

South Dakota One Call Notification Board Meeting

MINUTES

(Draft / Unapproved, Circulated August 19, 2022)

Board members in attendance:

Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers;

Vice Chairman, Mark Meier, Representing Municipalities;

Kay Braaten; Representing Interstate Carriers of Gas or Petroleum;

Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;

Ryan Barr, Representing Community Antenna Television Systems;

Jim Scull, Representing Excavation Contractors;

Bleau LaFave, Representing Investor-Owned Natural Gas Utilities;

Scott Wiese, Representing Investor-Owned Electric Utilities;

Lloyd Rave, Representing Rural Water Systems;

Vacant, Representing Rural Electric Cooperatives;

Brett Koenecke, Legal Counsel;

Cody Honeywell, Legal Counsel;

Callie Iverson, Accounting;

Codi Gregg, Executive Director;

Board Members unable to attend:

Loren Beld, Representing Excavation Contractors;

Guests:

Scott Sasajima, Texas811

Boice Hillmer, PUC Pipeline Safety

Patrick Anderson, constituent

Jim Wedin, Lumen Technologies

1. Fay Jandreau called the meeting to order at 10:00AM CT. Adjustments to the agenda are listed below. Public Comment was moved to Item 9, Motion to adjourn moved to 10, Late locates added as Item 8. No action was taken on the addition of late locates discussion.
2. Dan Kaiser made the motion to approve the Board Meeting Minutes for May 10, 2022 as printed. Lloyd Rave seconded the motion. **Motion carried unanimously.**



3. The Board reviewed the end of the year financials. As we reviewed the end of the year, we ended with a net income for the year of roughly \$170,000, well below budget. Having no further discussion, Mark Meier made the motion to approve the end of year financial reports. Dan Kaiser seconded the motion. **Motion carried unanimously.**

The Board reviewed the first month of FY23 financials. Fay Jandreau reviewed our budget process with new Board Members and how budget comes together. We project budget two years ahead. Having no further questions or discussion on the July 2022 financials, Bleau LaFave made the motion to approve the July financial report. Lloyd Rave seconded the motion. **Motion carried unanimously.**

4. Scott Sasajima discussed Performance Results for South Dakota 811 to be reviewed:
 - a. Ticket Volume History has fluctuated slightly month to month but shows normal tickets. Incoming ticket counts and Outgoing Ticket counts show increases and decrease trends consistent with One Call.
 - b. Ratio (Outgoing to Incoming) climbed slightly.
 - c. Electronic Ticketing is staying consistent with previous years. Homeowner Portal shows roughly 3,500 locates submitted by homeowners directly.
 - d. Secondary Links continues to see an increase.
 - e. Dispatched Tickets by Type was reviewed. Emergency ticket counts was reviewed. In July alone, there was 438 emergency tickets submitted. We will continue to evaluate this. Routine tickets saw an increase of almost 10%.
 - f. Speed of Answer was reviewed. This is well within contract limits.
 - g. Damages without Previous Tickets has decreased, which is a move in the right direction!
 - h. Damages with Tickets vs. without previous Tickets was reviewed briefly.
 - i. Gas Damages – Monthly and Year to Year Comparison – there has not been a lot of movement in reporting, showing a very slight decrease.
 - J. Positive Response was discussed. There are 78 distinct utilities reporting through Positive Response at this time with over 105,000 comments received to date this year.

5. Mr. Patrick Anderson requested a Petition for Declaratory Ruling regarding damage. Discussion was held with the Board of Directors and Mr. Anderson regarding the incident and the request. The Board understood this was posed as a liability decision, as agreed upon by Mr. Anderson. This was not brought to the Board as a complaint. Where the Board does not have the authority to determine liability, the Board was not able to move forward with the request as received. May Adam will follow up with Legislative Research Council to advise them of the conclusion made by the Board of Directors along with a dismissal letter to Mr. Anderson. In the letter to be provided, the Board can clarify the state laws involved.

Dan Kaiser made the motion that May Adam document the conversation regarding the Petition to be sent to Mr. Anderson and the Legislative Research Council. Lloyd Rave seconded the motion. **Motion carried unanimously.**



6. Dan Kaiser made the motion to accept the recommendations of the Enforcement Panel of the South Dakota One Call Notification Board for the following complaints. Scott Wiese seconded the motion. **Motion carried unanimously.**

- a. OC22-001 – In the Matter of the Complaint by Askland Ditching of Rapid City against Black Hills Electric Coop of Custer for an incident occurring March 4, 2022 at 8007 Katrina Court in Rapid City.
- b. OC22-002 – In the Matter of the Complaint by Lumen Technologies of Sioux Falls against Runge Enterprises of Sioux Falls for an incident occurring April 7, 2022 at 4600 – 4700 West 41st Street in Sioux Falls.

7. Executive Director Items:

- a. The Board continued discussion regarding Executive Director and Deputy Director contracts moving to FTE Discussion. Per May Adam, Wage and Hour Division has requested the Board move the two contractors to FTE following discussion on the nature of work. Codi Gregg has submitted classification information to BHR and we will continue to move forward with FTE status for the independent contractors serving the Board of Directors.

Discussion was held by the Board to pursue filling a second position with the Board of Directors. In order to meet demand prior to the change to FTE Status, Dan Kaiser made a motion to issue an RFP for a deputy director to be under contract until June 30, 2023. Mark Meier seconded the motion. Further discussion amended the motion to include the selection of a committee to evaluate the RFP, responses and make a candidate selection. Dan amended his motion, stating an RFP be issued to hire a deputy director to be under contract until June 30, 2023 with the Board of Directors, as evaluated by the selection committee as assigned by the Board Chairman. This committee will make a recommendation to the Board for approval. This position will transfer to FTE status on July 1, 2023. Mark Meier seconded the amended motion. Dan Kaiser withdrew the previous motions to clean up the discussion.

Dan Kaiser made the motion to issue an RFP for an Executive Director Assistant to be under contract until June 30, 2023 with a selection committee to evaluate the RFP, candidate responses, and make the selection recommendation to the Board of Directors. Kay Braaten seconded the motion. **Motion carried unanimously.**

- b. 2022 Forecasting was reviewed. The Board was able to see quarterly heat maps for activity across the state. There is still an anticipated outgoing ticket count of over a million. Codi Gregg will share a more detailed update in the fourth quarter.
- c. FY24 Budget Discussion was held, detailing all sub account dollars. With the change in status from independent contracts moving to FTE occurring, the budget was submitted with the probability of being revised. The Board reviewed in detail the budget and the adjustments for FY24. The proposed budget will

be approved by the Board of Directors August 18, 2022 and submitted to the state no later than August 24, 2022.

- d. Codi Gregg submitted the annual PHMSA evaluation end of June. A follow up notification from PHMSA indicated that South Dakota One Call would most likely be found in an inadequate status for the year. The Board did request that One Call attend the meeting with PHMSA in order to discuss the potential decision.
- e. Continued Discussion with the Board of Directors regarding possible law changes:
 - i. Limiting the number of update tickets allowed. The Board felt very strongly that two updates per locate ticket is a good balance.
 - ii. White lining. This is covered under Administrative Rules under ticket standards with discussion of moving to 49-7A-5 to include a verbiage change to make white lining mandatory.
 - iii. Positive Response will be kept as voluntary for the time being. This will allow the Board a year time frame to convey that Positive Response will be moving to mandatory and this is the time to make adjustments.
 - A. Adjusting the start time of a locate was discussed as a benefit to this change. More discussion will be had with the Board.
 - iv. Limiting the number of tickets submitted daily by one contractor was discussed. This is not an item the Board wishes to address at this time.
 - v. Removal of flags was discussed along with who would be responsible for pulling flags at the end of the job. Today, this is a recommendation for the flags to be removed at the end of the excavation. Discussion continued on who becomes responsible to pull flags with no decision by the Board. This will be continued.

Priorities for the Board are white lining, Positive Response and flag removal. May Adam will review rule changes as they apply to this process and report back to the Board.

f. Texas811 Center visit is planned in conjunction with Texas811's Damage Prevention Summit October 5 through the 7th. Codi Gregg and Kay Braaten are attending.

- 8. Late locates have been a continual issue this year. South Dakota 811 provided a projected forecast to all utilities in January 2022 in an effort to bring awareness to the amount of excavation that was coming this year. In order to address this, the Board will be requesting a response from the utility companies with their planned response on adequately addressing locate counts.
- 9. No public comment was offered at this time.
- 10. Dan Kaiser made the motion to adjourn the Board Meeting. Ryan Barr seconded the motion.
Motion carried unanimously.

ACTION ITEMS:

- i. Codi Gregg to follow up with May Adam regarding changes in rules regarding the suggested law changes.
- ii. Codi Gregg to develop request to utilities to address projected forecast.

Notice of future One Call Board Meetings:

November 1, 2022 - Will verify the dates and confirm.

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.

