

South Dakota One Call Notification Board Meeting

AGENDA

Wednesday, February 5, 2025 at 8:00AM CT (7:00AM MT)

This meeting will be in person at the AmericInn, 312 Island Drive, Fort Pierre, South Dakota and also over ZOOM. Please contact Codi Gregg at codi@sd811.com for the ZOOM link.

Board Members:

Chairman, Mark Meier, Representing Municipalities;

Vice Chairman, Ryan Barr, Representing Community Antenna Television Systems

Jim Scull, Representing Excavation Contractors;

Brad Wenande, Representing Investor-Owned Natural Gas Utilities;

Scott Wiese, Representing Investor-Owned Electric Utilities;

Kay Braaten; Representing Interstate Carriers of Gas or Petroleum;

Lloyd Rave, Representing Rural Water Systems;

Loren Beld, Representing Excavation Contractors;

Jim Wedin, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;

Steve Barnett, Representing Rural Electric Cooperatives;

Jake VanDewater, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Cody Honeywell, Legal Counsel; Brett Koenecke, Legal Counsel;

Leah Ries, Dept. of Public Safety;

Angie Lemieux, DPS;

Codi Gregg, Executive Director;

1. Call to Order and Roll Call
 - a. Adoption of the Agenda
2. Introduction of staff for Department of Public Safety
 - a. HB 1012 – Modification of 49-7A-2
3. Approval of Board Meeting Minutes
 - a. November 19, 2024
 - b. November 21, 2024
4. Review and Approve Financials
 - a. December 2024
5. South Dakota 811 Performance Reports
 - a. Quarterly Report from Texas811
 - b. 2024 Forecast Review
 - c. 2025 Forecast Introduction

Executive Director Discussion Items:

6. Pipeline Safety Program
 - a. Introductions
 - b. Discussion

7. South Dakota 811 Update
 - a. Admin Rules
 - b. Appropriations
 - c. DIRT Report
 - d. Damage Prevention Meetings Schedule
 - e. Updating Code of Conflict
 - f. Updating W9s

8. South Dakota One Call's Enforcement Panel met on the following complaints and Recommendations have been issued. Today, does the One Call Board accept the recommendations of the Enforcement Panel? The Board shall pursue collections activity if the conditions as stated are not met.

The Panel may issue a penalty, suspending part or all of the penalty if the respondent meets the following requirements:

1. Respondent must not be found guilty of a One Call violation within twelve months of the Board Order being issued.
 2. Penalty payment must be received within 30 days of the Board Order.
 3. Respondent must attend a Damage Prevention Meeting.
 4. Respondent must conduct an in house safety meeting to discuss dig laws.
 5. Respondent and Claimant are to meet to discuss the complaint, possible dig in scenarios and safe excavation practices.
-
- a. **OC24-020** In the matter of the complaint filed by Site Works Specialists, Rapid City, SD against Accurate Locating Services, Rapid City, SD for an incident occurring May 30, 2024 at Three Rivers Drive Country Road in Rapid City.
 - i. Panel recommends dismissing this complaint with the option to refile against the utility, not the locator.

 - b. **OC24-021** In the matter of the complaint filed by City of Box Elder, Box Elder, SD against ERE LLC, Spearfish, SD for an incident occurring July 30, 2024 at 401 Main Street in Box Elder.
 - i. Panel recommends probable cause of an intentional violation of 20:25:03:04:03, recommends penalty of \$1,000 with \$500 suspended.



- c. **OC24-022** In the matter of the complaint filed by Union County Electric Cooperative, Elk Point, SD against Siteworks, Sioux Falls, SD for an incident occurring August 22, 2024 at 0 Arnold Palmer Ln in Elk Point.
 - i. Panel recommends probable cause of an unintentional violation of 20:25:03:05:02 and 20:25:03:05:03 and recommended a penalty in the amount of \$1,000 with \$250 suspended.

- d. **OC24-023** In the matter of the complaint filed by Watertown Municipal Utilities, Watertown, SD against Gerhold Brothers, Castlewood, SD for an incident occurring September 5, 2024 at 3015 Air Haven Drive in Watertown.
 - i. Panel recommends probable cause of an intentional violation of 49-7A-5 and 49-7A-12. Penalty in the amounts of \$1,000 with \$500 suspended for 49-7A-5, and \$2,000 with \$1,000 suspended for 49-7A-12.

- e. **OC24-024** In the matter of the complaint filed by Leap Communications, LLC. Harrisburg, South Dakota against BX Civil & Construction, Inc. Dell Rapids, SD for an incident occurring July 16, 2024 at 43°24'03.5"N 97°10'36.2"W in Parker.
 - i. Panel recommends probable cause of an intentional violation of 49-7A-5 and recommended a penalty in the amount of \$1,500 with zero suspended.

- f. **OC24-026** In the matter of the complaint filed by Watertown Municipal Utilities, Watertown, SD against J & J Earthworks, Milbank, SD for an incident occurring September 10, 2024 at 2330 Challenger Way in Watertown.
 - i. Panel recommends probable cause of an unintentional violation of 49-7A-12 and unintentional violation of 49-7A-5, recommending a penalty in the amount of \$1,000 with \$750 suspended.

- g. **OC24-027** In the matter of the complaint filed by RW Contracting, Brookings, SD against Brookings Municipal Utilities, Brookings, SD for an incident occurring July 16, 2024 at 1910 Oriole Trl in Brookings.
 - i. Panel recommends dismissing this complaint, no probable cause exists.

- h. **OC24-028** In the matter of the complaint filed by Watertown Municipal Utilities, Watertown, SD against Dakota Directional, Redfield, SD for an incident occurring October 8, 2024 at 54th St. & 4th Ave. SW in Watertown.
 - Panel recommends probable cause of an unintentional violation of 49-7A-8 with a penalty in the amount of \$500 with \$250 suspended.

- i. **OC24-029** In the matter of the complaint filed by Northwestern Energy, Huron, SD against Flatland Concrete, Huron, SD for an incident occurring November 1, 2024 at 1113 Lampe Court in Huron.
 - i. Panel recommends probable cause of an unintentional violation of 49-7A-5 with a penalty in the amount of \$750 with \$500 suspended.



j. **OC24-030** In the matter of the complaint filed by Montana Dakota Utilities, Bismarck, ND against Deep Foundation Group, Sioux Falls, SD for an incident occurring October 31, 2024 at 13438 363rd Avenue in Ipswich.

i. Panel recommends probable cause of an unintentional violation of 49-7A-5, recommends a penalty of \$1,000 with \$500 suspended.

9. Vouchers Submittal for Board Members

10. Enforcement Process Discussion

a. CGA's Excavation Curriculum

11. Direction from Board of Directors

a. 2025 Goals

b. Job Description / Hiring Process / Formal Review

c. Rules or law changes

12. Board Reappointments

13. Public Comment

14. Motion to Adjourn

Notice of future One Call Board Meetings:

- April 25, 2025
- June 12, 2025 (Budget Presentation) – PROPOSED – may change
- June 17, 2025(Budget Approval) – Proposed – may change
- July 22, 2025
- November 6, 2025

Notice of Safety Conferences:

- Global Excavator Safety Conference, February 24th – 26th, Phoenix, AZ
- Common Ground Alliance, April 7th – 10th, Orlando, FL.
- FNCA / Global Damage Prevention, Sept 15 – 19, Dallas, TX
- Texas811 Damage Prevention Summit, October 1 – 3, Galveston, TX

Notice of future One Call Enforcement Panel Meetings:

Panel Members will be notified. Schedule to be shared.

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 codi@sd811.com or by calling (605) 863 – 0951.