

South Dakota One Call Notification Board Meeting

Minutes

Thursday, November 10, 2022 at 10AM CT (9 AM MT)

(Draft / Unapproved Minutes Circulated November 14, 2022)

This meeting was hosted via ZOOM.

Board members in attendance:

Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers;
Vice Chairman, Mark Meier, Representing Municipalities;
Kay Braaten; Representing Interstate Carriers of Gas or Petroleum;
Jim Scull, Representing Excavation Contractors;
Ryan Barr, Representing Community Antenna Television Systems;
Bleau LaFave, Representing Investor-Owned Natural Gas Utilities;
Scott Wiese, Representing Investor-Owned Electric Utilities;
Lloyd Rave, Representing Rural Water Systems;
Loren Beld, Representing Excavation Contractors;
Vacant, Representing Rural Electric Cooperatives;
Cody Honeywell, Legal Counsel;
Callie Iverson, Accounting;
Codi Gregg, Executive Director;

Board Members unable to attend:

Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers;
Brett Koenecke, Legal Counsel;

Guests:

Scott Sasajima, Texas811
Adam Carkhuff, Midco
Jeff Baum, Midco
Michael Zapata, Midco
Ethan Wurdeman, USIC
Joey Majerus, NuStar Energy

1. Fay Jandreau called the Board Meeting to order at 10:00AM CT. There were no changes to the Agenda.
2. Mark Meier made the motion to approve the minutes from the August 16, 2022 and August 18, 2022 Board Meetings. Lloyd Rave seconded the motion. **Motion carried unanimously.**



3. Callie Iverson presented the financial summary including expenditure details for August 2022 and September 2022. Lloyd Rave made the motion to approve the financials as presented. Loren Beld seconded the motion. **Motion carried unanimously.**
4. Performance Results for South Dakota 811 were presented by Scott Sasajima from Texas811:
 - a. Incoming Ticket Volume has seen a slight increase, roughly 2%. Outgoing Ticket Volume has seen more of an increase at 4% from 2021 to 2022.
 - b. Ratio (Outgoing to Incoming) was reviewed. For every ticket submitted to the center, five utilities are notified on average.
 - c. Electronic Ticketing was reviewed. Sixty four percent of locate requests are submitted through the Portal, with 47% of excavators mapping their own work areas. Homeowner Portal usage has seen an increase every year.
 - d. Secondary Links continues to increase monthly. This allows for locate notices to be delivered to more than one email address. There is no charge for the secondary links.
 - e. Dispatched Tickets by Type fiscal year was reviewed. Emergency tickets has seen an increase. Respot ticket counts are consistent with 2021.
 - f. Speed of Answer is within contract limits. Texas811 was tasked with answering a locate request within forty five seconds.
 - g. Damaged with Previous Tickets year to date is at 1,261 damages reported with a previous ticket and 290 damages without a previous locate request.
 - h. Damages with Tickets vs. without previous tickets was discussed above.
 - i. Gas Damages are reported as 169 at the end of September. Discussion was held on the reporting of gas damages. Is there an opportunity to identify the damage? Such as reporting coating changes, gas leaks, a marked facility or an abandoned facility? Does tracer wire count as a damage? Bleau, Mark, Ryan and Codi will meet to discuss further and report back to the Board.
 - j. Positive Response continues to gain traction in the state with eighty two utilities providing responses. At the end of September, there have been 182, 081 positive responses made.
5. Executive Director Discussion Items:
 - a. Executive Director Assistant RFP 7919 had one response received. The Committee moved to open a second RFP. 22RFP8318 was posted to the state website on November 4, 2022 with responses due December 2, 2022.



Mark, Jim and Scott will review the responses and conduct interviews.

- b. The Enforcement Panel of the South Dakota One Call Board has met on the following complaints and issued Recommendations. Shall the One Call Board accept the recommendations of the Enforcement Panel? If conditions of the Recommendations are not met, collection activity will be pursued by the Executive Director and May Adam.
- i. **OC22-003** In the matter of the complaint filed by **NorthWestern Energy**, Mitchell, SD against **H & W Contracting, LLC.**, Sioux Falls, SD for an incident occurring April 22, 2022 at 407th Ave and North Harmon Drive in Mitchell.
Intentional violation of 20:25:03:05:04, \$1,000 penalty with \$250 suspended with 5 standard requirements.
Mark Meier made the motion to accept the recommendations. Scott Wiese seconded. **Motion carried unanimously.**
 - ii. **OC22-004A** In the Matter of the Complaint filed by **Dan Kaiser**, Sioux Falls, South Dakota against **CenturyLink / Lumen Technologies**, Sioux Falls, South Dakota for an incident occurring on April 29, 2022 at 1200 South Kevin Circle in Sioux Falls, South Dakota.
Complaint was withdrawn, Panel accepted withdrawal.
Mark Meier made the motion to accept the recommendations. Kay Braaten seconded. **Motion carried unanimously.**
 - iii. **OC22-004B** In the Matter of the Complaint filed by **Dan Kaiser**, Sioux Falls, South Dakota against **Midco**, Sioux Falls, South Dakota for an incident occurring on April 29, 2022 at 1200 South Kevin Circle in Sioux Falls, South Dakota.
Complaint was withdrawn, Panel accepted withdrawal.
Scott Wiese made the motion to accept the recommendation. Jim Scull seconded the motion. **Motion carried with Ryan Barr abstaining.**
 - iv. **OC22-005** In the Matter of the complaint filed by **NorthWestern Energy**, Brookings, SD against **Halme, Inc.**, Lake Norden, SD for an incident occurring May 4, 2022 at 23425 456th Avenue in Madison.
Unintentional violation of 49-7A-12, \$500 penalty with \$250 suspended with 5 standard requirements.
Lloyd Rave made the motion to accept the recommendation. Kay Braaten seconded. **Motion carried with Bleau LaFave abstaining.**
 - v. **OC22-006** In the Matter of the complaint filed by **City of Crooks**, Crooks, SD against **Brooks Construction**, Sioux Falls, SD for an incident occurring June 1, 2022 at 25797 475th in Renner.



Complaint was dismissed, statute violated was not identified by the complainant.

Jim Scull made the motion to accept the recommendation. Bleau LaFave seconded. **Motion carried unanimously.**

- vi. **OC22-007** In the Matter of the complaint filed by **Magellan Midstream Partners, LP**, Tulsa, OK against **Mr. Toy Litzel**, Edgemont, SD for an incident occurring June 8, 2022 at Litzel Farmland in Edgemont.

Complaint was dismissed, statute violated was not identified by the complainant.

Mark Meier made the motion to accept the recommendation. Lloyd Rave seconded. **Motion carried unanimously.**

- vii. **OC22-008** In the Matter of the complaint filed by **City of Crooks**, Crooks, SD against **Ground Water Landscape and Irrigation**, Sioux Falls, SD for an incident occurring June 20, 2022 at Superior Avenue and Executive Avenues in Crooks.

Complaint was dismissed, statute violated was not identified by the complainant.

Scott Wiese made the motion to accept the recommendation. Ryan Barr seconded. **Motion carried unanimously.**

- viii. **OC22-009** In the Matter of the complaint filed by **City of Crooks**, Crooks, SD against **Ramstad Construction**, Colton, SD for an incident occurring June 29, 2022 at 708 South West Avenue in Crooks.

Complaint was dismissed, statute violated was not identified by the complainant.

Lloyd Rave made the motion to accept the recommendation. Kay Braaten seconded. **Motion carried unanimously.**

- c. The 2022 Forecast was reviewed, forecasted vs. actual. This forecast is reviewed monthly.
- d. 2023 Forecast was discussed. This will be available in December along with a questionnaire to the utilities developing a plan to address late and missed locates. 2022 saw an unprecedented number of late locates and this is not a behavior the Board will accept. Utilities will have six weeks to respond to the questionnaire providing the utilities response plan to meet state locating laws. Questions were reviewed by Codi Gregg.
- e. The board held discussion with Midco regarding one call laws and definitions, including Emergency Ticket and safety precautions as Midco is reviewing their handdigging procedures and looked to the Board for discussion.

- f. Bleau LaFave made a motion for May Adam to move forward with drafting language for the proposed law changes listed below and to provide a summary of the changes to the Board for discussion points. Ryan Barr seconded the motion. **Motion carried unanimously.**
 - i. White Lining
 - ii. Flag Removal
 - iii. Positive Response
 - iv. Limiting the number of Update tickets
- g. PHMSA Evaluation and PUC Response was reviewed. Lloyd Rave made the motion for May Adam to draft a response to PHMSA’s evaluation of South Dakota One Call. Bleau LaFave seconded the motion. **Motion carried unanimously.**
- h. Scholarships Update provided to Legislative Research Council on October 28, 2022.

6. No public comment has offered at this time.

7. Loren Beld made the motion to adjourn the Board Meeting at 12:09 PM CT. Jim Scull seconded the motion. **Motion carried unanimously.**

Notice of future One Call Board Meetings:

Scheduled:

February 16, Ramkota Lake Sharpe Meeting Room 10:30AM CT after Legislative Breakfast
Rooms reserved for out of town Board Members for the 2/15/2023 at Ramkota.

Proposed Meeting Dates:

Thursday, May 4, 2023 at 8AM CT
Tuesday, August 1, 2023 at 8AM CT

Safety Conferences and Expos:

Global Excavation Safety – February 14 thru 16, 2023 Tampa.
Common Ground Alliance – April 17 thru 21, 2023 – Orlando.
Texas811 Damage Prevention Safety Summit – Fall, 2023

Notice of future One Call Enforcement Panel Meetings:

2PM Central Time (1PM Mountain Time) Last Thursday of each month and last Friday during Legislative Session (January, February and March.)

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 exedir@sdonecall.com or by calling (605) 863 – 0951.

