

**MINUTES Final Approved Circulated January 24, 2018  
December 6, 2017 – 9:00 AM Central Time**

**Department of Transportation Board Room  
Becker Hansen Building  
700 East Broadway Avenue  
Pierre, South Dakota**

1. Chairman John Ward opened the meeting with a call to order and Roll Call at 9:00AM CT.

Board Members attending in person:

Chairman, John Ward, Representing Excavation Contractors; Vice Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Ed Anderson, Representing Rural Electric Cooperatives; Todd Chambers, Representing Municipalities; Loren Beld, Representing Excavation Contractors. Also in attendance: Amanda Reiss, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg.

Board Members attending via Conference Call: Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;

Erin Hayes, Representing Community Antenna Television Systems;  
Bleau LaFave, Representing Investor-Owned Natural Gas Utilities.

Other attendees (appearing at 11:00 AM before the Board): Kristie Fiegen, Chairman, Public Utilities Commission; Gary Hanson, Vice Chairman, Public Utilities Commission; Chris Nelson, Public Utilities Commissioner; Patty Van Gerpen, Public Utilities Commission Executive Director, Adam de Hueck, Commission Attorney.

Board members unable to attend: Kevin Kouba, Representing Investor-Owned Electric Utilities;  
Kurt Pfeifle, Representing Rural Water Systems.

2. A motion was made by Doug Larson to approve the November 30, 2017 Board meeting minutes. John Ward seconded the motion. **Motion carried unanimously upon a roll call vote.**
3. Discussion was held on the PHMSA Grant. Larry Janes clarified the monies received, the categories of the Grant, and the future of Grant authorizations. The November Financial statement was not available, and not discussed. Erin Hayes made a motion to approve the financial. Dan Kaiser seconded the motion. **Motion carried unanimously upon a roll call vote.**

4. Executive Director Report Items

- a. **OC17-012** – In the matter of the Complaint Filed by Watertown Municipal Utilities, Watertown, South Dakota, against Kyle’s Concrete – Kyle Rieffenberger, Watertown, South Dakota, for an incident Occurring on June 5, 2017, at 350 – 38<sup>th</sup> Ave., SE, Watertown, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, Doug Larson seconded. **Motion carried, Todd Chambers abstained.**
- b. **OC17-020** – In the Matter of the Complaint Filed by Montana-Dakota Utilities, Rapid City, SD, Against Muth Electric, Rapid City, SD for an Incident Occurring on September 27, 2017, at Dunsmore Street & Poppy Trail, Rapid City, SD. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, Ed Anderson seconded. **Motion carried unanimously upon a roll call vote.**

The Contested Hearing Request for the following South Dakota One Call Complaints was withdrawn by Underground Communications on November 22, 2017. Today, the Board reviewed the Enforcement Panel Recommendations:

- c. **OC17-004** – In the matter of the Complaint filed by Watertown Municipal Utilities (Watertown), Watertown, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1301 3<sup>rd</sup> Street NE in Watertown. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, Ed Anderson seconded. **Motion carried. Todd Chambers abstained.**
- d. **OC17-005** – In the matter of the Complaint filed by Watertown Municipal Utilities (Watertown), Watertown, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1313 17<sup>th</sup> Street NE in Watertown. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Dan Kaiser made a motion to accept the Recommendations of the One Call Enforcement Panel, Fay Jandreau seconded. **Motion carried. Todd Chambers abstained.**
- e. **OC17-006** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South

Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 151 18<sup>th</sup> Avenue SW in Watertown. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Doug Larson made a motion to accept the Recommendations of the One Call Enforcement Panel, Fay Jandreau seconded. **Motion carried. Todd Chambers and Erin Hayes abstained.**

f. **OC17-007** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 517 C Avenue NE in Watertown. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, Ed Anderson seconded. **Motion carried. Todd Chambers and Erin Hayes abstained.**

g. **OC17-008** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1913 10<sup>th</sup> Avenue SW in Watertown. Today, shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, John Ward seconded. **Motion carried, Todd Chambers and Erin Hayes abstained.**

h. **OC17-009** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 3425 13<sup>th</sup> Avenue SW in Watertown. Today shall the One Call Board accept the recommendation of the Enforcement Panel and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met? Fay Jandreau made a motion to accept the Recommendations of the One Call Enforcement Panel, **John Ward seconded. Motion carried. Todd Chambers and Erin Hayes abstained from voting.**

5. Public Utilities Commissions presented on proposed Bill to amend SDCL 49-7A-2 and SDCL 49-7A-28. Commissioners Chris Nelson, Kristie Fiegen, and Gary Hansen discussed the Bill and the changes to South Dakota One Call. With the proposed legislation, One Call will become it's own state agency. The budget shall be appended to the Public Utilities Commission for budgetary purposes or the department South Dakota One Call connects to. Larry Janes is researching attorneys and CPA firms on behalf of the Board of Directors. The Board of Directors did ask that the start date of the proposed change be adjusted from the July

1, 2018 date to allow for the most efficient and effective glide path. The Board of Directors is in support of the proposed legislation

6. One Call Board Meeting Schedule:

February 5, 2018, (Monday) – 1 pm

May 15, 2018, (Tuesday) - 8 am

August 14, 2018 (Tuesday), 8 am

November 14, 2018 (Wednesday), 8 am – Nov 12<sup>th</sup> is Veteran's Day Observed

7. Having no other business to discuss, Fay Jandreau made a motion to adjourn. Ed Anderson seconded the motion. Motion carried unanimously upon a roll call vote.

**ANNOUNCEMENTS:**

Legislative Breakfast – February 6, 2018

Members of the South Dakota One Call Board will attend:

Texas Summit – February 12<sup>th</sup> – 14<sup>th</sup>, San Marcos, Texas

CGA – March 6<sup>th</sup> – 8<sup>th</sup>, Phoenix, Az.

Materials presented at this meeting are available on the South Dakota 811 website [www.SD811.com](http://www.SD811.com) as well as the South Dakota Boards and Commissions website at <http://boardsandcommissions.sd.gov/>. They are also available by contacting the Deputy Director in writing at [deputydirector@sd811.com](mailto:deputydirector@sd811.com), or by calling (605) 863-0951.