

MINUTES Final Approved Circulated November 30, 2017
November 14, 2017 – 8:00 AM Central Time

Ft. Pierre Holiday Inn Express
110 East Stanley Road
Ft. Pierre, SD

1. Chairman John Ward opened the meeting with a call to order and Roll Call at 8:00 AM.

Board Members in attendance: Chairman, John Ward, Representing Excavation Contractors; 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; Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Ed Anderson, Representing Rural Electric Cooperatives; Todd Chambers, Representing Municipalities; Loren Beld, Representing Excavation Contractors; Amanda Reiss, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg.

Board Members unable to attend: Vice Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Kevin Kouba, Representing Investor-Owned Electric Utilities; Kurt Pfeifle, Representing Rural Water Systems.

Others in Attendance: Scott Sasajima, Texas811; Rich Ferguson, USIC; Rhonda Smith, Gold Shovel Standard; Rich Coit, South Dakota Telephone Association.

2. A motion to approve the August 15, 2017 Board Meeting Minutes was made by Todd Chambers and seconded by John Ward. **Motion carried unanimously.**
3. Review and Approval of Financial Report
 - a. After reviewing the Financial Summary including expenditure details for August 2017 and September 2017, a motion to approve was made Doug Larson and seconded by Dan Kaiser **Motion carried unanimously.**
4. Operations – Texas 811 Performance Results through October 2017
 - a. Ticket volume history was reviewed. Ticket volumes are up by 4,221 tickets compared to October 2016.
 - b. Ratio Outgoing to Incoming Tickets was reviewed. The end percentage for October 2017 is 5.52% compared to October 2016 at 5.58%.
 - c. Electronic Ticketing at the end of October was at 58%. This percentage has plateaued and will be discussed heavily at the upcoming Spring Damage Prevention Meetings.
 - d. Dispatched Tickets by Type was discussed. Damage Tickets are trending upwards, with 796 reported by end of the July and 838 through October 2017. There were 938 total reported damages by end of the year, 2016.
 - e. Speed of Service was reviewed and found to be within contract requirements.
5. Presentation by Rhonda Smith on Gold Shovel Standards. Rhonda gave a presentation on the Gold Shovel program, purposes, website and using a standard matrix regarding damage prevention. She stated they have seen a 39% reduction in damages when using Gold Shovel.

6. Executive Director Report Items:

a. **OC17-010** – In the matter of the Complaint filed by Midco, Sioux Falls, South Dakota against Underground Communications, Waupaca, Wisconsin, for an incident occurring May 27, 2017 at 2302 10th Avenue, SW in 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? Bleau LaFave made a motion to accept the recommendation of the Enforcement Panel. Doug Larson seconded the motion. **Motion carried unanimously, with Erin Hayes and Todd Chambers abstaining.**

b. **OC17-011** – In the matter of the Complaint filed by Midco, Sioux Falls, South Dakota against Underground Communications, Waupaca, Wisconsin, for an incident occurring June 1, 2017 at 424 2nd Street SW in 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? Dan Kaiser made a motion to accept the recommendation of the Enforcement Panel. Ed Anderson seconded the motion. **Motion carried unanimously, with Erin Hayes and Todd Chambers abstaining.**

c. **OC17-013** – In the matter of the Complaint filed by Lincoln County Rural Water System (Lincoln), Harrisburg, South Dakota against Elliot Construction, Yankton, South Dakota for an incident occurring June 5, 2017 at 473rd Avenue and 271st Street in Sioux Falls, 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? Dan Kaiser made a motion to accept the recommendation of the Enforcement Panel. John Ward seconded the motion. **Motion carried unanimously.**

d. **OC17-014** – In the matter of the Complaint filed by Watertown Municipal Utilities Watertown, South Dakota against Underground Communications Waupaca, Wisconsin, for an incident occurring June 4, 2017 at 323 13th Street South West in 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? John Ward made a motion to accept the recommendation of the Enforcement Panel. Loren Beld seconded the motion. **Motion carried unanimously, with Erin Hayes and Todd Chambers abstaining.**

e. **OC17-015** – In the matter of the Complaint filed by West River Cooperative Telephone Company, Bison, South Dakota against North Star Construction, Spearfish, South Dakota for an incident occurring March 28, 2017 at 106 north Hwy 12, McIntosh, 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? Ed Anderson made a motion to accept the recommendation of the Enforcement Panel. Bleau LaFave seconded the motion. **Motion carried unanimously.**

f. **OC17-016** – In the matter of the Complaint filed by TM Rural Water District, in Parker, South Dakota against LeLoux Construction (LeLoux), Parker, South Dakota for an incident occurring June 19, 2017 at 45532 280th Street in Hurley, 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? Dan Kaiser made a motion to accept the recommendation of the Enforcement Panel. Erin Hayes seconded the motion. **Motion carried unanimously.**

g. **OC17-017** – In the matter of the Complaint filed by Ryan White, Brookings, South Dakota against the City of Volga, Volga, South Dakota for an incident occurring July 5, 2017 at 101 Edman Avenue in Volga, 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? Ed Anderson made a motion to accept the recommendation of the Enforcement Panel. John Ward seconded the motion. **Motion carried unanimously.**

h. **OC17-018** – In the matter of the Complaint filed by Southeastern Electric Cooperative, Inc., in Lennox, South Dakota against A One Company Pumping and Excavating, Sioux Falls, South Dakota, for an incident occurring April 19, 2017 at 27111 Independence Avenue, Ste A in Sioux Falls, 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? Bleau LaFave made a motion to accept the recommendation of the Enforcement Panel. Doug Larson seconded the motion. **Motion carried unanimously.**

i. **OC17-019** – In the matter of the Complaint filed by Watertown Municipal Utilities, Watertown, South Dakota against Cable Specialists, Inc, Sioux Falls, South Dakota for an incident occurring August 24, 2017 at 502 E Kemp Avenue in 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? Doug Larson made a motion to accept the recommendation of the Enforcement Panel. Dan Kaiser seconded the motion. **Motion carried. Erin Hayes and Todd Chambers abstained from voting.**

7. The Board may renegotiate the amount of compensation with the Deputy Director on an annual basis. Today shall the Board consider a change in compensation? The Board may go into Executive Session, if and only according to SDCL 1-25-2. (Time in and Out). The Board was advised by Amanda Reiss, Legal Counsel, that Executive Session does not apply for the purpose of a professional services contract adjustment. A motion was made by Dan Kaiser to adjust the compensation amount to cover anticipated expenses of the contract no longer covered by the Board and to increase the base salary by 3%. Ed Anderson seconded the motion. **Motion carried unanimously.**
8. Today shall the One Call Board consider introducing legislation to alter SDCL 49-7A-12? After some discussion it was decided to request that two options be provided by Amanda Reiss, Legal Counsel. A Board Conference Call will be scheduled to discuss further. (Subsequent to this meeting a conference call was scheduled for November 30, 2017 at 2 PM Central Time).
9. Erin Hayes made a motion to approve the purchase of the 2018 Digging Dangers video to be shown at education opportunities and Damage Prevention meetings. Loren Beld seconded the motion. **Motion carried unanimously.**

10. General Discussion:

a. Larry Janes mentioned that he had been contacted by Public Utility Commissioners Kristie Fiegen and Chris Nelson to discuss a proposal to change 49-7A-2 and 49-7A-28. The 49-7A-2 proposal would remove the Public Utilities Commission from administration of the Board and remove the word “solely” from the funding language. The change in 49-7A-28 would remove the PUC from the penalty collection process. The discussion centered around what those changes could mean for the Board, increased Board costs, and timing of the legislation. This will be discussed again during a December 6, 2017 Board Meeting with the Commission in Pierre.

b. Use of non-standard flags was discussed. The flags in question are white and orange diagonal stripping used to identify high profile facilities. Red and white flags are also being used. This can cause confusion as white is for proposed routes and another color identifies a facility type. It was decided that Larry Janes would contact the two facility operators and the locating company to request that flags used must adhere to the color standard stated in South Dakota Administrative Rule 20:25:03:05. (Subsequent to this meeting both operators and the locate company have been contacted).

c. Conflict of Interest was not reviewed at this time.

d. Codi Gregg gave away promotional items to random winners drawn from locate tickets submitted on 811 Day (August 11th). Both winners were notified by phone and received their promotional items by mail or in person.

e. Discussion of the Hearing process. Amanda Reiss reviewed the process for the Contested Hearing and the role of the South Dakota One Call Notification Board in the process.

f. One Call Enforcement Panel Schedule, 2 PM Central Time (1 PM Mountain Time) last Thursday of each month, when necessary.

g. One Call Board Meeting Schedule:

November 30, 2017 Conference Call (Thursday) – 2 pm Central Time

December 6, 2017 – (Wednesday) – 11 am Central Time

February 5, 2018, (Monday) – 1 pm Central Time

May 15, 2018, (Tuesday) - 8 am Central Time

August 14, 2018 (Tuesday), 8 am Central Time

November 14, 2018 (Wednesday), 8 am Central Time – Nov 12th is Veteran’s Day Observed

h. Announcements:

Legislative Breakfast – February 6, 2018, 7:00AM CST

Texas Summit – February 12th – 14th, San Marcos, Texas

CGA – March 6th – 8th, Phoenix, Az.

8. There being no further discussion, Dan Kaiser made a motion to adjourn the Board Meeting, Doug Larson seconded. **Motion carried unanimously upon a roll call vote.**

Materials presented at this meeting and minutes 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.