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OCT 10 2007

ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

	CODE	NAME
DEPARTMENT	26	Public Utilities Commission
DIVISION		
PROGRAM	261066	One-Call Notification Board

PROPOSED RULE: § 20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05, 20:25:03:07

Hearing Date: October 23rd, 2007

FISCAL IMPACT STATEMENT:

There is no impact on state or local governments. For small businesses that appear before the Commission; some rules will result in decreased costs and some rules will result in increased costs. This is a clarification of requirements.

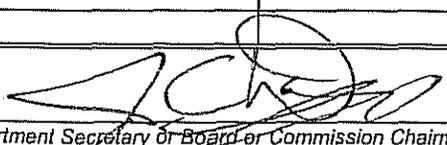
FISCAL NOTE SUMMARY:

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
TOTAL	\$0	\$0
Local Subdivisions:		
Waubay		
TOTAL	\$0	\$0
Small Businesses		
TOTAL	\$0	\$0

REVENUE INCREASES (DECREASES)

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

APPROVED  DATE 10/9/07
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, 5) small business impact statement



DEPARTMENT OF EXECUTIVE MANAGEMENT
BUREAU OF FINANCE AND MANAGEMENT
500 East Capitol, Pierre, SD 57501
(605) 773-3411
FAX: (605) 773-4711

October 3, 2007

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

JF/tw

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

(1) One-Call Notification Board's proposed rules §§ 20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05 and 20:25:03:07,

(2) the notice of hearing,

(3) the fiscal note, and

(4) the Small Business Impact Statement Form

is admitted at Pierre, South Dakota, this 21 day of September, 2007.


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 rules §§ 20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05 and 20:25:03:07; and

(2) all materials incorporated by reference

is admitted at Pierre, South Dakota, this 10th day of September, 2007.



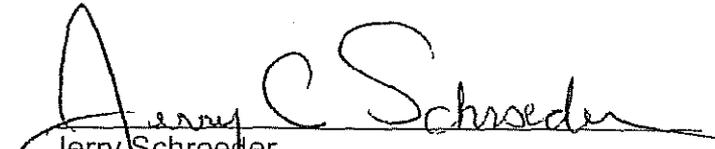
Jerry Schroeder
Chairman
One-Call Notification Board

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, Jerry Schroeder, Chairman of the One-Call Notification Board, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules §§ 20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05 and 20:25:03:07.

Dated this 10th day of September, 2007.


Jerry Schroeder
Chairman
One-Call Notification Board

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

A public hearing will be held in Room 413, 4th Floor, State Capitol, Pierre, South Dakota, on October 23, 2007, at 1:00 p.m., to consider the adoption and amendment of proposed rules numbered:

20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01,
20:25:03:04.02, 20:25:03:05 and 20:25:03:07

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

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, the language is updated for Routine Locate requests to reflect the technological changes in processing these requests, language is updated for Routine Locate requests to reflect recent changes in the statute and language has been added to define Service Lateral which is addressed in 20:25:03:05.

In section 20:25:03:01, language is updated to clarify the method of input for facility operator information and changes the approval process from the vendor operating the Center to the South Dakota One Call Notification Board; language is updated to clarify that the facility operator must accept notification of excavations from the center; and language is added to require all underground facilities installed after January 1, 2008, must be locatable within eighteen inches, horizontally, from the exterior sides of the marked facility.

In section 20:25:03:03, language has been added to clarify the period in which the billing for a ticket transmission may be disputed.

In section 20:25:03:04, language has been added that allows for the use of mile marker references on state and federal highways to be used as a means to identify the location of the excavation site when initiating a routine locate request.

In section 20:25:03:04.01, language has been added that allows for the use of mile marker references on state and federal highways to be used as a means to identify the location of the excavation site when initiating a planned excavation locate request.

In section 20:25:03:04.02, language has been added that allows for the use of mile marker references on state and federal highways to be used as a means to identify the location of the excavation site when initiating an informational locate request.

In section 20:25:03:05, language has been added that establishes minimum marking standards for all underground facilities and specific standards for marking service laterals on all underground facilities.

In section 20:25:03:07, language has been added to clarify the processes and procedures of the vendor operating the one-call system to insure that the rules reflect the technologies currently available from the one-call system.

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 Public Utilities Commission's home page at the following address: <http://www.sdonecall.com>.

FORM 5, BFM 50.10

(NOTE: A copy of this form may be obtained from the Bureau of Finance and Management. If your rules have a negative fiscal impact on a local government, such as a county or a school district, you must direct the Bureau of Finance and Management to send a copy of its fiscal note to the organizations listed in SDCL 1-26-4.2.)

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

	CODE	NAME
DEPARTMENT	26	Public Utilities Commission
DIVISION		
PROGRAM	261066	One-Call Notification Board

PROPOSED RULES: 20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05 and 20:25:03:07

Hearing Date: October 23, 2007

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.) There is no impact on state or local governments. For small businesses that appear before the Commission, some rules will result in decreased costs and some rules will result in increased costs. This is explained in more detail below.

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)		
TOTAL	0	0

REVENUE INCREASES (DECREASES)

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

APPROVED *Jerry C. Schneider* DATE Sept 10th - 07
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, and 5) small business impact statement

EXPLANATION OF RULES EFFECT

The South Dakota One-Call Notification Board will hold a public hearing in Room 413, 4th Floor, State Capitol, Pierre, South Dakota, on October 23, 2007, at 1:00 p.m., to consider the adoption and amendment of proposed rules numbered:

20:25:01:01, 20:25:03:01, 20:25:03:03, 20:25:03:04, 20:25:03:04.01, 20:25:03:04.02, 20:25:03:05 and 20:25:03:07

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In section 20:25:03:04.02, language has been added that allows for the use of mile marker references on state and federal highways to be used as a means to identify the location of the excavation site when initiating an informational locate request.

In section 20:25:03:05, language has been added that establishes minimum marking standards for all underground facilities and specific standards for marking service laterals on all underground facilities.

In section 20:25:03:07, language has been added to clarify the processes and procedures of the vendor operating the one-call system to insure that the rules reflect the technologies currently available from the one-call system.

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.)

- i. 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 _____

Sept 10th 07 _____
Dated Authorized Signature Name of Agency

South Dakota One-Call
Notification Board

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

- (1) "Excavation site," the specific location where an excavation will occur;
- (2) "Informational locate request," a communication between a person and the one-call center in which a request for locating underground facilities for planning, permit, surveying, mapping, or design work where the purpose of the request is not related to planned excavation activity within the next eighteen months;
- (3) "Normal business hours," 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays as defined by SDCL 1-5-1;
- (4) "Notification time," the time at the end of the telephone locate request when the answering attendant provides the excavator with a confirmation number or the time ~~the computer software, facsimile, and e-mail~~ a non-telephone locate request is received by the one-call center;
- (5) "Planned excavation locate request," a communication between a person and the one-call center in which a request for locating underground facilities for planning, permit, or design work relative to specific excavation activity planned to start within the next eighteen months;
- (6) "Planner," any person who prepares a drawing for a planned construction or other project which will require excavation at a future date;

(7) "Respond," the facility operator shall mark or physically identify by other means the location of underground facilities if the facility operator owns any underground facilities in the area of the proposed excavation;

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

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

(10) "Service Lateral," means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-user customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premise.

Source: 21 SDR 27, effective August 21, 1994; 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-1.

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 and guidelines 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 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.
- 20:25:03:01. Operator participation.** Each operator required by SDCL 49-7A-2 to join the one-call system:

(1) Shall provide to the notification center data that allows proper notification to the operator of excavation near the operator's utility lines and updates to such data. This data shall be provided to the notification center as soon as possible, but no later than 30 days after membership or operation of underground facilities, whichever is first. This information shall be provided on printed forms ~~approved by the one-call notification center~~ or in an electronic internet-based format, ~~compatible with the computer software systems used by the one-call notification center~~ approved by the South Dakota One Call Notification Board;

(2) Shall respond to notification of excavation, including emergency notices, as required by SDCL chapter 49-7A and article 20:25;

(3) Shall establish a means of receiving notification of excavation and shall utilize this method to receive notifications from the one-call notification center; ~~and~~

(4) Who receives more than an average of 30 tickets per month in any three consecutive months shall receive tickets by electronic transmission other than by voice telephone. Electronic transmission includes e-mail, facsimile, data printer, or computer transmission; and

(5) Any underground utility lines installed underground after January 1, 2008, shall be installed in such a manner as to be locatable by the operator for purposes of this chapter.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997; 29 SDR 111, effective February 12, 2003.

General Authority: SDCL 49-7A-4.

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

20:25:03:03. Membership fees. The board shall assess an initial membership fee to all one-call members based on their membership classes, as follows:

(1) Class A Members: \$150;

(2) Class B Members: \$ 50;

(3) Class C Members: \$ 35.

The board shall determine the fee to be collected for location requests based on the operating cost to the center of providing the locate services, overhead costs, and advertising costs. The center shall bill operators monthly, based on the number of location requests transmitted to that operator. The board shall review the fee for locate requests at least annually. Operators have sixty days to dispute any tickets invoiced after which time all tickets will be considered accurately invoiced.

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

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2.

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;
 - (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 an intersecting street within 1000 feet of the excavation site; or
 - (d) A specific quarter section by section, range, township, and county; and or
 - (e) A specific mile marker reference from any state or federal highway; and

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

(a) 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) Marking the perimeter of the excavation area or the length and direction of the proposed excavation route by means of white paint or flags; or

(c) Requesting to meet the facility operators when it is impractical to utilize item a or b above and to inform the facility operators, in writing, of the extent and work schedule of the proposed excavation.

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; 31 SDR 164, effective May 10, 2005.

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;
 - (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 an intersecting street within 1000 feet of the excavation site; or
 - (d) A specific quarter section by section, range, township, and county; and or
 - (e) A specific mile marker reference from any state or federal highway; and
- (7) A precise description of the planned excavation area within each location by:
 - (a) 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) Marking the perimeter of the planned excavation area or the length and direction of the planned excavation route by means of pink paint or flags; or

(c) Requesting to meet the facility operators, when it is impractical to utilize item a or b above or the planned excavation involves a major project, and to inform the facility operators, in writing, of the extent of the planned excavation.

Source: 29 SDR 111, effective February 12, 2003; 31 SDR 164, effective May 10, 2005.

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;

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

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

(e) A specific mile marker reference from any state or federal highway; and

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

(a) 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) Marking the perimeter of the specific area for which facility information is required or the length and route of the underground facility information required by means of pink paint or flags; or

(c) Requesting to meet the facility operators, when it is impractical to utilize item a or b above or the informational request involves a major project, and to inform the facility operators, in writing, of the extent of the underground facility information requested.

Source: 29 SDR 111, effective February 12, 2003; 31 SDR 164, effective May 10, 2005.

General Authority: SDCL 49-7A-4.

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

20:25:03:05. Color standards and guidelines for marking underground facilities and identification of marked facilities. Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall ~~identify the operator of the marked underground facility and~~ use the following color standards:

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

~~If multiple underground facilities exist, the operator shall separately mark each underground facility. When determining the most suitable means to mark underground facilities, terrain, site conditions, and the type and extent of the proposed excavation shall~~

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

Operators who must mark their underground facilities as required by SDCL 49-7A-8 shall identify the underground facility at the following minimum standards:

(1) The underground facility should be marked in the most suitable manner with consideration to terrain, site conditions, type and extent of the proposed excavation to clearly identify the existence of an underground facility for the excavator.

(2) The marked underground facility shall clearly identify the name, abbreviation or logo of the operator of the underground facility.

(3) When the width of the facility exceeds six inches, the outside edges of the underground facility should be marked to clearly identify the width of the underground facility for the excavator.

(4) When multiple underground facilities exist, the operator shall separately mark each underground facility.

(5) When the operator has no underground facilities in conflict with the excavation area, the operator shall mark in the excavation area "NO" followed by the operator's name, abbreviation or logo in the color code of the underground facility not in conflict with the excavation area.

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

Unless otherwise agreed by the excavator and the operator, an underground facility operator shall locate a service lateral before the start date and time on the notice and in accordance with items 1 through 4 with the exception that an operator is not required to

locate a service lateral of a customer who is required by statute to participate in the statewide notification system.

(1) An operator of a natural gas, propane or electric facility shall locate a service lateral up to the meter or the connection to a customer owned underground facility, whichever is closer to the end-use customer. If the meter or connection to the customer owned underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way.

(2) An operator of a communication facility shall locate a service lateral up to the entry of the first building. If the service lateral does not enter a building, the operator shall locate up to the utilization equipment, fence, or wall that surrounds the equipment.

(3) After January 1, 2008, an operator of a water facility, at a minimum, shall locate the service lateral installed after that date to the meter or the connection to a customer's underground facility. If the meter or connection to the customer's underground facility is within a public right-of-way, at a minimum the operator shall locate that portion of the service lateral within the public right-of-way up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a water service lateral installed before January 1, 2008. If no information is available on a water service lateral installed before January 1, 2008, then notifying the excavator that no information exists fulfills the requirements of this section.

(4) After January 1, 2008, an operator of a sewage facility, at a minimum, shall locate that portion of the service lateral within a public right-of-way installed after that

date up to the point where the service lateral first leaves the public right-of-way. The operator shall either locate or provide information as shown on maps, drawings, diagrams, or other records, on the location of a sewer service lateral installed before January 1, 2008. If no information is available on a sewer service lateral installed before January 1, 2008, then notifying the excavator in writing that no information exists fulfills the requirements of this section.

Source: 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-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~~ or by other methods approved by the board;
- (3) At close of each location request ~~made by telephone call, facsimile transmission, or e-mail,~~ processed by a customer service representative at the center, prior to the issuance of a confirmation number, verify with the excavator that information provided by the excavator meets the requirements 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

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~~, ARSD §§ 20:25:03:04, 20:25:03:04.01 or 20:25:03:04.02, is received by ~~facsimile, e-mail, or remote computer entry or internet~~ 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- ; and

(8) Accept facility operator database information that allows proper notification to the operator of excavation near the operator's utility lines and updates to such data on a web based system as required by the South Dakota One Call Notification Board.

Source: 26 SDR 161, effective June 8, 2000; 31 SDR 164, effective May 10, 2005.

General Authority: SDCL 49-7A-4.

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