

Meeting of the South Dakota One Call Notification Board

AGENDA

February 19, 2020 – 9:00 AM Central Time / 8:00 AM Mountain Time

On-Line Conference Call Hosted by ZOOM

Instructions to Join a Meeting with zoom.com:

1. Download the ZOOM app to your computer, tablet or phone.
2. At zoom.com, go to Join a Meeting.
3. Enter the code from the emailed invitation.
4. If you did not receive the code, email deputydirector@sd811.com to request the meeting code.
5. Once there, click join.
6. Join with Computer Audio. You will be asked to test your microphone. Please take a minute to test the volume prior to the meeting. If you have downloaded the app, this will save your selections and the volume test will be a one and done interruption.
7. You should now be in the web meeting.

CONTACT: deputydirector@sd811.com or call 605-863-09521 least 10 minutes before the meeting if you experience problems accessing the call. DUE TO THE OUTBREAK OF THE CORONAVIRUS, WHILE PRACTICING SOCIAL DISTANCING THERE IS NOT A MEETING LOCATION TO ATTEND IN PERSON.

Board Members: Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Vice Chairman, Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Jim Scull, Representing Excavation Contractors; Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers; Steve Mohr, Representing Community Antenna Television Systems; Bleau LaFave, Representing Investor-Owned Natural Gas Utilities; Ed Anderson, Representing Rural Electric Cooperatives; Kevin Kouba, Representing Investor-Owned Electric Utilities; Lloyd Rave, Representing Rural Water Systems; Mark Meier, Representing Municipalities; Loren Beld, Representing Excavation Contractors; Brett Koenecke, Legal Counsel; Cody Honeywell, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg.

AGENDA

1. Call to Order and Roll Call

2. Approval of the November 17, 2020 Board Meeting Minutes.
3. Review and Approval of Financial Report
 - a. Financial Summary including expenditure details for November 1, 2020 through January 31, 2021.
4. Operations – South Dakota 811 and Texas811 Performance Results
 - a. Incoming Locate Requests History
 - b. Outgoing Ticket History
 - c. Ratio Outgoing to Incoming Tickets
 - d. Electronic Ticketing
 - e. Secondary Links
 - f. Speed of Answer
 - g. Dispatched Tickets by Type
 - h. Damages without Ticket #'s.
 - i. Damages with Ticket #'s vs. without Ticket #'s
 - j. Gas Damages – Monthly & Year to Year Comparison
5. Toby Bordewyk, Montana Dakota Utilities Company, discussion regarding complaint filings and damage prevention. MDU is looking for suggestions by the Board on how to reduce damages, and when the Board feels it is appropriate to file a complaint.
6. Richard Ferguson, USIC, presentation regarding using pink flags on the Difficult-to-Locate/Project Locate Flag. Does the Board wish to take a position on this project?
7. The South Dakota One Call Board was authorized by the Appropriations Committee in FY20 to offer up to \$20,000 in scholarships to students at the South Dakota Technical Institutes in areas of study involved in excavation. These scholarships are offered in conjunction with industry partners and the Build Dakota Scholarship fund. Does the Board wish to make this request again with the FY22 budget, and does the Board wish to make this part of the annual budget request going forward?
8. Jay Stephens Damage Prevention Academy Presentation regarding the potential South Dakota 811 Certification program. How does the Board wish to proceed?
9. Review of the website re-design costs. Does the Board wish to authorize additional funds to complete the project?
10. The Enforcement Panel of the South Dakota One Call Board met on the following Complaints and issued Recommendations. Today shall the One Call Board accept the recommendations of the Enforcement Panel, and shall the One Call Board close the Dockets, and shall the Board pursue collection activity if the requirements are not met?

OC20 – 058 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Swiftec, Inc.** Rapid City, SD for an incident occurring on August 24, 2020 at 2003 Provider Blvd, Rapid City, SD.

OC20 – 060 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Sanford Logging**, Spearfish, SD for an incident occurring on August 26, 2020 at Crook Mountain Road, Whitewood, SD.

OC20 – 061 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Underground Solutions, Inc.** Sioux Falls, SD for an incident occurring on August 27, 2020 at 704 Pahasapa Road, Rapid City, SD.

OC20 – 063 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Rapid Construction, LLC.** Rapid City, SD for an incident occurring on September 10, 2020 at W Elm and Juniper Street, Black Hawk, SD.

OC20 – 066 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **RCS Construction**, Rapid City, SD for an incident occurring on September 12, 2020 at Mill Street and Cemetery Street, Lead, SD.

OC20 – 067 – In the Matter of the Complaint Filed by **Askland Ditching**, Rapid City, SD against **Montana Dakota Utilities**, Rapid City, SD for an incident occurring on September 11, 2020 at 3402 Ivy Avenue, Rapid City, SD.

OC20 – 068 – In the Matter of the Complaint Filed by **Askland Ditching**, Rapid City, SD against **Montana Dakota Utilities**, Rapid City, SD for an incident occurring on September 4, 2020 at 5007 Langenberg, Rapid City, SD.

OC20 – 069 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Engbarth Drilling, Inc.**, Rapid City, SD for an incident occurring on September 17, 2020 at Fairview and Glendale, Lead, SD.

OC20 – 070 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Geidel Excavation**, Rapid City, SD for an incident occurring on September 17, 2020 at 3682 Remington Road, Rapid City, SD.

OC20 – 071 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Heavy Constructors**, Rapid City, SD for an incident occurring on September 17, 2020 at E Mall Drive, Box Elder, SD.

OC20 – 072 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Wild West Construction, LLC.**, Glenrock, WY, for an incident occurring on September 21, 2020 at 317 Gold Street, Lead, SD.

OC20 – 073 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Scull Construction**, Rapid City, SD for an incident occurring on September 22, 2020 at o Victory Way, Box Elder, SD.

OC20 – 074 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Pedersen Excavation**, Spearfish, SD for an incident occurring on September 23, 2020 at o Katie Lane and Pine View Drive, Sturgis, SD.

OC20 – 076 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **CSI**, Sioux Falls, SD for an incident occurring on October 5, 2020 at 23605 Wilderness Canyon in Rapid City, SD.

OC20 – 077 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Concrete Visions, LLC.**, Black Hawk, SD for an incident occurring on October 6, 2020 at 5723 Harper Court in Rapid City, SD.

OC20 – 079 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Andy Coyle Construction**, Spearfish, SD for an incident occurring on October 12, 2020 at 3715 Hillview Road in Spearfish, SD.

OC20 – 082 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Darwin Toof**, Rapid City, SD for an incident occurring on October 15, 2020 at 815 E New York Street, Lot 29 in Rapid City, SD.

OC20 – 083 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **All About Exteriors**, Rapid City, SD for an incident occurring on October 15, 2020 at 6767 Elmwood Street in Black Hawk, SD.

OC20 – 085 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **RCS Construction**, Rapid City, SD for an incident occurring on October 28, 2020 at 30 Adams Street in Deadwood, SD.

OC20 – 086 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **CSI**, Sioux Falls, SD for an incident occurring on October 30, 2020 at 23608 Wilderness Canyon in Rapid City, SD.

11. The Respondents in the following Complaints accepted an Offer of Resolution:

OC20 – 084 – In the Matter of the Complaint Filed by **City of Crooks**, Crooks, SD against **Degen Electric**, Sioux Falls, SD for an incident occurring on November 3, 2020 at 47522 Pony Meadow Court in Renner, SD.

OC20 – 091 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Solseth Excavating**, Rapid City, SD for an incident occurring on November 30, 2020 at 5808 Eastside Drive in Black Hawk, SD.

OC20 – 092 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Jones Construction Company**, Rapid City, SD for an incident occurring on December 3, 2020 at 5630 Bing in Rapid City, SD.

12. The following Complaints were dismissed for inconsistent, incomplete, or incorrect information. Complainant was advised they may re-file:

OC20 – 087 – In the Matter of the Complaint Filed by **Magellan Midstream Partners**, Tulsa, OK against **Donarski Lawncare and Landscape**, Spearfish, SD for an incident occurring on November 3, 2020 at 700 through 816 Copperfield Drive, Rapid City, SD.

13. The Enforcement Panel met and made recommendations on the following Complaint Dockets. Hearings Requests have been made in the following and will be scheduled for a later date:

OC20 – 059 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Williams Service**, Lead, SD for an incident occurring on August 25, 2020 at 313 Grand Avenue, Lead, SD.

OC20 – 065 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Stuen Construction**, Deadwood, SD for an incident occurring on September 10, 2020 at 14 McMaster Street, Lead, SD.

OC20 – 070 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Geidel Excavation**, Rapid City, SD for an incident occurring on September 17, 2020 at 3682 Remington Road, Rapid City, SD.

OC20 – 082 – In the Matter of the Complaint Filed by **Montana Dakota Utilities**, Rapid City, SD against **Darwin Toof**, Rapid City, SD for an incident occurring on October 15, 2020 at 815 E New York Street, Lot 29 in Rapid City, SD.

OC20 – 088 – In the Matter of the Complaint Filed by **Magellan Midstream Partners**, Tulsa, OK against **Donarski Lawncare and Landscape**, Spearfish, SD for an incident occurring on November 3, 2020 at 700 through 816 Copperfield Drive, Rapid City, SD.

OC20 – 089 – In the Matter of the Complaint Filed by **RCS Construction**, Rapid City, SD against **Montana Dakota Utilities**, Rapid City, SD for an incident occurring on November 3, 2020 at Canyon Street in Lead in Deadwood, SD.

14. Does the Board wish to adopt the recently developed penalty matrix for use in the enforcement process?
15. South Dakota One Call Hearing Process. How does the Board wish to proceed on each item, 10a through 10e?
 - a. Can all Hearings appear in front of the Office of Hearing Examiners instead of the Board?
 - b. Can the Board charge litigants for hearings? What is a pathway to doing this?
 - c. Can the Board increase the penalty amount after a hearing?
 - d. Can the board order that we hold complaints back from the enforcement panels until the complainant meets with the excavator?
 - e. Can the Board require anyone requesting a hearing to tell us detailed reasons why the enforcement panel was wrong?
16. Board member retirements. How does the Board wish to proceed?
17. Discussion Items:
 - a. Loren Beld question on the **October 2010** – [Declaratory ruling](#) regarding how close an underground facility can be placed on either side of a marked facility and regarding facility operator marking the outside edge of its facility to ensure excavator maintains a minimum horizontal clearance of eighteen inches from both sides of a facility.
 - b. Annual Report
 - c. Potential meeting dates through the remainder of 2021.
 - d. 1) Questions from an excavator - Could the 811 system could be set up to automatically send an email reminder 3-4 days before the ticket expires?
2) Could be an option to attach plans/pictures/notes when submitting the ticket in the 811 portal?
 - e. Other.

18. Public Comment.

19. Motion to adjourn.

ONE CALL BOARD MEETING SCHEDULE:

Board Meeting Schedule: To Be Determined

ONE CALL BOARD ENFORCEMENT PANEL SCHEDULE

2 PM Central Time (1 PM Mountain Time) last Thursday of each month and last Friday of each month during the Legislative Session.

ANNOUNCEMENTS:

Common Ground Alliance, Orlando, FL. – Rescheduled for October 12 – 15, 2021.

Texas811 Summit, February 8 - 10, 2021 – Rescheduled for November 15 – 17, 2021.

Materials presented at this meeting are available on the South Dakota 811 website 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, or by calling (605) 863-0951.