

South Dakota One Call Notification Board Meeting

AGENDA

Tuesday, April 23, 2024 at 8:00AM CT (7:00 AM MT)

This meeting can be attended over ZOOM or in person at AmericInn Walden Room in Fort Pierre, South Dakota. Please contact Mandy Benson at mandy@sd811.com for the ZOOM link.

Board Members:

Chairman, Mark Meier, Representing Municipalities;

Vice Chairman, Ryan Barr, Representing Community Antenna Television Systems

Jim Scull, Representing Excavation Contractors;

Brad Wenande, Representing Investor-Owned Natural Gas Utilities;

Scott Wiese, Representing Investor-Owned Electric Utilities;

Kay Braaten; Representing Interstate Carriers of Gas or Petroleum;

Lloyd Rave, Representing Rural Water Systems;

Loren Beld, Representing Excavation Contractors;

Jim Wedin, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;

Steve Barnett, Representing Rural Electric Cooperatives;

Jake VanDewater, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50,000 Customers;

Cody Honeywell, Legal Counsel;

Brett Koenecke, Legal Counsel;

Callie Iversen, Accounting;

Codi Gregg, Executive Director;

Mandy Benson, Executive Assistant;

1. Call to Order and Roll Call.
 - a. Any changes to the Agenda?
2. Approval of Board Meeting Minutes.
 - a. January 25, 2024
3. Review and Approve Financials
 - a. Quarter 1 2024 Financial Report
4. South Dakota 811 Performance Reports
 - a. Quarterly Report from Texas 811
 - b. 2024 Forecast Review – Codi Gregg,



Executive Director Discussion Items:

5. Damage Prevention Meeting wrap up.
6. Safe Digging Month.
7. PHMSA Annual Report.
8. FY 2025 Budget Load to State Accounting.
9. FY 2026 Budget Planning & Committee.
10. Rules Changes Process and Schedule.
11. South Dakota One Call's Enforcement Panel has met on the following Complaints and Recommendations have been issued. Today, does the One Call Board accept the Recommendations of the Enforcement Panel? The Board shall pursue collections activity if the conditions as stated are not met.
The Panel may issue a penalty, suspending part of the penalty if the respondent meets the following conditions:
 1. Respondent must not be found guilty of a One Call violation within twelve months.
 2. Penalty payment must be received within 30 days of the Board Order.
 3. Respondent must attend a Damage Prevention Meeting.
 4. Respondent is to conduct an in house safety meeting to discuss dig laws.
 5. Respondent and Complainant are to meet to discuss the complaint, possible dig in scenarios and safe practices.
 - a. OC23-001 In the matter of the complaint filed by Northern Natural Gas Company, Omaha, NE against UGK Communications, Houston, TX for an incident occurring August 9, 2024 at 10 Alumni Street in Vermillion.
 - i. Panel recommended dismissing the complaint under 49-7A-21, as the complaint was filed more than 90 days from the date of incident.
 - b. OC23-002 In the matter of the complaint filed by the City of Rapid City against KTM, Rapid City, SD for an incident occurring on March 3, 2023 at East Philadelphia and East Anamosa Streets in Rapid City.
 - i. Panel recommended dismissing the complaint as the City of Rapid City did not identify a statute violation in the complaint.
 - c. OC23-003 In the matter of the complaint filed by the City of Rapid City against KTM, Rapid City, SD for an incident occurring on March 14, 2023 at Dyess Avenue and Country Road in Rapid City.



- i. Panel recommended dismissing the complaint as the City of Rapid City did not identify a statute violation in the complaint.
- d. OC23-004 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Kenneth Osmotherly, Oelrichs, SD for an incident occurring March 30, 2023 at 13871 Old Highway 79 in Oelrichs.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 being suspended with Mr. Osmotherly meeting the five conditions listed above.
- e. OC23-005 In the matter of the complaint filed by Jeff Stice, Sioux Falls, SD against Unknown for an incident occurring April 22, 2023 at the intersection of 41st and 42nd Avenue with Philips Avenue in Sioux Falls.
 - i. Panel recommended dismissing the complaint, as this was not a South Dakota One Call issue. Utility work was overhead with no excavation occurring.
- f. OC23-006 In the matter of the complaint filed by Magellan Midstream Partners, LP Tulsa, OK against Black River Contracting, Rapid City, for an incident occurring June 6, 2023 near Anderson Road and Lamb Road in Rapid City.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 being suspended with Black River meeting the conditions listed above.
- g. OC23-009 In the matter of the complaint filed by NorthWestern Energy, Brookings, SD against T & T Underground, Windom, MN for an incident occurring September 26, 2023 at 1190 Pelican Point Road in Madison.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$750 suspended with T & T meeting the conditions listed above.
- h. OC23-011 In the matter of the complaint filed by Midcontinent Communications, Sioux Falls, SD against Loren Beld / LL & Sons Excavating, Inc., Watertown, SD for an incident occurring July 21, 2023 at 1394 South Lake Drive in Watertown.
 - i. Panel recommended dismissing the complaint due to a lack of evidence showing violations of state statutes.
- i. OC23-013 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Eric Nelson, Edgemont, SD for an incident occurring October 27, 2023 at Indian County Road and County Road 65 in Edgemont.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$750 suspended with Mr. Nelson meeting the conditions listed above.
- j. OC23-014 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Mr. Bob Baker, Buffalo Gap, SD for an incident occurring on November 15, 2023 at 27050 Beaver Valley Road in Buffalo Gap.

- i. Panel recommended a penalty in the amount of \$1,000 with \$750 suspended with Mr. Baker meeting the conditions listed above.
 - k. OC23-015 In the matter of the complaint filed by Haider Construction, Inc. Redfield, SD against Farmers Oil Coop / Elevator in Orient, SD for an incident occurring on November 1, 2023 at the intersection of 355th Street and 172nd Avenue in Orient.
 - i. Panel recommended dismissing the complaint, not finding a violation of 49-7A-5.
 - l. OC23-016 In the matter of the complaint filed by Charles Mix Electric, Lake Andes, SD against Woods Enterprises, LLC., Wagner, SD for an incident occurring on November 28, 2023 at 29820 398th Avenue in Wager.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 suspended in the violation of 49-7A-12, if the conditions listed above are met. The Panel dismissed the violation of 49-7A-5 for no probable cause.
- 12. The Board of Directors will conduct an Enforcement Panel Hearing on Complaint Docket OC23-007 Accurate Locating vs. CCS, Inc. today, April 23, 2024 starting at 11AM CT. Cody Honeywell to review the hearing process for the Board of Directors.
- 13. Public Comment
- 14. Motion to Adjourn

Notice of future One Call Board Meetings:

Board Meeting Dates:

- Proposed Dates to the Board of Directors

Notice of Safety Conferences:

- Texas811 Damage Prevention Summit, October 2 – October 4, 2024
Georgetown, Texas

Notice of future One Call Enforcement Panel Meetings:

2PM Central Time (1PM Mountain Time) Last Thursday of each month and last Friday during Legislative Session (January, February and March.)
Schedule provided to Enforcement Panel Members

Announcements:

Materials presented at this meeting are available on the South Dakota 811 website, www.sd811.com as well as the South Dakota Board and Commissions website at <http://boardsandcommissions.sd.gov>. These are also available by contacting Codi Gregg at exedir@sdonecall.com or by calling (605) 863 – 0951.

