

**MINUTES (Unapproved Draft, Circulated 12/18/2017)
December 6, 2017 – 9:00 AM Central Time**

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

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.

1. John Ward called the meeting to order at 9:02 AM CT.
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 – 38th 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 3rd 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 17th 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 18th 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 10th 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 13th 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 a 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 no longer be administered by the Public Utilities Commission. The budget shall be appended to the Public Utilities Commission for budgetary purposes. In addition, the Public Utilities Commission would no longer be involved in the collection of penalties. This responsibility would fall back to the Board. Larry Janes is

researching legal and financial arrangements 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 as written.

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 12th 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 12th – 14th, San Marcos, Texas

CGA – March 6th – 8th, Phoenix, Az.

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.