

Re: Docket OR04-001

12/20/04 - Proposed Rules

12/20/04 - Fiscal Note

12/20/04 – Small Business Impact Statement Form

12/20/04 – Notice of Public Hearing to Adopt Rules

12/29/04 - Admission of Service signed by the Secretary of Department of Labor

12/29/04 - Waiver of Waiting Period signed by the Secretary of Department of Labor

12/29/04 - Admission of Service signed by Bureau of Finance and Management

12/29/04 - Admission of Service signed by Legislative Research Council

12/07/04 - Letter from the Legislative Research Council Regarding Changes to the Proposed Rules

01/14/05 - Letter to Capital Journal

01/14/05 - Letter to Brookings Register

01/14/05 - Letter to Black Hills Pioneer

01/18/05 - Affidavit of Mailing Notice to Interested Parties

01/13/05 – Fiscal Note signed by Bureau of Finance and Management

01/28/05 - Affidavit of Publication (Black Hills Pioneer)

02/04/05 - Affidavit of Publication (Capital Journal)

02/07/05 - Affidavit of Publication (The Brookings Register)

02/25/05 - Minutes of Public Hearing

02/25/05 – Affidavit

03/02/05 – Approval of Rules

04/12/05 - Rules Review Committee Agenda

04/20/05 - Certificate

04/20/05 - Docket Closed

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

- 20:25:03:01 Operator participation.
- 20:25:03:01.01 Repealed.
- 20:25:03:02 Membership classes.
- 20:25:03:03 Membership fees.
- 20:25:03:04 Information required when initiating a routine locate request.
- 20:25:03:04.01 Information required when initiating a planned excavation locate 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 Color standards for marking underground facilities and identification of marked facilities.
- 20:25:03:05.01 Valid period for underground facility 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- 20:25:03:06 ~~Excavating near sensitive telecommunication facilities~~ Repealed.
- 20:25:03:07 Requirements for operation of a one-call notification center.
- 20:25:03:08 Ticket standards.

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

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

Declaratory Ruling: The One-Call Notification Board has filed a declaratory ruling with the Legislative Research Council. The ruling provides guidance as to when an excavator may begin digging after the excavator has provided notice according to ARSD 20:25:03:07 and SDCL 49-7A-5. One-Call Notification Board Declaratory Ruling dated December 12, 2000.

20:25:03:04. Information required when initiating a routine locate request.

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

and

(8) A precise description of the specific excavation area within each location by:

~~(a) In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; or~~

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

~~(c) If Requesting to meet the facility operators when it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the~~

operators utilize item a or b above and to inform them the facility operators, in writing,
of the extent and work schedule of the proposed 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; 29 SDR 111, effective February 12, 2003.

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

(7) A precise description of the planned excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the planned excavation site or the length and direction of the planned excavation route in reference to the exact distance and direction from known points of reference on or near the planned excavation site; or~~

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

(c) ~~If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the planned excavation area utilize item a or b above or the planned excavation involves a major project, the planner may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the planned excavation.~~

Source: 29 SDR 111, effective February 12, 2003.

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) (c) A specific quarter section by section, range, township, and county; and
- (7) A precise description of the specific area for which facility information is required by:
 - (a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter or the length and direction of the route for which underground facility information is required in reference to the exact distance and direction from known points of reference on or near the area for which underground facility information is required; or~~

(b) ~~In the event Marking the perimeter of 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 or the length and route of the underground facility information required by means of white pink paint or flags; or~~

(c) ~~If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the area for which facility information is required utilize item a or b above or the informational requests involves a major project, the party making the request may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the underground facility informational requested.~~

Source: 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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

~~When requested by an excavator, an operator of telecommunications facilities shall provide on-site technical assistance to the excavator on the excavation or backfilling at an excavation site where the disturbance of an underground fiber-optic communications toll line in or near the site may cause the interruption of essential communications service. As requested, the operator shall provide on-site technical assistance to the excavator on how to prevent damages to the facility Repealed.~~

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

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

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

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

- (1) Accept a location request from the excavator twenty-four hours a day, seven days a week;
 - (2) Accept a locate request by telephone call, facsimile transmission, and e-mail or remote entry by computer transmission;
 - (3) At close of each location request, confirm prior to the issuance of a confirmation number, verify with the excavator any that information provided by the excavator; meets the requirement of §§ 20:25:03:04, 20:25:03:04.01 or 20:25:03:04.02. Following verification of the information, provide the excavator with the ticket verification number associated with this request, and a list of underground facility operators who will be notified of this request;
 - (4) If a locate request, submitted in compliance with SDCL 49-7A-6, is received by facsimile, e-mail, or computer transmission, the excavator shall receive a ticket, within four hours, as the confirmation notice;
 - (5) Record each conversation which pertains to a location request;
 - (6) Maintain a copy of each conversation and ticket for a period of seven years;
- and
- (7) Upon request, provide copies of the tickets and recorded conversations to operators or excavators, at the cost of providing such copies.

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.

20:25:03:08. 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~~ the local time when it is in effect at the excavation site;

(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~~ When the type of work is different, a separate ticket shall be issued for each excavation site; When the type of work is the same and the excavation will be completed as a continuous work project, an excavator may request the marking of a maximum of five contiguous properties on a locate request;

(4) On a continuous job site, not to exceed two miles in length, a ticket shall be issued for the right-of-way of each separate road, street, avenue, or identified continuous easement;

(5) On a continuous job site issued for the right-of-way of a separate road, street, avenue, or identified continuous easement that exceeds the maximum length established in § 20:25:03:08, the excavator may request a meeting to provide the marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter or the route with white paint or flags or by providing the facility operator with

written instructions identifying the precise excavation site or route. The schedule of the excavation activity shall also be provided in writing:

(6) On a locate request that has a common work type (e.g. placement of signs) for a large contiguous area, not to exceed a county, and the excavation will be completed on a continuous work schedule, the excavator may request a meeting to provide marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter, the specific location or the route with white paint or flags or by providing the facility operator with written instructions identifying the precise excavation sites or route. The schedule of the excavation activity shall also be provided in writing:

~~(5)~~ (7) 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;

~~(6)~~ (8) 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;

~~(7)~~ (9) The one-call notification center shall clearly label all emergency tickets that are transmitted to facility operators; and

(6) (10) 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; 29 SDR 111, effective February 12, 2003.

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 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~~ §§ 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02, 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 requirements after receipt of an emergency or modified routine ticket. 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; and

(3) When a facility operator is notified of damage to an underground facility as required by SDCL 49-7A-12, each operator notified shall respond in accordance with the response intervals provided for emergency locate requests.

If a modified routine ticket is issued because it has been 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, 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 24 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; 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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

	CODE	NAME
DEPARTMENT	10	Department of Labor
DIVISION	109	Public Utilities Commission
PROGRAM	1096	One-Call Notification Board

PROPOSED RULE 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06,
20:25:03:07, 20:25:03:08, 20:25:03:09 and 20:25:03:10
Hearing Date February 22, 2005

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

APPROVED *Tom R Chambers* DATE 12/20/04
Signature Department Secretary or Board or Commission Chairman

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

EXPLANATION OF RULES EFFECT

The South Dakota One-Call Notification Board will hold a public hearing at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2004, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10

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 20:25:03:04, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07, language has been clarified that requires the One Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

In section 20:25:03:08, language has been added that provides broader guidelines for the size and scope of a locate request.

In section 20:25:03:09, language has been added that corrects an error in the previous rules that reference a deleted statute.

In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

There are no fiscal impacts on state agencies or local governmental subdivisions.

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
- Direct impact (please complete remainder of form)
 - Indirect impact (please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)

The proposed rule changes will serve to clarify the requirements for parties involved in the locate request and utility notification process which should improve the quality of the communication between parties and assist in reducing the incidence of damage to underground utilities.

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

3. What is the basis for the enactment of the rules(s)?

- Required to meet changes in federal law
- Required to meet changes in state law
- Required solely due to changes in date (i.e. must be changed annually)

Other: _____

4. Why is the rule(s) needed?

5. What small businesses or types of small businesses would be subject to the rule?

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99
- 100-499
- 500-999
- 1,000-4,999
- More than 5,000
- Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?
 Yes No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

b. If "yes," how much ongoing recordkeeping within the business is necessary?

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance
- It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
- It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
- It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
- Other _____
- Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

- No - please explain _____
- Yes - please explain _____

12/20/04
Dated Authorized

Todd R Chambers
Signature

South Dakota One-
Call Notification
Board

Name of Agency

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

A public hearing will be held at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2005, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07,
20:25:03:08, 20:25:03:09, and 20:25:03:10

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 20:25:03:04, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07, language has been clarified that requires the One Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

In section 20:25:03:08, language has been added that provides broader guidelines for the size and scope of a locate request.

In section 20:25:03:09, language has been added that corrects an error in the previous rules that reference a deleted statute.

In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

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

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10; and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 29th day of December, 2004.


Secretary of Department of Labor

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, Pamela S. Roberts, Secretary of Department of Labor, waive the fifteen-day waiting period before proceeding with the promulgation of the One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

Dated this 29th day of December, 2004.


Secretary of Department of Labor

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 29th day of December, 2004.


Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10,
- (2) the notice of hearing,
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- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 29th day of December, 2004.



Legislative Research Council



Legislative Research Council

Rep. Orville B. Smidt, Chair
Sen. Ed Olson, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

January 6, 2005

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

Dear Ms Harens:

The One-Call Notification Board has proposed adoption and amendment of rules in chapter 20:25:03 regarding one-call notification. We have reviewed the proposed rules, scheduled for hearing on February 22, 2005, and approve the rules for legality.

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

Sincerely yours,

Doug Decker
Code Counsel

Enclosures:

RECEIVED

JAN 07 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

RECEIVED

JAN 07 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10,
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 29th day of December, 2004.



Legislative Research Council

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

A public hearing will be held at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2005, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07,
20:25:03:08, 20:25:03:09, and 20:25:03:10

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 20:25:03:04, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07, language has been clarified that requires the One Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

In section 20:25:03:08, language has been added that provides broader guidelines for the size and scope of a locate request.

In section 20:25:03:09, language has been added that corrects an error in the previous rules that reference a deleted statute.

In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One-Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

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

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE**

Prepared by Submitting Agency

	CODE	NAME
DEPARTMENT	10	Department of Labor
DIVISION	109	Public Utilities Commission
PROGRAM	1096	One-Call Notification Board

PROPOSED RULE 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06,
 20:25:03:07, 20:25:03:08, 20:25:03:09 and 20:25:03:10
 Hearing Date February 22, 2005

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 Chambers DATE 12/20/04
 Signature Department Secretary or Board or Commission Chairman

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

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
- Direct impact (please complete remainder of form)
 - Indirect impact (please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)

The proposed rule changes will serve to clarify the requirements for parties involved in the locate request and utility notification process which should improve the quality of the communication between parties and assist in reducing the incidence of damage to underground utilities.

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

3. What is the basis for the enactment of the rule(s)?

- Required to meet changes in federal law
- Required to meet changes in state law
- Required solely due to changes in date (i.e. must be changed annually)

Other: _____

4. Why is the rule(s) needed?

5. What small businesses or types of small businesses would be subject to the rule?

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99
- 100-499
- 500-999
- 1,000-4,999
- More than 5,000
- Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?
 Yes No

a. If "yes," how many reports must a small business submit to the state on an annual basis?

b. If "yes," how much ongoing recordkeeping within the business is necessary?

c. If "yes," what type of professional skills would be necessary to prepare the reports or records?

- The average owner of a small business should be able to complete the reports and/or records with no assistance
- It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
- It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
- It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
- Other _____
- Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?

- No - please explain _____
- Yes - please explain _____

12/20/04
Dated Authorized

Todd R Chambers
Signature

South Dakota One-
Call Notification
Board
Name of Agency

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

- 20:25:03:01 Operator participation.
- 20:25:03:01.01 Repealed.
- 20:25:03:02 Membership classes.
- 20:25:03:03 Membership fees.
- 20:25:03:04 Information required when initiating a routine locate request.
- 20:25:03:04.01 Information required when initiating a planned excavation locate 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 Color standards for marking underground facilities and identification of marked facilities.
- 20:25:03:05.01 Valid period for underground facility 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~~ Repealed.
- 20:25:03:07 Requirements for operation of a one-call notification center.
- 20:25:03:08 Ticket standards.

RECEIVED

JAN 07 2005

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

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

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

Declaratory Ruling: The One-Call Notification Board has filed a declaratory ruling with the Legislative Research Council. The ruling provides guidance as to when an excavator may begin digging after the excavator has provided notice according to ARSD 20:25:03:07 and SDCL 49-7A-5. One-Call Notification Board Declaratory Ruling dated December 12, 2000.

20:25:03:04. Information required when initiating a routine locate request.

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

and

(8) A precise description of the specific excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; or~~

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

(c) ~~If Requesting to meet the facility operators when it is impractical to flag; mark, or describe the excavation area, the excavator may schedule a meeting with the~~

operators utilize item a or b above and to inform them the facility operators, in writing,
of the extent and work schedule of the proposed 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; 29 SDR 111, effective February 12, 2003.

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

(7) A precise description of the planned excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the planned excavation site or the length and direction of the planned excavation route in reference to the exact distance and direction from known points of reference on or near the planned excavation site; or~~

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

(c) ~~If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the planned excavation area utilize item a or b above or the planned excavation involves a major project, the planner may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the planned excavation.~~

Source: 29 SDR 111, effective February 12, 2003.

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

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

(a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter or the length and direction of the route for which underground facility information is required in reference to the exact distance and direction from known points of reference on or near the area for which underground facility information is required; or~~

~~(b) In the event Marking the perimeter of 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 or the length and route of the underground facility information required by means of white pink paint or flags; or~~

~~(c) If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the area for which facility information is required utilize item a or b above or the informational requests involves a major project, the party making the request may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the underground facility informational requested.~~

Source: 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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

~~When requested by an excavator, an operator of telecommunications facilities shall provide on-site technical assistance to the excavator on the excavation or backfilling at an excavation site where the disturbance of an underground fiber-optic communications toll line in or near the site may cause the interruption of essential communications service. As requested, the operator shall provide on-site technical assistance to the excavator on how to prevent damages to the facility Repealed.~~

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

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

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

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

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

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

(3) At close of each location request, confirm prior to the issuance of a confirmation number, verify with the excavator any that information provided by the excavator; meets the requirement of §§ 20:25:03:04, 20:25:03:04.01 or 20:25:03:04.02. Following verification of the information, provide the excavator with the ticket verification number associated with this request, and a list of underground facility operators who will be notified of this request;

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

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

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

and

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

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.

20:25:03:08. 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 the local time when it is in effect at the excavation site;

(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) ^{IF} ~~A~~ ~~When~~ the type of work is different, a separate ticket shall be issued for each excavation site; ^{IF} ~~When~~ the type of work is the same and the excavation will be completed as a continuous work project, an excavator may request the marking of a maximum of five contiguous properties on a locate request;

(4) On a continuous job site, not to exceed two miles in length, a ticket shall be issued for the right-of-way of each separate road, street, avenue, or identified continuous easement;

(5) On a continuous job site issued for the right-of-way of a separate road, street, avenue, or identified continuous easement that exceeds the maximum length established in ^{subdivision (4)} 20:25:03:08, the excavator may request a meeting to provide the marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter or the route with white paint or flags or by providing the facility operator with

written instructions identifying the precise excavation site or route. The schedule of the excavation activity shall also be provided in writing;

IF

(6) ~~On~~ *a locate request that has a common work type (e.g. placement of signs) which is contained within the boundaries of one county*
for a large contiguous area, not to exceed a county, and the excavation will be completed on a continuous work schedule, the excavator may request a meeting to provide marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter, the specific location, or the route with white paint or flags or by ^{giving} providing the facility operator with written instructions identifying the precise excavation sites or route. The schedule of the excavation activity shall also be provided in writing;

(5) (7) 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;

(6) (8) 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;

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

(8) (10) 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; 29 SDR 111, effective February 12, 2003.

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 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~~ ^g 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02, 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 requirements after receipt of an emergency or modified routine ticket. 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; and

(3) When a facility operator is notified of damage to an underground facility as required by SDCL 49-7A-12, each operator notified shall respond in accordance with the response intervals provided for emergency locate requests.

If a modified routine ticket is issued because it has been 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, 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 24 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; 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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



Bob Sahr, Chair
Gary Hanson, Vice-Chair
Jim Burg, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.state.sd.us/puc

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

VIA FAX: 224-9210

January 14, 2005

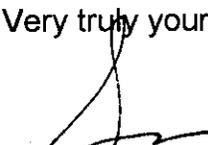
Capital Journal
P. O. Box 878
Pierre, SD 57501-0878

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue on January 20, 2005.

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.

Very truly yours,


Sara Harens
Staff Attorney

SH:dk
Enc.



Bob Sahr, Chair
Gary Hanson, Vice-Chair
Jim Burg, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.state.sd.us/puc

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

VIA FAX: (605) 692-2979

January 14, 2005

Brookings Register
P. O. Box 177
Brookings, SD 57006-0177

Attention: Britt

Please publish the enclosed notice in your paper as a display advertisement for one issue on January 20, 2005.

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.

Very truly yours,

Sara Harens
Staff Attorney

SH:dk
Enc.



Bob Sahr, Chair
Gary Hanson, Vice-Chair
Jim Burg, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.state.sd.us/puc

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

VIA FAX: (605) 642-9060

January 14, 2005

Black Hills Pioneer
P. O. Box 7
Spearfish, SD 57783-0007

Attention: Dru

Please publish the enclosed notice in your paper as a display advertisement for one issue on January 20, 2005.

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.

Very truly yours,

Sara Harens
Staff Attorney

SH:dk
Enc.

IN THE MATTER OF THE
PROMULGATION OF
NOTICE
ADMINISTRATIVE RULES

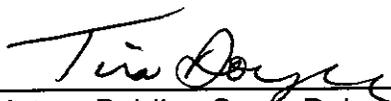
AFFIDAVIT OF MAILING
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on January 18, 2005, 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 One-Call Notification Board.



Delaine Kolbo

Subscribed and sworn to
before me this 18th day
of January, 2005.



Notary Public - South Dakota

(SEAL)

My Commission Expires
_____, 19__.

TINA DOUGLAS
My Commission Expires
April 2005

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

A public hearing will be held at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2005, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07,
20:25:03:08, 20:25:03:09, and 20:25:03:10

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 20:25:03:04, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07, language has been clarified that requires the One Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

In section 20:25:03:08, language has been added that provides broader guidelines for the size and scope of a locate request.

In section 20:25:03:09, language has been added that corrects an error in the previous rules that reference a deleted statute.

In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One-Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing 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 North 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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MR BRETT M KOENECKE
ATTORNEY AT LAW
MAY ADAM GERDES & THOMPSON LLP
PO BOX 160
PIERRE SD 57501-0160

RECEIVED

BFM 50.11

JAN 19 2005

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

	CODE	NAME
DEPARTMENT	10	LABOR
DIVISION	109	Public Utilities Commission
PROGRAM	1096	One-Call Notification Board

PROPOSED RULE: 20:25:03(04,04.01,04.02,06,07,08,09,10).

Hearing Date: February 22, 2005

FISCAL IMPACT STATEMENT:

Brief description of fiscal impact; (Example: Pursuant to 1-26-402, these rules have minimal impact to all entities. No additional staffing or resources are needed.)

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

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

REVENUE INCREASES (DECREASES)

Revenue Increases (Decreases) State, Local & Small Business :		
	0	0
TOTAL	0	0

APPROVED

Signature Department Secretary or Board or Commission Chairman

DATE January 06, 2005

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, 5) small business impact statement



**DEPARTMENT OF EXECUTIVE MANAGEMENT
BUREAU OF FINANCE AND MANAGEMENT**

500 East Capitol Ave. • Pierre, South Dakota 57501-5070 • Voice: (605) 773-3411 • Fax: (605) 773-4711

January 6, 2005

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

KE
KE/jsd

05041
Kellie

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) One-Call Notification Board's proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 29th day of December, 2004.


Bureau of Finance and Management

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

A public hearing will be held at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2005, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07,
20:25:03:08, 20:25:03:09, and 20:25:03:10

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In section 20:25:03:07, language has been clarified that requires the One Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

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The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One-Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

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South Dakota One-Call Notification Board
1012 North 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>.

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

	CODE	NAME
DEPARTMENT	10	Department of Labor
DIVISION	109	Public Utilities Commission
PROGRAM	1096	One-Call Notification Board

PROPOSED RULE 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06,
20:25:03:07, 20:25:03:08, 20:25:03:09 and 20:25:03:10
Hearing Date February 22, 2005

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	First Year Impact	Continuous Yearly Impact
TOTAL	0	0
Revenue Increases (Decreases) State & Local	First Year Impact	Continuous Yearly Impact
TOTAL	0	0

APPROVED Tom R Chambers DATE 12/20/04
Signature Department Secretary or Board or Commission Chairman

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

FORM 14

SMALL BUSINESS IMPACT STATEMENT FORM

See SDCL 1-26-2.1

(NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.)

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
- Direct impact (please complete remainder of form)
 - Indirect impact (please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered)

The proposed rule changes will serve to clarify the requirements for parties involved in the locate request and utility notification process which should improve the quality of the communication between parties and assist in reducing the incidence of damage to underground utilities.

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

3. What is the basis for the enactment of the rules(s)?

- Required to meet changes in federal law
- Required to meet changes in state law
- Required solely due to changes in date (i.e. must be changed annually)

Other: _____

4. Why is the rule(s) needed?

5. What small businesses or types of small businesses would be subject to the rule?

6. Estimate the number of small businesses that would be subject to the rule.

- 1-99
- 100-499
- 500-999
- 1,000-4,999
- More than 5,000
- Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?
 Yes No
- a. If "yes," how many reports must a small business submit to the state on an annual basis?
- b. If "yes," how much ongoing recordkeeping within the business is necessary?
- c. If "yes," what type of professional skills would be necessary to prepare the reports or records?
- The average owner of a small business should be able to complete the reports and/or records with no assistance
 - It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
 - It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
 - It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
 - Other _____
 - Unknown - please explain _____
8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less recordkeeping, lower penalties)?
- No - please explain _____
 - Yes - please explain _____

12/20/04
Dated Authorized

Todd R Chambers
Signature

South Dakota One-
Call Notification
Board

Name of Agency

EXPLANATION OF RULES EFFECT

The South Dakota One-Call Notification Board will hold a public hearing at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2004, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10

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In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

There are no fiscal impacts on state agencies or local governmental subdivisions.

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

- 20:25:03:01 Operator participation.
- 20:25:03:01.01 Repealed.
- 20:25:03:02 Membership classes.
- 20:25:03:03 Membership fees.
- 20:25:03:04 Information required when initiating a routine locate request.
- 20:25:03:04.01 Information required when initiating a planned excavation locate 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 Color standards for marking underground facilities and identification of marked facilities.
- 20:25:03:05.01 Valid period for underground facility 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 Repealed.
- 20:25:03:07 Requirements for operation of a one-call notification center.
- 20:25:03:08 Ticket standards.

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

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

Declaratory Ruling: The One-Call Notification Board has filed a declaratory ruling with the Legislative Research Council. The ruling provides guidance as to when an excavator may begin digging after the excavator has provided notice according to ARSD 20:25:03:07 and SDCL 49-7A-5. One-Call Notification Board Declaratory Ruling dated December 12, 2000.

20:25:03:04. Information required when initiating a routine locate request.

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

and

(8) A precise description of the specific excavation area within each location by:

~~(a) In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; or~~

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

~~(c) If Requesting to meet the facility operators when it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the~~

operators utilize item a or b above and to inform them the facility operators, in writing,
of the extent and work schedule of the proposed 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; 29 SDR 111, effective February 12, 2003.

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

(7) A precise description of the planned excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter of the planned excavation site or the length and direction of the planned excavation route in reference to the exact distance and direction from known points of reference on or near the planned excavation site; or~~

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

(c) ~~If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the planned excavation area utilize item a or b above or the planned excavation involves a major project, the planner may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the planned excavation.~~

Source: 29 SDR 111, effective February 12, 2003.

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

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

~~(a) In relationship to structures or roads or other known points of reference on or near the property; Providing the perimeter or the length and direction of the route for which underground facility information is required in reference to the exact distance and direction from known points of reference on or near the area for which underground facility information is required; or~~

(b) ~~In the event Marking the perimeter of 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 or the length and route of the underground facility information required by means of white pink paint or flags; or~~

~~(c) If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the area for which facility information is required utilize item a or b above or the informational requests involves a major project, the party making the request may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the underground facility informational requested.~~

Source: 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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

~~When requested by an excavator, an operator of telecommunications facilities shall provide on-site technical assistance to the excavator on the excavation or backfilling at an excavation site where the disturbance of an underground fiber-optic communications toll line in or near the site may cause the interruption of essential communications service. As requested, the operator shall provide on-site technical assistance to the excavator on how to prevent damages to the facility Repealed.~~

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

General Authority: ~~SDCL 49-7A-4:~~

Law Implemented: ~~SDCL 49-7A-8:~~

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

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

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

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

(3) At close of each location request, confirm prior to the issuance of a confirmation number, verify with the excavator any that information provided by the excavator, meets the requirement of §§ 20:25:03:04, 20:25:03:04.01 or 20:25:03:04.02. Following verification of the information, provide the excavator with the ticket verification number associated with this request, and a list of underground facility operators who will be notified of this request;

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

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

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

and

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

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.

20:25:03:08. 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~~ the local time when it is in effect at the excavation site;

(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~~ When the type of work is different, a separate ticket shall be issued for each excavation site;. When the type of work is the same and the excavation will be completed as a continuous work project, an excavator may request the marking of a maximum of five contiguous properties on a locate request;

(4) On a continuous job site, not to exceed two miles in length, a ticket shall be issued for the right-of-way of each separate road, street, avenue, or identified continuous easement;

(5) On a continuous job site issued for the right-of-way of a separate road, street, avenue, or identified continuous easement that exceeds the maximum length established in § 20:25:03:08, the excavator may request a meeting to provide the marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter or the route with white paint or flags or by providing the facility operator with

written instructions identifying the precise excavation site or route. The schedule of the excavation activity shall also be provided in writing:

(6) On a locate request that has a common work type (e.g. placement of signs) for a large contiguous area, not to exceed a county, and the excavation will be completed on a continuous work schedule, the excavator may request a meeting to provide marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter, the specific location or the route with white paint or flags or by providing the facility operator with written instructions identifying the precise excavation sites or route. The schedule of the excavation activity shall also be provided in writing:

~~(5)~~ (7) 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;

~~(6)~~ (8) 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;

~~(7)~~ (9) The one-call notification center shall clearly label all emergency tickets that are transmitted to facility operators; and

(8) (10) 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; 29 SDR 111, effective February 12, 2003.

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 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~~ §§ 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02, 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 requirements after receipt of an emergency or modified routine ticket. 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; and

(3) When a facility operator is notified of damage to an underground facility as required by SDCL 49-7A-12, each operator notified shall respond in accordance with the response intervals provided for emergency locate requests.

If a modified routine ticket is issued because it has been 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, 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 24 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; 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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JAN 28 2005

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

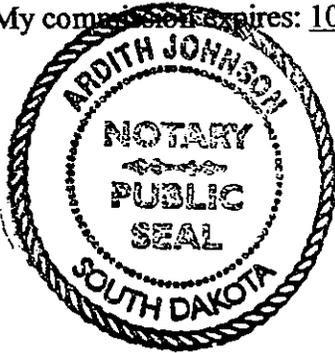
Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the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

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

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 20th day of Jan., 2005, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 242.25 insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 20th day of Jan., 2005

[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2010



One-Call Notification Board
Notice of Public Hearing

A public hearing will be held at the Governor's Palace, South Dakota, on February 22, 2005 at 1:30 p.m. proposed rules numbered:

20:25:03:04, 20:25:03:04:01, 20:25:03:04:02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, 20:25:03:10

The One-Call Notification Board is responsible for the location of underground facilities. It proposes modifications to the rules.

The effects of the proposed rule changes are as follows:

- In section 20:25:03:04 language that allowed for confusion between various street names that do not contain the Center and to provide language that more accurately identifies the location.
- In section 20:25:03:04:01, language that allowed for the confusion between various street names that do not contain the Center and to provide language that more accurately identifies the location.
- In section 20:25:03:04:02, language that allowed for the confusion between various street names that do not contain the Center and to provide language that more accurately identifies the location.
- Section 20:25:03:06 has been repealed.
- In section 20:25:03:07, language has been clarified to insure that the locate request meets legal requirements for an excavator.
- In section 20:25:03:08, language has been added to the scope of a locate request.
- In section 20:25:03:09, language has been added to reference a deleted statute.
- In section 20:25:03:10, it establishes an interval for which a utility has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the One-Call System by clarifying and modifying the Administration of the system as required for improvement.

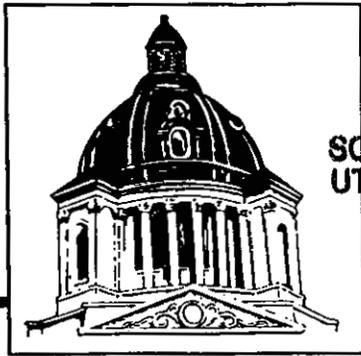
Persons interested in presenting data, opinions, or comments do so by appearing in person at the hearing or by sending a letter to the South Dakota Public Utilities Commission, State Capitol Building, Room 5070, Pierre, South Dakota 57501. Material sent by mail must reach the Public Utilities Commission by the hearing date.

After the hearing, the One-Call Notification Board will receive comments on the proposed rules. The One-Call Notification Board will consider all comments received at that time to include or exclude matters that are relevant to the proposed rules.

Notice is further given to individuals with disabilities that this notice is available in an accessible format. Please notify the One-Call Notification Board if you have special needs for which special arrangements are needed. The contact number for making special arrangements is (605) 339-0529.

Copies of the proposed rules may be obtained from the South Dakota One-Call Notification Board, 1012 North Sycamore Avenue, Sioux Falls, SD 57110-5747.

The proposed rules may also be found on the One-Call Notification Board website at: <http://www.sdonceall.com>.



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FEB 04 2005

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Cap

AFFIDAVIT

State of South Dakota, County of Hughes

John H. Sterling
oath, says: That he/she is the publisher or
daily newspaper published in the City of
Dakota; that he/she has full and personal kn
is a legal newspaper as defined in SDCL 17
has been published within the said County
year next prior to the first publication of the
tisement headed One - Call Not.
Public Hearing to Adopt
a printed copy of which, taken from the pap
to attached and made a part of this affidavi
successive week(s) to wit:

January 20 20 0
20
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That the full amount of the fee charged fo
the sole benefit of the publisher or publish
thereof has been made with any other pers
to any person whomsoever; that the fees ch

Signed: John H. Sterling
subscribed and sworn to before me this

Notary Public in and for the County of
My Commission expires 2-19, 2009.

ONE-CALL NOTIFICATION BOARD

NOTICE OF PUBLIC HEARING TO ADOPT RULES

A public hearing will be held at the Governor's In/ in the Kneip
Room, 700 West Sioux Avenue, Pierre, South Dakota on February 22
2005 at 1:30 p.m., to consider the adoption and amendment of pro
posed rules numbered:

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06
20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10

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

The effects of the proposed rules changes are as follows:

In section 20:25:03:04, language that allowed nearest intersection
has been eliminated to remove the confusion between various street
names that do not correspond to the legal mapping system used by the
Center and to provide language that more accurately depicts the
requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersec-
tion has been eliminated to remove the confusion between various
street names that do not correspond to the legal mapping system used
by the Center and to provide language that more accurately depicts the
requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersec-
tion has been eliminated to remove the confusion between various
street names that do not correspond to the legal mapping system used
by the Center and to provide language that more accurately depicts the
requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07 language has been clarified that requires the
One Call Notification Center to insure that the locate request meets
legal requirements prior to providing the confirmation number to the
excavator.

In section 20:25:03:08 language has been added that provides
broader guidelines for the size and scope of a locate request.

In section 20:25:03:09, language has been added that corrects an
error in the previous rules that reference a deleted statute.

In section 20:25:03:10, it establishes an interval for the facility oper-
ator to respond when the excavator has notified them damage has
occurred to an underground facility.

The reasons for the proposed rule changes are to improve the effi-
ciencies of the South Dakota One Call System by clarifying and modi-
fying the Administrative Rules that have been identified by the users
of the system as requiring improvement.

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

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 Northy 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.

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Katy VanMaanen 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

RECEIVED

FEB 07 2005

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

that the

Display Legal "One call Notification"

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

said newspaper for _____ 1 times, to-wit:

January 20, 2005

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:

Two hundred twenty nine dollars \$229.00

Katy VanMaanen

Subscribed and sworn to before me this 20th day of

January 2005

Christina Wilson

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

Jan. 1 and 6 from an individual account, and someone passed a forged check worth \$546.84 on Nov. 30.

Report

Jan. 19: A girl, Voronica Katiri, to Jennifer and Eric Geiger of Brookings.

peace, fined \$141.

Andrea Ellen Ulvestad, 19, Volga, underage possession of alcohol, fined \$94 and sentenced to five days in BCDC, fleeing from officer on foot, fined \$141; jail time suspended upon conditions imposed by the court.

Bradley Winker, 47, 901 First Ave., violation of city license regulation, fined \$91.

Heath Michael Petersen, 19, 1427 Sixth St. No. E, fleeing from officer on foot, fined \$91.

Jon Michael Brown, 31, Mitchell, speeding, fined \$99.

Magistrate Court
12/23/12/29

CLASS I MISDEMEANORS

Joseph M. Barrett, 48, Des Moines, Iowa, DUI, fined \$403, \$114 costs, and sentenced to 30 days in BCDC; costs and jail time suspended upon conditions imposed by the court.

CLASS II MISDEMEANORS

Tonya R. Haigh, 34, Bruce, failure to stop, fined \$80.

Aaron Sean Munkvold, 31, Dell Rapids, unlicensed vehicle on roadway, fined \$80.

Oscar Loren Balo, 50, White, speeding, fined \$101.50.

Philip Wilson, 52, Albion, Mich., expired annual inspection, fined \$94.

Arnold D. Wollman, 31, Westport, overweight on axle, fined \$144 plus \$55 penalty.

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

A public hearing will be held at the Governor's Inn, in the Kneap Room, 700 West Sioux Avenue, Pierre, South Dakota, on February 22, 2005, at 1:30 p.m., to consider the adoption and amendment of proposed rules numbered

20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06,
20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

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 20:25:03:04, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.01, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

In section 20:25:03:04.02, language that allowed nearest intersection has been eliminated to remove the confusion between various street names that do not correspond to the legal mapping system used by the Center and to provide language that more accurately depicts the requirements for excavation site identification.

Section 20:25:03:06 has been repealed.

In section 20:25:03:07, language has been clarified that requires the One-Call Notification Center to insure that the locate request meets legal requirements prior to providing the confirmation number to the excavator.

In section 20:25:03:08, language has been added that provides broader guidelines for the size and scope of a locate request.

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In section 20:25:03:10, it establishes an interval for the facility operator to respond when the excavator has notified them damage has occurred to an underground facility.

The reasons for the proposed rule changes are to improve the efficiencies of the South Dakota One-Call System by clarifying and modifying the Administrative Rules that have been identified by the users of the system as requiring improvement.

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

SD PUC

**SOUTH DAKOTA ONE-CALL NOTIFICATION BOARD
MINUTES OF PUBLIC HEARING**

Chairman Kevin Kouba called the South Dakota One-Call Notification Board rules hearing to order on February 22, 2005, at 1:30 P.M., at the Governor's Inn, in the Kneip Room, 700 West Sioux Avenue, Pierre, South Dakota.

Board Members in attendance forming a quorum: Kevin Kouba, Todd Chambers, Steve Lehner, Doug Larson, Eugene Solseth and Rod Cundy. Board Members absent: Ed Anderson, Pat Gilligan, Terry Larson, Paul Lowe and Jerry Schroeder. Also in attendance: Larry Englerth, Executive Director of the South Dakota One-Call Board; Rich Coit, Executive Director and General Counsel, South Dakota Telecommunications Association (SDTA), Donald D. Jacobson, South Dakota Society of Professional Land Surveyors (SDSPLS) and Sara Greff, Public Utilities Commission Staff Attorney to the Board.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the board numbered ARSD 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

Chairman Kevin Kouba introduced Sara Greff, Staff Attorney for the Public Utilities Commission.

Staff Attorney Greff summarized the purpose of the hearing and advised all present that the rules would be reviewed and comments would be taken.

Donald D. Jacobson, SDSPLS, made comments on ARSD 20:25:03:04, 20:25:03:04.01 and 20:25:03:04.02 with reference to latitude/longitude coordinates.

Rich Coit, SDTA, made comments on 20:25:03:06 with reference to the reasons for it being repealed.

Larry Englerth, Executive Director to the South Dakota One-Call Notification Board, entered comments received from One Call Systems, Inc., the vendor that provides one call services for the Board, with reference to the deletion of item C in 20:25:03:04, 20:25:03:04.01 and 20:25:03:04.02.

A motion was made by Todd Chambers and seconded by Doug Larson to adjourn the hearing. Motion carried.

Respectfully submitted,



Sara Greff
Staff Attorney
South Dakota Public Utilities Commission

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Delaine Kolbo, hereby certify that on February 25, 2005, I mailed a full, true, and correct copy of the following rules adopted by the One-Call Notification Board on February 22, 2005, 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: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

The Honorable Jean M. Hunhoff
State Representative
2511 Mulligan Drive
Yankton, SD 57078

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

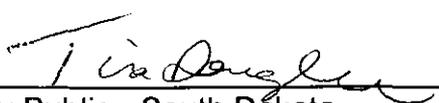
The Honorable Roger W. Hunt
State Representative
P. O. Box 827
Brandon, SD 57005-0827

The Honorable Jim Hundstad
State Senator
13755 395th Avenue
Bath, SD 57427-6501

The Honorable Bill Thompson
State Representative
709 Wiswall Place
Sioux Falls, SD 57105-2031

The Honorable Orville B. Smidt
State Senator
117 Fourth Street
Brookings, SD 57006-1915

Subscribed and sworn to
before me this 25th day
of February, 2005.


Notary Public - South Dakota


Delaine Kolbo

(SEAL)

My Commission Expires
TINA DOUGLAS
My Commission Expires
April 8, 2005

RECEIVED

MAR 02 2005

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
APPROVAL OF RULES

Following public hearing held on February 22, 2005, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

Proposed revised rules: §§ ARSD 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

Date: February 22, 2005

Date Feb. 28, 2005

ONE-CALL NOTIFICATION BOARD

Kevin Koob

Steve Johnson

Doug Larson

John R. Chambers

Ernie R. Smith

[Signature]

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

CHAPTER 20:25:03

OPERATOR PARTICIPATION AND MEMBERSHIP CLASSIFICATIONS AND FEES

Section

- 20:25:03:01 Operator participation.
- 20:25:03:01.01 Repealed.
- 20:25:03:02 Membership classes.
- 20:25:03:03 Membership fees.
- 20:25:03:04 Information required when initiating a routine locate request.
- 20:25:03:04.01 Information required when initiating a planned excavation locate 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 Color standards for marking underground facilities and identification of marked facilities.
- 20:25:03:05.01 Valid period for underground facility 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~~ Repealed.
- 20:25:03:07 Requirements for operation of a one-call notification center.
- 20:25:03:08 Ticket standards.

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

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

Declaratory Ruling: The One-Call Notification Board has filed a declaratory ruling with the Legislative Research Council. The ruling provides guidance as to when an excavator may begin digging after the excavator has provided notice according to ARSD 20:25:03:07 and SDCL 49-7A-5. One-Call Notification Board Declaratory Ruling dated December 12, 2000.

20:25:03:04. Information required when initiating a routine locate request.

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 an intersecting street within 1000 feet of the excavation site; or

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

(8) A precise description of the specific excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property;~~ Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; or

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

(c) If Requesting to meet the facility operators when it is impractical to flag, mark, or describe the excavation area, the excavator may schedule a meeting with the operators utilize item a or b above and to inform them the facility operators, in writing, of the extent and work schedule of the proposed 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; 29 SDR 111, effective February 12, 2003.

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 an intersecting street within 1000 feet of the excavation site; or
 - (d) A specific quarter section by section, range, township, and county; and

(7) A precise description of the planned excavation area within each location by:

(a) ~~In relationship to structures or roads or other known points of reference on or near the property;~~ Providing the perimeter of the planned excavation site or the length and direction of the planned excavation route in reference to the exact distance and direction from known points of reference on or near the planned excavation site; or

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

(c) ~~If~~ Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the planned excavation area utilize item a or b above or the planned excavation involves a major project, ~~the planner may schedule a meeting with the operators~~ and to inform them the facility operators, in writing, of the extent of the planned excavation.

Source: 29 SDR 111, effective February 12, 2003.

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 an intersecting street within 1000 feet of the excavation site; or
 - (d) A specific quarter section by section, range, township, and county; and
- (7) A precise description of the specific area for which facility information is required by:
- (a) ~~In relationship to structures or roads or other known points of reference on or near the property;~~ Providing the perimeter or the length and direction of the route for which underground facility information is required in reference to the exact distance and direction from known points of reference on or near the area for which underground facility information is required; or
 - (b) ~~In the event~~ Marking the perimeter of 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 or the length and route of the underground facility information required by means of white pink paint or flags; or~~

~~(c) If Requesting to meet the facility operators, when it is impractical to flag, mark, or describe the area for which facility information is required utilize item a or b above or the informational requests involves a major project, the party making the request may schedule a meeting with the operators and to inform them the facility operators, in writing, of the extent of the underground facility informational requested.~~

Source: 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

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

~~When requested by an excavator, an operator of telecommunications facilities shall provide on-site technical assistance to the excavator on the excavation or backfilling at an excavation site where the disturbance of an underground fiber-optic communications toll line in or near the site may cause the interruption of essential communications service. As requested, the operator shall provide on-site technical assistance to the excavator on how to prevent damages to the facility Repealed.~~

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

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-8.

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

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

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

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

(3) At close of each location request, confirm made by telephone call, facsimile transmission, or e-mail, prior to the issuance of a confirmation number, verify with the excavator any that information provided by the excavator, meets the requirement of § 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02. Following verification of the information, provide the excavator with the ticket verification number associated with this request, and a list of underground facility operators who will be notified of this request;

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

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

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

and

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

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.

20:25:03:08. 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~~ the local time when it is in effect at the excavation site;

(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~~ If the type of work is different, a separate ticket shall be issued for each excavation site; If the type of work is the same and the excavation will be completed as a continuous work project, an excavator may request the marking of a maximum of five contiguous properties on a locate request;

(4) On a continuous job site, not to exceed two miles in length, a ticket shall be issued for the right-of-way of each separate road, street, avenue, or identified continuous easement;

(5) On a continuous job site issued for the right-of-way of a separate road, street, avenue, or identified continuous easement that exceeds the maximum length established in subdivision 20:25:03:08(4), the excavator may request a meeting to provide the marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter or the route with white paint or flags or by providing the facility operator with written instructions identifying the precise excavation site or route. The schedule of the excavation activity shall also be provided in writing;

(6) If a locate request has a common work type (e.g. placement of signs) for a large contiguous area which is contained within the boundaries of one county and the excavation will be completed on a continuous work schedule, the excavator may request a meeting to provide marking instructions and excavation schedule to the facility operators. At the time of the meeting, the marking instructions shall be provided by marking the excavation perimeter, the specific location, or the route with white paint or flags or by giving the facility operator written instructions identifying the precise excavation sites or route. The schedule of the excavation activity shall also be provided in writing;

~~(5)~~ (7) 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;

~~(6)~~ (8) 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;

~~(7)~~ (9) The one-call notification center shall clearly label all emergency tickets that are transmitted to facility operators; and

~~(8)~~ (10) 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; 29 SDR 111, effective February 12, 2003.

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 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; local time~~ 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~~ § 20:25:03:04, 20:25:03:04.01, or 20:25:03:04.02, 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 requirements after receipt of an emergency or modified routine ticket. 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; and

(3) When a facility operator is notified of damage to an underground facility as required by SDCL 49-7A-12, each operator notified shall respond in accordance with the response intervals provided for emergency locate requests.

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 24 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; 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA Revised 4/12/05

Representative Jean M. Hunhoff, Chair
Senator Orville B. Smidt, Vice Chair

Two hundred fifty-seventh meeting
Tuesday
April 19, 2005

APR 19 2005
SOUTH DAKOTA LEGISLATURE
UNITS BUILDING
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

Representative Hunhoff

Department of Health - Amend rules to expand the number of metabolic tests mandated on all newborns.

Department of Revenue and Regulation: Gaming Commission - Adopt and amend rules that will allow for three additional payout schedules for three card hands when playing Silverado Stud poker; allow for a variation of poker known as Four-card poker; allow for a variation of poker known as Hold 'Em 212 poker; allow for a variation of poker known as Texas Hold 'Em Bonus poker; clarify that payout percentages for slot machines must be 17,000,000 to one or better; remove video monitors and include shufflers in associated equipment which affects game outcome; allow the use of promotional and bonus systems in slot machines; require that two-dollar chips be predominately orange and \$500 chips predominantly purple; and clarify that all monies held in the cage are locked and secured.

Department of Tourism and State Development: Board of Economic Development - Adopt rules to implement the "South Dakota Entrepreneur Support Program."

Department of Tourism and State Development: Board of Economic Development - Adopt rules to implement the "Capital Investment Entity Program."

Senator Smidt

Department of Game, Fish and Parks - Amend rules pertaining to the Spring Wild Turkey Hunting Season with regards to establishing the number and types of licenses and tags available in the applicable new, modified, and existing hunting Units; modify and combine existing hunting Units in Butte, Lawrence, Meade, Perkins, Douglas, Davison, Hanson, and Lyman Counties, and make modifications to the Unit numbering system for all applicable hunting Units. With regards to the Waterfowl Hunting Season, amend rules to modify the closing date of the Conservation Order for light geese.

Department of Game, Fish and Parks - Repeal the waterfowl refuges at Lake Geddes State Waterfowl Refuge in Charles Mix County and Pudwill Dam State Waterfowl Refuge; modify the refuge at the LaFramboise Island State Game Refuge in Stanley County; and modify the legal description of the Bullhead State Waterfowl Refuge in Roberts County; change the names of the resident special "buck" license and nonresident special "buck" license to a resident special "any deer" license and nonresident special "any deer" license, respectively wherever the same may appear in the three applicable chapters, and permits the person with one of the "special" deer licenses to harvest "any" type of deer and not just a "buck" deer.

10:20 a.m. Break

Senator Bogue

Department of Education: Professional Administrators Practices and Standards Commission - Amend rules that will place all licensure actions regarding teaching and administrator certificates, licenses, and other credentials incurred in South Dakota on the National Association of State Directors of Teacher Education and Certification database, and to notify other states of certification violations and actions taken against South Dakota certification holders.

Department of Education: Board of Education - Amend rules to create definitions and define the requirements for the three proposed high school courses of study; allow the department to place all licensure actions regarding teacher certificates, licenses, and other credentials incurred in South Dakota on the National Association of State Directors of Teacher Education and Certification database, and to notify other states of certification violations and actions taken against South Dakota certification holders; reinstate the Business Manager endorsement for the school business official as a voluntary endorsement; allow regular classroom teachers with elementary or secondary degrees obtain a blind and visually impaired endorsement; and allow a student to graduate with preparation in math and either an additional one or two science areas, or a minimum of two science areas.

Department of Education: Board of Education - Amend rules that will reference the fact that the department may issue one-year certificates to teachers who have let their certificates lapse; to allow the department to grant an additional one-year extension on a one-year certificate to a teacher who has extenuating circumstances and to reference the alternative certification program; to clearly state that a teacher who lets his or her

certificate lapse may be issued a one-year certificate by the department, during which time the teacher may complete the required six hours of transcribed coursework; and to clearly state the type of certificate that is to be issued to a teacher who completes an alternative route to certification.

Public Utilities Commission: One-Call Notification Board - Amend rules to improve the efficiencies of the South Dakota One-Call System as identified by the users of the system.

Senator Hundstad

Department of Transportation - Adopt and amend speed zones in Brown, Brule, Day, Marshall, and Union Counties.

Department of Transportation - Amend a rule that will prohibit parking along both sides of State Trunk Highway 42 in Sioux Falls between Grange Avenue and Western Avenue.

Department of Revenue and Regulation: Banking Commission - Amend the examination fee schedule for state-chartered banks; and amend the license fee rates for mortgage bankers and mortgage brokers, money lending businesses, and money order businesses.

Representative Thompson

Department of Environment and Natural Resources: Board of Minerals and Environment - Amend language related to approved uses and disposal of tire wastes.

Department of Revenue and Regulation: Appraisers - Amend a rule to require that an appraisal conform to the Uniform Standards of Professional Appraisal Practice, 2005 Edition.

Committee Discussion

E-mail service of required documents to Rules Committee

12:30 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 Jean M. Hunhoff, Chair; Senator Orville B. Smidt, Vice-Chair; Senators Eric H. Bogue and Jim Hundstad; and Representatives Roger Hunt and Bill Thompson.

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.*



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IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Kevin Kouba, 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 February 22, 2005.

Proposed revised rules: §§ 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:06, 20:25:03:07, 20:25:03:08, 20:25:03:09, and 20:25:03:10.

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.



Kevin Kouba, Chairman
One-Call Notification Board

Subscribed and sworn to
before me this 20th day
of April, 2005.



Notary Public - South Dakota

(SEAL)

My Commission Expires

TINA DOUGLAS
My Commission Expires
April 14, 2011

Filed this 20th day of
April, 2005
Chris Nelson
SECRETARY OF STATE