

**South Dakota One Call Notification Board
Administrative Rules Hearing
September 30, 2009
Room 413 – State Capitol Building
Pierre, South Dakota**

Minutes of the Hearing:

In Attendance: Kara Semmler, legal counsel to the Board conducted the hearing; Board Members present: Jerry Schroeder, Ed Anderson, Todd Chambers, Terry Larson, Kurt Pfeifle, Doug Larson, Bleau LaFave, Erin Hayes, Dan Kaiser, Eugene Solseth, Kevin Kouba; Others in Attendance: Larry Janes, Executive Director to the Board; Larry Englerth, Executive Director-support (teleconference); Richard Coit representing the South Dakota Telecommunications Association; Gregg Dean, South Dakota Telecommunications Association; Doug Wudel, ELM Locating.

After an introduction of the process, Kara Semmler stated that the rules would be reviewed by section and parties may request to have the proposed rules read and/or background information provided.

Ms. Semmler identified that written comments had been received from the One Call Systems, Inc., vendor that provides the services for the South Dakota One Call System and that the Legislative Research Counsel had provided suggested changes.

Article 20:25:01:01 Definitions – There was no request for the rule to be read or background information provided and the following testimony was presented.

Richard Coit, representing the South Dakota Telecommunications Association, stated he had discussed the definition of high profile facility with Larry Englerth, specifically addressing section 3f as it regarded telecommunications services. Mr. Coit desired to confirm his understanding that certain telecommunications lines, such as the Educational Network and other lines that served critical industries could be included under this definition. Board members agreed with this conclusion.

Mr. Coit stated that the telecommunications industry would establish a task force to provide guidance to their members on this process and welcomed the participation of the South Dakota One Call Board, Qwest Communications and the Cable Television Association to participate in this discussion.

Article 20:25:02:06 Election of Officers. There was no request for the rule to be read or background information provided and no testimony was presented.

Article 20:25:02:01 Operator Participation – There was no request for information and no testimony was presented. There was discussion on the wording changes suggested by the LRC. Larry Englerth had concerns that the LRC recommended changes stated that each individual underground facility would be required to be in a separate database and it was the intent of this rule that each underground facility operator have their high profile underground facilities in a database separate from their regular underground facilities. Suggested wording changes were presented and discussed.

Article 20:25:03:05.04 Operator requirements when marking underground facilities – There was no request for the rule to be read or background information provided and no testimony was presented. There was discussion among Board members about the necessity of this change.

Discussion centered on whether this should be left as an informal process between the excavator and the underground facility operator or if the excavator should have the option to request a ‘clear notice’ in advance and not be delayed at the work site to verify that a facility operator did not have any underground facilities in the excavation area.

Article 20:25:03:07 Requirements for operation of a one-call notification Center – There was no request for the rule to be read or background information provided and no testimony was presented.

Article 20:25:03:07 Procedures for excavation near high profile underground facilities- There was no request for the rule to be read or background information provided and no testimony was presented. There was a question from Terry Larson, AGC representative on the Board, regarding the possibility that this section could be used by facility operators to delay the excavator beyond the forty-eight hour interval. Larry Englerth noted that the rule states that “Prior to the legal excavation start date and time” which requires these steps to be completed by the start date and time requested by the excavator.

Kara Semmler introduced the written comments provided by One Call Systems that supported the rule changes and requested that the implementation date be March 1, 2010 which would allow for programming and training to be completed during the slow construction season. Board discussion highlighted that this would also allow for the rules changes to be covered during the spring excavator meetings and would allow the facility operators to complete the database changes during the slow season.

Respectfully Submitted

Bleau LaFave, Chairman

Date