

South Dakota One Call Notification Board Meeting

MINUTES

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

This meeting was held over Zoom.

Board Members in attendance:

Chairman, Mark Meier, Representing Municipalities;
Vice Chairman, Ryan Barr, Representing Community Antenna Television Systems
Jim Scull, Representing Excavation Contractors;
Scott Wiese, Representing Investor-Owned Electric Utilities;
Kay Braaten; Representing Interstate Carriers of Gas or Petroleum;
Lloyd Rave, Representing Rural Water Systems;
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;

Members not able to attend:

Brad Wenande, Representing Investor-Owned Natural Gas Utilities;
Loren Beld, Representing Excavation Contractors;

Guests:

Mary Zanter, Director of Pipeline Safety
Kyle VanLandingham, Texas811

1. The meeting was called to order at 8:08AM CT, with a quorum established.
 - a. Lloyd Rave made the motion to adopt the revised agenda. Jake VanDewater seconded. **Motion carried unanimously.**
2. Codi Gregg introduced Leah Ries, assistant finance office, on staff for Department of Public Safety. Additional staff from DPS will be introduced at a later date.
3. Ryan Barr made the motion to approve the November 19, 2024 and November 21, 2024 board meeting minutes as printed. Kay Braaten seconded. **Motion carried unanimously.**
4. The Board reviewed the financials for December 2024. Lloyd Rave made the motion to approve the financials. Steve Barnett seconded. **Motion carried unanimously.**



5. Performance Reports

- a. South Dakota 811 Performance Reports were presented by Kyle with Texas811. Inbound volume is down at this time. Damage reports and Emergency Reports held consistent with past trends. Minnehaha and Pennington Counties hold first and second hot spots, with Lincoln and Brookings Counties in third and fourth place.
- b. 2024 Forecast Review showed the breakdown of tickets received and dispatched county by county. Ticket volumes were lower than anticipated.
- c. 2025 Forecast was introduced. This will be monitored month to month and provided to stakeholders as requested.

Executive Director Discussion Items:

6. Mary Zanter, Pipeline Safety Program Director was asked to present to the Board of Directors about regulated pipelines, damage prevention and damages that our gas companies in state are seeing. Board members thanked Mary for presenting and providing an update and new information regarding the program and relationship with South Dakota 811.
7. South Dakota 811 Update
 - a. Admin Rule changes went in to effect on January 1, 2025. Codi is working on engaging more utilities in Positive Response.
 - b. Appropriations went well. Budget was reviewed with minimal questions from legislators.
 - c. DIRT Report will be submitted no later than March 1, 2025.
 - d. Damage Prevention Meetings Schedule was shared.
 - e. Board Members were provided with Code of Conduct forms and W9's that need to be updated annually.
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.

The Board reviewed the recommendations from the Enforcement Panel for the complaint dockets listed above. Jake VanDewater made the motion to accept the recommendations as noted. Mark Meier abstained from voting on OC24-023, OC24-026 and OC24-028, Brad Wenande abstained from voting on OC24-029. Scott Wiese seconded the motion. **Motion carried unanimously upon a roll call vote.**

9. Board Members voucher submittals were reviewed. Board members were provided directions on submitting expenses to the state online.
10. The Board discussed complaints, potential process changes and the additional conditions to be met for alleged violators in the complaints.
11. The Board will continue to look for opportunities to improve the program for all stakeholders of the 811 program and the state of South Dakota.
12. Four Board members were reappointed with the Governor's Office. Mark Meier, Lloyd Rave, James Wedin and Scott Wiese will continue to serve the Board. Thank you gentlemen for your commitment to the Board!
13. Mary Zanter stated she did not believe South Dakota 811 would move to an adequate status with PHMSA with the amount of complaints filed and current administrative rules.



14. With no further business, Loren Beld made the motion to adjourn the meeting and end the call. Scott Wiese seconded the motion. **Motion carried unanimously.**

Notice of future One Call Board Meetings:

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- 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.