed Anderson, Paul Lowe and Tom Krueger. Also in attendance: Larry Englerth, Executive Director to the South Dakota One Call Board; Doug Lee, Montana Dakota Utilities; Tim Kretschmar, Montana Dakota Utilities; Jimm Mann, Montana Dakota Utilities; Richard Coit, South Dakota Telephone Association; Brett Koenecke, representing Design Professionals; Donald Jacobsen, Missouri Breaks Surveying; Randy Bacon, Helms Associates; Tammy Bothwell, Morris, Inc.; Dennis Ninceheler, State of SD; Geoff Simon, Montana Dakota Utilities; Jim Keys Associated General Contractors of SD.

Chairman Pohl introduced Kelly Frazier, Staff Attorney for the Public Utilities Commission as the Hearing Officer.

Hearing Officer Frazier summarized the purpose of the hearing and advised all present that the rules would be reviewed by section. Hearing Officer Frazier stated that written comments would be received for ten days. These responses should be mailed to his attention at the Public Utilities Commission, 500 East Capitol Avenue, Pierre, SD 57501 or may be submitted by e-mail to kelly.frazier@state.sd.us.

Hearing Officer Frazier asked if any persons desired that Article 20:25:01:01 be read: *No request to read the rule was made.* Hearing Officer Frazier then requested public comments relative to this rule change. Tim Kretschmar requested a clarification on what determined the eighteen month period used in the definition of Informational locate request and planned excavation locate request. Larry Englerth responded to the request. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:01 be read: *No request to read the rule was made.* Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:01.01 be read: *No request to read the rule was made.* Hearing Officer Frazier then requested public comments relative to the repeal of this rule. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.01 be read: Randy Bacon requested to have the rule read. Larry Englerth read the rule. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.02 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. Donald Jacobsen requested the Board to consider a modification of (7) (b) that would allow for a color other than white to be used for the pre-marking of the excavation site during winter months. No other comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.03 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.04 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. Brett Koenecke requested a clarification "Would the drilling of survey pins require an excavation ticket or could they be placed on a planned excavation or Informational locate request." Larry Englerth responded that any excavation, including the placement of survey pins, would require an excavation locate request. Richard Coit requested that the Board establish a maximum number of requests that a planner could make to have the same site marked...he stated that the rural telephone companies have instances of the same locate being requested on five to seven occasions.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.05 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. Donald Jacobsen stated that he did not believe that allowing facility operators to charge for Informational locate requests was in the best interests of all parties involved in the South Dakota One Call System. His primary request was that no fee be allowed and that if a fee is allowed the rate should be established by the Board. Richard Coit stated the support of the South Dakota Telephone Association for facility operators to charge for locate services on informational locate requests and would like to see this expanded to include planned excavation locate requests.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.01 be read: Donald Jacobsen requested to have the rule read. Larry Englerth read the rule. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.02 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.03 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:08 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:10 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. Doug Lee expressed concern that the twenty-four hour response time to remark a previous locate request may be too short an interval. Richard Coit expressed concern on the response time being too short for a locate request that is modified due to an error on the part of the One Call Center.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:10.01 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. Randy Bacon expressed concern on the five-day response on planned excavation locate requests and encouraged the Board to change this to a two-day response. Donald Jacobsen also expressed the same concern. Richard Coit, representing the rural telephone companies and cooperatives requested that the Board leave the five-day interval as stated in the rule. Randy Bacon also stated his opposition to allowing the facility operator to determine the method of identifying the location of underground facilities. It is his position that the method of identification should be determined by the party initiating the locate request. Tim Kretschmar stated that in current operations, the parties usually agree on what facilities

can be identified by maps and what facilities have to be field marked; this rule should not change the current methods but would change the party who has the ultimate responsibility for making a decision if there is disagreement.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:13 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:04:01 be read: No request to read the rule was made. Hearing Officer Frazier then requested public comments relative to this rule change. No comments from the public were received

A motion was made by Eugene Solseth and seconded by Todd Chambers to adjourn the hearing. Motion Carried.

Respectfully Submitted

A handwritten signature in black ink that reads "Todd R. Chambers". The signature is written in a cursive, flowing style.

Todd Chambers
Secretary/Treasurer

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD MEETING
October 2, 2002

Chairman Curt Pohl called the South Dakota One Call Notification Board (SDOCNB) meeting to order at 9:30 AM in the Conference Room at the South Dakota Rural Electric Association, 222 West Pleasant, Pierre, SD.

Board Members in attendance forming a quorum: Curt Pohl, Pat Gilligan, Doug Larson (teleconference), Jerry Schroeder, Rod Cundy, Paul Lowe (teleconference), Kevin Kouba (teleconference), Ed Anderson & Todd Chambers. Board Members absent: Eugene Solseth & Tom Krueger. Also in attendance: Larry Englerth, Executive Director to the Board and Kelly Frazier, PUC staff attorney to the Board

A motion was made by Pat Gilligan and seconded by Jerry Schroeder that the meeting agenda be approved. **Motion Carried**

A motion was made by Rod Cundy and seconded by Todd Chambers to approve the minutes of the September 4, 2002, Public Hearing regarding the proposed rules. **Motion Carried**

Kelly Frazier reported to the Board that no written comments were received following the Public Hearing.

The Board discussed all the proposed rules in detail, giving consideration to comments received at the Public Hearing, and made the desired modifications. The Board directed Larry Englerth and Kelly Frazier to make wording changes that incorporated the discussed modifications in the proposed rules and forward a copy of the modified rules to each Board member for final review. A Board meeting will be held via conference call to review the wording associated with the modifications and to formally approve the rules.

The Board reviewed a draft proposal of a form to be used when submitting formal complaints. Suggested changes should be submitted to Larry Englerth and a final document will be approved at the November Board meeting.

A motion to adjourn was made by Ed Anderson and seconded by Pat Gilligan. **Motion Carried**

Respectfully Submitted.

Todd Chambers
Secretary/Treasurer

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD MEETING
October 18, 2002

Chairman Curt Pohl called the South Dakota One Call Notification Board (SDOCNB) meeting to order by teleconference at 9:00 AM

Board Members in attendance forming a quorum: Curt Pohl, Pat Gilligan, Jerry Schroeder, Rod Cundy, Paul Lowe, Kevin Kouba, Ed Anderson & Eugene Solseth Board Members absent: Todd Chambers, Doug Larson & Tom Krueger. Also in attendance: Larry Englerth, Executive Director to the Board

A motion was made by Paul Lowe and seconded by Kevin Kouba that the meeting agenda be approved. **Motion Carried**

The Board reviewed a final draft of the proposed rules with the wording modifications made at the October 2, 2002, Board meeting. Upon completion of the review, a motion was made by Ed Anderson and seconded by Kevin Kouba to approve the rules as presented and grant authority to the officers to make minor wording changes that do not modify the intent of the rule. **Motion Carried**

A motion to adjourn was made by Pat Gilligan and seconded by Kevin Kouba. **Motion Carried**

Respectfully Submitted.

Larry Englerth
Executive Director

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Tina Douglas, hereby certify that on November 5, 2002, I mailed a full, true, and correct copy of the following rules adopted by the One Call Notification Board on October 18, 2002, 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, 20:25:03:01.01,
20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10
and 20:25:04:01.

The Honorable Gerald Lange
State Representative
1990 Stoney Point Drive
Madison, SD 57042

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

The Honorable Eric Bogue, Vice Chair
State Senator
P. O. Box 250
Faith, SD 57626-0250

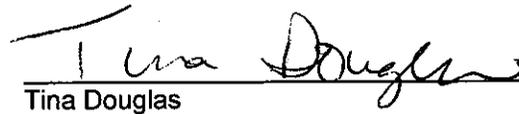
The Honorable Royal "Mac" McCracken
State Senator
3120 Flint Drive
Rapid City, SD 57702

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 5th day
of November, 2002.


Notary Public - South Dakota


Tina Douglas

(SEAL)

My Commission Expires
My Commission Expires
January 9, 2007

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

Following public hearing held on September 4, 2002, the following rules are approved and will become effective January 1, 2003, after filing with the Secretary of State.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10 and 20:25:04:01.

Date: October 18, 2002

Date 11/03/02

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

Kevin Haub

Robb Leidy

Pete Sweeney

Dan Larson

Joseph R. Gjambek

Carl R. [unclear]

Jerry C. Schmedt

Eugene A. Soluth

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

CHAPTER 20:25:01 DEFINITIONS

ARTICLE 20:25

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) "Informational locate request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit, surveying, mapping or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months;
- (3) "Normal business hours," 8 a.m. to 5 p.m. Monday through Friday excluding holidays as defined by SDCL 1-5-1;
- (4) "Notification Time," the time at the end of the locate request when the answering attendant provides the excavator with a confirmation number or the time the computer software, facsimile and email locate request is received by the one call center.
- (5) "Planned excavation locate request," a communication between a person and the one call center in which a request for locating underground facilities for planning, permit or design work relative to specific excavation activity planned to start within the next eighteen months;
- (5) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date;

- (6) “Respond,” the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation;
- (7) “Routine locate request,” a communication between an excavator and the one call center in which a request for locating underground facilities for excavation activity that will commence within the next ten business days;
- (8) “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; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law implemented: SDCL 49-7A-1.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND

MEMBERSHIP CLASSIFICATIONS AND FEES

- 20:25:03:01. Operator participation.
- 20:25:03:01.01. ~~Operation requirements for receiving tickets.~~ Repealed.
- 20:25:03:02. Membership classes.
- 20:25:03:03. Membership fees.
- 20:25:03:04. Information required ~~to be submitted by all operators~~ when initiating a routine locate request.
- 20:25:03:04.01 Information required when initiating a planned excavation request.
- 20:25:03:04.02 Information required when initiating an informational locate request.
- 20:25:03:04.03. Locate requests in emergency situations.

- 20:25:03.04.04 No excavation allowed on planned excavation or informational locate requests
- 20:25:03.04.05 Operator compensation on informational locate requests
- 20:25:03:05. ~~Identification of and color~~ Color standards for marking underground facilities and identification of marked facilities.
- 20:25:03:05.01. Valid period for underground utility markings.
- 20:25:03:05.02 Excavator responsibilities for the preservation of markings.
- 20:25:03:05.03 Excavator responsibilities when excavating near markings.
- 20:25:03:06. Excavating near sensitive telecommunication facilities.
- 20:25:03:07. Requirements for operation on a one-call notification center.
- 20:25:03:08. Ticket standards.
- 20:25:03:09. Procedures for making excavation sites which are impractical to flag, mark, or describe.
- 20:25:03:10. Operator requirements after receipt of ~~the~~ an emergency or modified routine ticket.
- 20:25:03:10.01. Operator requirements after receipt of a planned excavation or informational ticket.
- 20:25:03:11. Petition for declaratory rulings.
- 20:25:03:12. Board action on petition.
- 20:25:03:13 Effective dates

20:25:03:01 Operator participation. ~~An operator shall participate in the one-call notification center by:~~ Each operator required by SDCL 49-7A-2 to join the one call system:

- (1) ~~Initially submitting the information required by § 20:25:03:04 to the one-call notification center within 30 days after membership or operation of underground facilities, whichever is~~

~~shorter;~~ Shall provide to the notification center data that allows proper notification to the operator of excavation near the operator's utility lines and updates to such data. This data shall be provided to the notification center as soon as possible, but no later than 30 days after membership or operation of underground facilities, whichever is first. 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;

~~(2) Updating the information provided to the one-call notification center on a timely basis, but not less than quarterly; and~~

~~(3) (2) Receiving and responding~~ Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and Article 20:25.

(3) Shall establish a means of receiving notification of excavation from the one call notification center; and

(4) 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.

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-5, 49-7A-7, 49-7A-8, 49-7A-15.

~~**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. Repealed.~~

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04. Information required to be submitted by all operators when initiating a routine locate request. ~~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.~~

The following information is required to be provided by the excavator when a routine locate request is submitted:

- (1) The name, address, and telephone number of the person making the routine locate request;
- (2) The name, address, and telephone number of the excavator doing the work;
- (3) The date and time when excavation is scheduled to begin;
- (4) The depth of planned excavation within 18 inches vertical;
- (5) The type and extent of excavation being planned including:
 - (a) Whether the excavation involves tunneling or horizontal boring; and

- (b) If applicable, whether the use of explosives is anticipated;
- (6) A phone number that provides access to the excavator during normal business hours;
- (7) The location of the excavation by any one or more of the following means:
 - (a) Latitude/longitude coordinates;
 - (b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
 - (c) The distance and direction from the nearest intersecting street; or
 - (d) A specific quarter section by section, range, township, and county; and
- (8) A description of the specific excavation area within each location:
 - (a) In relationship to structures or roads or other known points of reference on or near the property;
 - (b) In the event the excavation area cannot be clearly identified on the routine locate request, the excavator shall mark the route or boundaries of the excavation site of the proposed excavation by means of white paint or flags; or
 - (c) If it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the operators to inform them of the extent of the excavation on the site.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.01. Information required when initiating a planned excavation locate request.

The following information is required to be provided by the planner when a planned excavation locate request is submitted.

- (1) The name, address and telephone number of the person making the planned excavation locate request;
- (2) The name, address, and telephone number of the business doing the work;
- (3) The approximate date when planned excavation is scheduled to begin;
- (4) The type and extent of the planned excavation;
- (5) A phone number that provides access to the planner during normal business hours;
- (6) The location of the planned excavation by any one or more of the following means:
 - (a) Latitude/longitude coordinates;
 - (b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or
 - (c) The distance and direction from the nearest intersecting street; or
 - (d) A specific quarter section by section, range, township and county; and
- (7) A description of the planned excavation area within each location:
 - (a) In relationship to structures or roads or other known points of reference on or near the property;

(b) In the event the planned excavation area cannot be clearly identified on the locate request, the planner shall mark the route or boundaries of the planned excavation site by means of pink paint or flags; or

(c) If it is impractical to flag, mark, or describe the planned excavation area or the planned excavation involves a major project, the planner may schedule a meeting with the operators to inform them of the extent of the planned excavation.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.02. Information required when initiating an informational locate request. _

The following information is required to be provided by the person initiating the request when an informational locate request is submitted.

- (1) The name, address, and telephone number of the person making the notification request;
- (2) The name, address, and telephone number of the business requesting the facility location information;
- (3) The approximate date when the facility information is required;
- (4) The type and extent of the informational request;
- (5) A phone number that provides access to a person, knowledgeable about this request, during business hours;

(6) The location of the required facility information by any one or more of the following means:

(a) Latitude/longitude coordinates;

(b) A specific street or rural address, which has a numbered address on a marked street or avenue that is publicly recorded; or

(c) The distance and direction from the nearest intersecting street; or

(d) A specific quarter section by section, range, township, and county; and

(7) A description of the specific area for which facility information is required:

(a) In relationship to structures or roads or other known points of reference on or near the property;

(b) In the event the specific area for which facility information is required cannot be clearly identified on the informational locate request, the requesting party shall mark the route or boundaries of the facility information required by means of white paint or flags; or

(c) If it is impractical to flag, mark, or describe the area for which facility information is required or the informational request involves a major project, the party making the request may schedule a meeting with the operators to inform them of the extent of the informational request.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.03. Locate requests in emergency situations. If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, all reasonable precautions shall be taken to protect public safety and the underground facilities. In such a case, the excavator shall give notification in compliance with 20:25:03:04.

An excavator requesting a location due to an emergency shall provide the name and the phone number of a person who has knowledge regarding the excavation. This person shall be available by telephone during the response period to discuss the specifics of the excavation.

An excavator providing a misrepresentation of an emergency excavation as defined in SDCL 49-7A-1 may be subject to penalties under SDCL 49-7A-18 and 49-7A-19.

Source: 26 SDR 161, effective June 8, 2000; 28 SDR 58, effective October 29, 2001.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-1, 49-7A-2, 49-7A-6, 49-7A-18, 49-7A-19.

20:25:03:04.04 No excavation allowed on planned excavation and information locate requests. No excavation activity may occur relative to a planned excavation or informational locate request.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:04.05 Operator compensation on informational locate requests. Operators may require compensation to recover direct labor costs for marking underground facilities on informational locate requests

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:05. ~~Identification of and color~~ Color standards for marking underground facilities and identification of marked 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;
- (7) Proposed excavation boundaries - White, and;
- (8) Reclaimed water, irrigation, and slurry lines - Purple.

If multiple underground facilities exist, the operator shall separately mark each underground facility. When determining the most suitable means to mark underground facilities, terrain, site conditions, and the type and extent of the proposed excavation shall be considered. The excavator may request off-set marks to maintain an accurate record of the facility locations.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:05.01 Valid period for underground facility markings. Markings of underground facilities shall be considered valid so long as the markings are clearly visible but not for more than twenty-one calendar days from the start date on the ticket. On extensive and continuous excavation activity, written working agreements between the operator and the excavator may be established to extend the valid period of the original ticket.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:05.02. Excavator responsibilities for the preservation of markings. After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area, the excavator shall plan the excavation to avoid damage to, and minimize interference with, the marks. The excavator is responsible for protecting and preserving the staking, marking, or other designation until the marks are no longer required for proper and safe excavation work at or near the underground facilities.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

20:25:03:05.03. Excavator responsibilities when excavating near markings. .

If excavation is required within eighteen inches, horizontally, of the marked facility, the excavator shall expose the facility only by use of hand excavation, air cutting, water cutting, or vacuum excavation in a manner that does not damage the underground facilities.

Source: 24 SDR 30, effective September 14, 1997; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-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) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other 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.~~

(7) The one call notification center shall clearly label all emergency tickets that are transmitted to facility operators.

(8) The one call notification center shall clearly label the notification time on all tickets transmitted to facility operators.

Source: 26 SDR 161, effective June 8, 2000; 28 SDR 58, effective October 29, 2001.

General Authority: SDCL 49-7A-4.

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

20:25:03:10. Operator requirements after receipt of an emergency or modified routine ticket. ~~If multiple underground facilities exist, the operator shall separately mark each underground facility.~~ Each operator required by SDCL 49-7A-2 to join the one call system must respond to notification of excavation as required by SDCL chapter 49-7A or by the response intervals listed below:

If an excavation is being made in a time of emergency, as defined in SDCL 49-7A-1, each operator shall respond as follows:

- (1) The operator shall respond as soon as possible but not longer than two hours from the notification time during the business day and not longer than four hours from the notification time outside of the business day or by the start time on the ticket, whichever is later; and
- (2) Any operator, who determines that its facilities will not be impacted by the notification, shall immediately notify the excavator that the operator's facilities are clear from the excavation.

If a modified routine ticket is issued because it has been determined that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site, each operator shall respond in

accordance with the response intervals provided for emergencies or the original start date of the ticket, whichever is later.

If a routine ticket is reissued to remark the excavation site due to obliteration, destruction, or removal of the markings, the underground facility operator shall respond within twenty-four hours from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays defined by SDCL 1-5-1. Any request to reissue a routine ticket to remark the excavation site in violation of § 20:25:03:05.02 of this section is subject to penalties established pursuant to SDCL 49-7A-18 and 49-7A-19.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:10.01. Operator requirements after receipt of a planned excavation or

informational ticket. If a planned excavation ticket is issued to mark the site of a planned

excavation within the next eighteen months, the underground facility operator shall respond

within five working days from the notification time or by the start time on the ticket, whichever

is later, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of

the planned excavation locate request. Since no excavation will occur, the operator shall

respond in any one or combination of the following methods:

(1) Mark with reasonable accuracy all of its underground facilities in the area of the

planned excavation; or after consulting with the planner

(2) Provide to the planner submitting the locate request the best available written

description of all facilities in the planned excavation area, which might be as-

constructed drawings, or other facility maps that are maintained by the facility operator; or after consulting with the planner

- (3) Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

If a ticket is issued to mark the site of an informational locate request, the underground facility operator shall respond within five working days from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the locate request. The operator shall respond in the manner provided for planned excavation locate requests.

Source: 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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

20:25:03:13 Effective dates – The effective date of the 2002 amendments to rules 20:25:03:01, 20:25:03, 20:25:03:04, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, new Rules 20:25:03:04.01, 20:25:03:04.02, 20:25:03:04.03, 20:25:03:04.04, 20:25:03:04.05, 20:25:03:05.01, 20:25:03:05.02, 20:25:03:05.03, 20:25:03:10.01 and the repealing of 20:25:03:03.01 shall be January 1, 2003.

Source: SDC 1939, § 65.0106; SL 1966, ch 159, § 4 (2); 1972, ch 8, § 13; 1975, ch 16, § 21; 1976, ch 15, § 5.

General Authority: SDCL 1-26-8.

Law Implemented: SDCL 1-26-8.

CHAPTER 20:25:04

COMPETITIVE BIDDING FOR ONE-CALL CENTER CONTRACTOR SELECTION

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 receipt of the proposals, the board shall approve the contractor's selection for a period of not less than one nor more than three years. The board may extend the term of the agreement ~~for a period that does not exceed a total of~~ one or more incremental periods of one to 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; 26 SDR 161, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

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



December 5, 2002

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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Kelly D. Frazier, Attorney for SD One Call
SD Public Utilities Commission
State Capitol Building
500 East Capitol Ave.
Pierre, SD 57501

RE: 2002 Rulemaking, Public Comment Re-Hearing

Dear Mr. Frazier:

On behalf of its members SDTA provides this letter to offer comment on the proposed One Call rules that still seem to be at issue. The Notice of Rehearing sent by Larry Englerth, Executive Director of the One Call Notification Board requests comments related specifically to ARSD 20:25:03:10.01 – “Operator Requirements after Receipt of a Planned Excavation or Informational Ticket.”

In regards to this rule, it is my understanding that certain changes are being advocated by the State Surveyor’s Association or at least certain surveying companies operating in the State. These changes include, to my knowledge, a shortening of the period for an operator’s response to the locate request from five (5) to three (3) working days and a change that would give the entity requesting the locate, rather than the facilities operator, the discretion to determine how the locate request should be responded to (following either of the three methods identified in the rule). Also, I was advised that the surveyors/planners may have concerns about the provisions of ARSD 20:25:03:04.05. More specifically, that they may be advocating regulation by the One Call Notification Board of the rates that would be charged for operator labor costs associated with marking on informational tickets.

In response to these proposals, SDTA offers the following comment:

- (1) Shortening the response period to three (3) days: SDTA believes that this timeframe may be too short and at least in cases difficult to comply with. We would ask whether surveyors/planners are having problems in getting a prompt and satisfactory response to their informational locate requests. Are there currently problems in this area? We also believe that in establishing the applicable timeline that the One Call

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Board should keep in mind that the request is for an “informational” locate. Shortening the time period to only three (3) days would give informational locates almost the same status as those involving actual excavations. Currently, under SDCL 49-7A-8 tickets on actual excavations must be responded to within 2 working days.

- (2) Giving surveyors/planners the discretion to determine locate method: SDTA believes that the facility operators should be left with this discretion, primarily, because certain information such as maps or “as constructed drawings” are the property of the operators. They should, thus, have the right to determine whether or not the surveyor/planner is given access to these materials. Furthermore, changing the rule is unnecessary because as long as the facility operators are permitted to charge for direct labor costs in actually marking facilities, it is unlikely that a request from surveyors/planners for such markings would be refused.
- (3) Charging for labor costs under ARSD 20:25:03:04.05: SDTA strongly believes that this provision should remain in the rules for applicability to informational locate requests and does not believe that the One Call Notification Board or the PUC has legal authority to establish the rate(s) that would be charged for direct labor costs pursuant to such rule. In any event, regulation of the rate is unnecessary. There is no reason to believe that anything other than standard labor rates would be charged by the facility operators.

For the reasons stated above, SDTA would urge the One Call Board to adopt the rules in their current form.

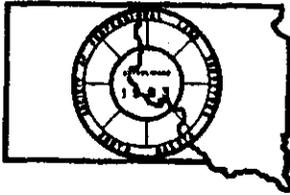
Thank you for providing us additional opportunity to comment. Could you please see that these comments are made part of the official record in this proceeding. I will be out-of-state on December 11th and will be unable to attend the administrative hearing.

Sincerely,



Richard D. Coit
Executive Director and General Counsel
South Dakota Telecommunications Association

CC: SDTA Member Companies



SOUTH DAKOTA SOCIETY of PROFESSIONAL LAND SURVEYORS

Affiliate of American Congress on Surveying and Mapping

DATE: December 6, 2002
 TO: One Call Notification Board
 RE: Comments to Proposed Rules Changes
 FROM: Janelle L. Finck – Executive Director
 South Dakota Society of Professional Land Surveyors
 PAGE: 1 of 3

Gentlemen:

At the November 20, 2002 hearing, we were instructed by the LRC One Call Rules Committee to provide specific comments regarding the proposed rules changes.

We respectfully request that you make the following changes to the proposed rules:

20:25:01:01 Definitions (shown on page 1)

- (5) “Planned excavation locate request,” a communication between a person and the one call center in which a request for locating underground facilities for planning, permit or design work relative to specific excavation activity planned to start within the next eighteen months.

Strike “planned to start within the next eighteen months.”

20:25:03:04:04 (shown on the top of page 3)

No excavation allowed on planned excavation or informational locate requests.

Strike “planned excavation or”

20:25:03:04.04 (shown on page 10)

No excavation allowed on planned excavation and information locate requests. No excavation activity may occur relative to a planned excavation or informational locate request.

Strike "*planned excavation and*" and "*planned excavation or*"

20:25:03:04.05 (shown on page 10)

Operator compensation on informational locate requests. Operators may require compensation to recover direct labor costs for marking underground facilities on informational locate requests.

Users need to be able to determine, to the best extent possible, exactly what the direct labor costs will be. We require either a published flat fee per utility per locate request, or a yearly published list of labor costs per utility and the ability to request an estimate for services.

20:25:03:10.01 (shown on pages 15 and 16)

Operator requirements after receipt of a planned excavation or informational ticket. If a planned excavation ticket is issued to mark the site of a planned excavation within the next eighteen months, the underground facility operator shall respond within five working days from the notification time or by the start time on the ticket, whichever is later, excluding Saturdays, Sundays, and legal holidays of the state, following the issuance of the planned excavation locate request. Since no excavation will occur, the operator shall respond in any one or combination of the following methods:

Strike "*within the next eighteen months*"

Strike "*five*" and insert "three"

Strike "*Since no excavation will occur, the operator shall respond in any one or combination of the following methods:*" and insert: "The operator shall mark all of its underground facilities in the area of the planned excavation; and after consulting with the planner may supplement any of the following information:

- (1) Mark with reasonable accuracy all of its underground facilities in the area of the planned excavation; or after consulting with the planner

Strike all of the above

- (2) Provide to the planner submitting the locate request the best available written description of all facilities in the planned excavation area, which might be as-constructed drawings, or other facility maps that are maintained by the facility operator, or after consulting with the planner

Strike (2) and change to (1)

- (3) Allow the planner submitting the planned excavation locate request or other authorized person to inspect and copy the as-constructed drawings, or other facility maps that are maintained by the facility operator which indicate the location of facilities in the planned excavation area.

Strike (3) and change to (2)

*SDSPLS – Janelle L. Finck, Executive Director
P.O. Box 8154, Rapid City, SD 57709
(Phone) 605-348-1538 – (FAX) 605-341-1112*

TC02-182 LCR Telecommunications, LLC

1. LCR Telecommunications, LLC has submitted an application for a certificate of authority in accordance with the administrative rules of SD.
2. LCR intends to provide resold interexchange services including, 1+ and 101XXXX outbound dialing, incoming 800/888, directory assistance, data services, and travel card services throughout South Dakota.
3. They have made all staff recommended changes to the tariff.
4. LCR has agreed to restrictions from offering pre-paid services and collecting deposits and advance payments.
5. LCR submitted an income statement and balance sheet, but indicated they do not prepare a cash flow statement. Therefore, they have requested a waiver from ARSD 20:10:24:02(8), which requires them to submit current balance sheet, income statement, and cash flow statements.
6. The application was submitted November 7, 2002. Therefore, they are restricted from providing service until January 6, 2003.
7. I recommend the Commission approve the request for a waiver of the financial information and also approve the certificate of authority for LCR Telecommunications, LLC with restrictions on deposits, advance payments, and pre-paid calling cards, with an effective date of January 6, 2003.

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD HEARING
December 11, 2002**

Chairman Curt Pohl called the South Dakota One Call Notification Board (SDOCNB) rules hearing to order at 12:00 PM via the state teleconference network.

Board Members in attendance forming a quorum: Todd Chambers, Pat Gilligan, Curt Pohl, Eugene Solseth, Doug Larson, Jerry Schroeder, Paul Lowe, Ed Anderson & Rod Cundy. Board Members absent: Kevin Kouba and Tom Krueger. Also in attendance: Larry Englerth, Executive Director to the South Dakota One Call Board; Kelly Frazier, Legal Counsel to the South Dakota One Call Board; Brett Koenecke, representing South Dakota Society of Professional Land Surveyors; Randy Bacon, Helms and Associates; Dennis Micko, DPC Chairman, Banner and Associates; Laurie Schultz, Brosz Engineering; John Childs, SDDOT; Gene Knowles, South Dakota Bureau of Information and Technology.

Chairman Pohl introduced Kelly Frazier, Staff Attorney for the Public Utilities Commission as the Hearing Officer.

Hearing Officer Frazier summarized the purpose of the hearing and advised all present that the rules would be reviewed by section. Hearing Officer Frazier stated that written comments had been received from the South Dakota Telephone Association and the South Dakota Society of Professional Land Surveyors. The written comments will be included in the meeting documents.

Hearing Officer Frazier asked if any persons desired that Article 20:25:01:01 be read: Randy Bacon requested that all changes to this rule be read. Kelly Frazier read the changes. Comments were made by Dennis Micko requesting that the words "planned to start within the next eighteen months" be stricken from (5) "Planned Excavation Request". Laurie Schultz stated that 90% of their work would be excluded with the 18 month limit, she requested that the wording be deleted since most projects require the initial facility marking information 4-5 years in advance; John Childs concurred with Ms. Schultz comments. Brett Koenecke added that most projects require facility location information in a period greater than 18 mos. All parties agreed that the comments on the eighteen month period applied to all references in the proposed rules.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:01 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:01.01 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to the repeal of this rule. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.01 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.02 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.03 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.04 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. Dennis Micho commented that they would like to see excavation allowed for the placement of monument(s) on planning locate requests.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:04.05 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. Randy Bacon requested that, at a minimum, established rates be published in advance by the operators so that no 'surprise' billing occurred; Hearing officer Frazier requested any information from the parties as to the legal justification for the Board to set these rates. None of the attending parties were familiar with any statute that would provide jurisdiction for the Board in this area. Dennis Micho requested that the Board address the application of this process in other states such as Minnesota. Larry Englerth noted that he had discussed this with Minnesota and that facility operators had the option to bill for these services and that most did not, North Dakota One Call Board has allowed billing for both informational and planning locate requests. Curt Pohl made some general comments about each operator and each instance would be treated as an individual situation.

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.01 be read: No request to read the rule. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.02 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:05.03 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:08 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:10 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received

Hearing Officer Frazier asked if any persons desired that Article 20:25:03:10.01 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. Randy Bacon expressed concern on the five-day response on Planned excavation locate requests and encouraged the Board to change the interval to a three day response period. Laurie Schultz expressed her concern that the operators currently do not respond to the marking intervals and the five day interval may become a ten day interval. Dennis Micho requested the Board to modify the

wording on response methods to match the written comments they submitted. Brett Koenecke emphasized the need for actual marking of the underground facilities rather than use alternative methods.

Hearing Officer Frazier advised the hearing that Article 20:25:03:13 would be deleted since it was no longer valid with the delay of implementation of the proposed rules.

Hearing Officer Frazier asked if any persons desired that Article 20:25:04:01 be read: No request to read the rule was made. Hearing officer Frazier then requested public comments relative to this rule change. No comments from the public were received.

Larry Englerth reviewed that all the comments at this hearing were included in the written document received and that no additional items had been brought before the Board. Public comments reflected agreement with this statement.

A motion was made by Paul Lowe and seconded by Todd Chambers to adjourn the hearing. Motion Carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Todd Chambers". The signature is written in a cursive, flowing style.

Todd Chambers
Secretary/Treasurer

Approved by the South Dakota One Call Notification Board on December 17, 2002.

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD MEETING
December 17, 2002

Chairman Curt Pohl called the South Dakota One Call Notification Board (SDOCNB) meeting to order at 12:00 PM on the Dakota Digital Network with sites available in Pierre, Rapid City, Aberdeen and Brookings.

Board Members in attendance on the video network forming a quorum: Pat Gilligan, Doug Larson, Jerry Schroeder, Rod Cundy, Paul Lowe, Todd Chambers, Eugene Solseth: Board members in attendance via teleconference: Curt Pohl and Kevin Kouba. Board Members absent: Ed Anderson & Tom Krueger. Also in attendance: Larry Englerth, Executive Director to the Board and Kelly Frazier, PUC staff attorney to the Board

A motion was made by Kevin Kouba and seconded by Todd Chambers that the meeting agenda be approved. **Motion Carried**

A motion was made by Paul Lowe and seconded by Jerry Schroeder to approve the minutes of the December 11, 2002, Public Hearing regarding the proposed rules. **Motion Carried**

The Board noted that written comments were received from the South Dakota Society of Professional Land Surveyors requesting changes in specific rules and from the South Dakota Telecommunications Association requesting that no changes be made to the previously proposed rules.

Pat Gilligan noted a comment was made at the Public Hearing by Dennis Micko that the proposed rules appear to be 'out of line' with other states such as Minnesota where he also does engineering work and thought the Minnesota system operated effectively. Pat Gilligan requested that Larry Englerth give a report on the methods for handling planned and informational locate requests in adjacent states. Pat desired to assure himself and the Board that the proposed rules were as 'planner friendly' as the adjacent states. Larry reported that the following information was obtained from the neighboring states:

- State of Wyoming does not have mandatory membership and therefore, planning types request would not be applicable;
- State of Iowa has no formal process for planning tickets; planning requests are issued as routine excavation requests with "survey work" noted in the type of work section of the ticket. Operators may respond at their discretion and may require compensation for the services...at least one gas company bills for this service
- Nebraska is similar to Iowa with the exception that the ticket is issued with no start date.
- North Dakota has no formal planning request process but tickets are issued similar to Iowa. The North Dakota Board has advised operators that they may respond at their discretion and may require compensation for the locate services.
- Minnesota has a formal process for handling the Design (Planning) and Boundary Survey (Informational) locate requests
 - The facility operator is required to only provide the "general location of the facilities"
 - The facility operator is required to respond within 15 working days on Design requests and 72 hours on Boundary Survey requests
 - The facility operator may respond by field location or by providing maps or diagrams of the facility locations
 - The information must be requested within 90 days or less prior to completion of the final drawings used for the bid or contract

While the ability to require compensation for these services is available to the operators in the adjacent states, the information I received indicated that it was only a small number of operators that were requiring compensation for planning and informational locate services.

Curt Pohl requested a clarification of a second statement made at the Public Hearing by Mr. Micko that the current statute required a 48 hour response by the facility operator on a planning request. Larry reported that as a general practice, if work loads allow, most facility operators are currently responding within the 48 hour interval established in statute for excavation locate requests. As stated at the Public Hearing by Laurie Schultz, when work loads are heavy, some facility operators will delay responding to planning requests until the work load allows. This area of confusion is the primary reason that the Board is addressing this matter in the current proposed rules. The current South Dakota statute's only reference to planning locate requests is in section SDCL 49-7A-5 which states ... "No member is required to accept notification more than ten business days prior to excavation unless it is for planning purposes for projects that may affect the underground facilities"... All statutory references to response periods are stated relative to excavation and excavator as defined in SDCL 49-7A-1. There is no reference to planning or planner in the definitions. It was noted that a locate request to place a survey marker(s) or monument(s) would require an excavation locate request for the placement of the marker but the specific excavation site requiring marking would be limited to the placement of the marker(s).

The Board discussed the proposed rule 20:25:01:01 in detail, giving consideration to comments received at the Public Hearing that request the definition of Planned locate request be modified by deleting the words "planned to start within the next eighteen months. The Board determined that the original intent to have the underground facility identification completed for the final design was appropriate. This requires the facility operator to locate for the final design phase of the project and for the actual excavation phase of the project. Additional requests for underground facility information required in advance of the final design phase would be covered by the informational locate request.

The Board discussed the proposed rule 20:25:03:04:04 in detail, giving consideration to comments received at the Public Hearing that request that excavation be allowed on planned excavation requests. The only party that can excavate under a specific locate request is the excavator calling in the locate request. This would limit the excavation activity on the planning request to excavation activity performed by the planner which, in most instances, would be limited to the placement of survey marker(s). The current rules require that all excavation activity occur under specific types of locate request and associated outgoing notifications. This requested change would allow for both excavation and non-excavation activity on a single locate request. Facility operators clearly identify that excavation is required on routine tickets and it would be difficult and confusing to determine which planning requests would have excavation activity. The Board determined that it was in the best interest of damage prevention and public safety that any excavation should be associated with a routine excavation request, including the placement of survey markers or monuments.

The Board discussed the proposed rule 20:25:03:04:05 in detail, giving consideration to comments received at the Public Hearing that request that the Board either establish a published flat fee per utility locate or annually publish a list of labor costs per facility operator. The planner's concerns centered on the following:

- the ability to identify costs in advance
- the ability to insure that cost estimates could be requested in advance
- the ability to prevent operators from "price gouging" when providing the locate service.

The Board does not believe that it has jurisdiction to establish a flat fee. The Board does not believe it is the role of the Board to publish the rates of individual operators. To address the concerns within the authority of the Board, wording was modified which will allow the planner to request, in the remark section of the locate request, that an estimated cost be provided prior to the marking of facilities. In response to the "price gouging" concern, Kelly Frazier advised the Board the planner would be able to request a detailed invoice from the operator that would identify the charges associated with the direct labor rate and if the planner was not satisfied that only direct labor costs were billed, the could file a complaint under SDCL 49-7A-18 & 49-7A-19.

The Board discussed the proposed rule 20:25:03:10:01 in detail, giving consideration to comments received at the Public Hearing that request that the Board

- change the response interval on planning and informational locate requests from five days to three days
- require planner approval if the facility operator desires to use any alternative method for providing the facility location information
- require the facility operator to mark the underground facilities if the planner was willing to compensate the operator for the work performed (from discussions at the Interim Legislative Rules committee).

Board discussion centered on the issue that the original request from facility operators was for a ten to fifteen working day response period similar to Minnesota and most other states that have adopted structured response plans for planning tickets. This request by facility operators, especially some of the smaller ones, allows the flexibility to manage a mandated work load of excavation tickets. Many municipalities, associations, and development groups have limited resources available and the majority of the requests they receive are for excavation purposes and require that they meet the statutory response period to protect their facilities and the public safety. The Board determined that the current five day interval was a previous compromise that should remain. In random discussion with facility operators, it was determined that most operators consider their mapping information proprietary and believe that they would mark the facilities rather than provide proprietary information to a third party but there was strong sentiment requiring the final decision to remain with the facility operator. This will allow for facility operators to deal with the parties making repeated requests for the same locate information. In response to the Public Hearing comments, modifications were made to increase the profile of the wording for "consultation with the planner" and to allow for a planner to supersede the decision of the facility operator with the stipulation that the facility operator would have the option to be compensated for direct labor costs.

A motion was made by Pat Gilligan and seconded by Rod Cundy that the rules be approved with modifications to 20:25:03:04:05 and 20:25:03:10:01 and that the officers be allowed to make minor wording changes that do not change the intent of the rule. **Motion Carried by unanimous vote.**

A motion to adjourn was made by Kevin Kouba and seconded by Gene Solseth. **Motion Carried**

Respectfully Submitted.



Todd Chambers
Secretary/Treasurer

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Tina Douglas, hereby certify that on December 20, 2002, I mailed a full, true, and correct copy of the following rules adopted by the One Call Notification Board on December 17, 2002, 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, 20:25:03:01.01,
20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10
and 20:25:04:01.

The Honorable Gerald Lange
State Representative
1990 Stoney Point Drive
Madison, SD 57042

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

The Honorable Eric Bogue, Vice Chair
State Senator
P. O. Box 250
Faith, SD 57626-0250

The Honorable Royal "Mac" McCracken
State Senator
3120 Flint Drive
Rapid City, SD 57702

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 20th day
of December, 2002.



Notary Public - South Dakota



Tina Douglas

(SEAL)

My Commission Expires

~~My Commission Expires~~
January 9, 2007



South Dakota Public Utilities Commission



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

January 3, 2003

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

Re: One Call Notification Board Rules

Dear Curt:

Enclosed you will find a Certificate with reference to the One Call Notification Board Rules. Would you please sign the enclosure as soon as possible, have your signature notarized and return it to me in the enclosed postage prepaid envelope.

Thank you.

Very truly yours,

Kelly Frazier

KF: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
Bob Sahr
Commissioner

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Karen E. Cremer
Tina Douglas
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Tom Graham
Mary A. Healy
Terri Iverson
Lisa Hull
Dave Jacobson
Amy Kayser
Bob Knadle
Delaine Kolbo
Gregory A. Rislov
Keith Senger
John Smith
Rolayne Allts Wiest
♦

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

Following public hearing held on December 11, 2002, 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, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10 and 20:25:04:01.

Date: December 17, 2002

Date 1/8/03



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

See Attached Signature Pages:

IN THE MATTER OF THE
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Date: December 17, 2002


One Call Board Member

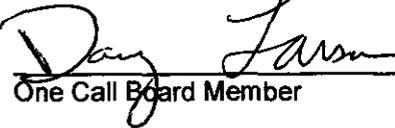
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One Call Board Member

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One Call Board Member

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Date: December 17, 2002


One Call Board Member

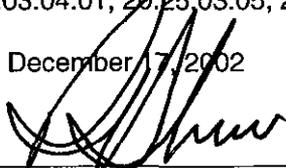
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Date: December 17, 2002



One Call Board Member

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PROMULGATION OF
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Date: December 17, 2002



One Call Board Member

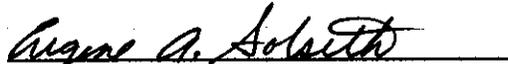
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ADMINISTRATIVE RULES

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One Call Board Member

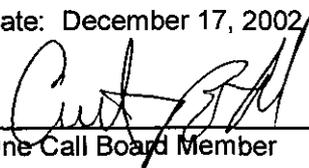
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APPROVAL OF RULES

Following public hearing held on December 11, 2002, 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, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01, 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10 and 20:25:04:01.

Date: December 17, 2002



One Call Board Member

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Curtis T. 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 December 17, 2002.

Proposed revised rules: §§ 20:25:01:01, 20:25:03:01, 20:25:03:01.01, 20:25:03:04, 20:25:03:04.01 20:25:03:05, 20:25:03:08, 20:25:03:09, 20:25:03:10, 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

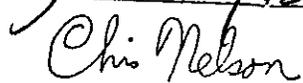
Subscribed and sworn to
before me this 6th day
of January, 2003.



Notary Public - South Dakota

(SEAL)

My Commission Expires
May 29, 2004

Filed this 23rd day of
January, 2003

Chris Nelson
SECRETARY OF STATE