

South Dakota One Call Notification Board Meeting

MINUTES

(Draft, Unapproved Circulated May 1, 2024)

Tuesday, April 23, 2024 at 8:00AM CT (7:00 AM MT)

This meeting can be attended over ZOOM or in person at AmericInn Walden Room in Fort Pierre, South Dakota. Please contact Mandy Benson at mandy@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;
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;
Jake VanDewater, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50,000 Customers;

Cody Honeywell, Legal Counsel;
Brett Koenecke, Legal Counsel;
Callie Iversen, Accounting;
Codi Gregg, Executive Director;
Mandy Benson, Executive Assistant;

Board Members Unable to Attend:

Scott Wiese, Representing Investor-Owned Electric Utilities;
Steve Barnett, Representing Rural Electric Cooperatives;

Guests:

Kyle VanLandingham, Texas 811;
Sharla Haugen, Sioux Valley Energy;

1. Call to Order and Roll Call.
 - a. No changes to the Agenda.
2. Approval of Board Meeting Minutes.
 - a. January 25, 2024
Lloyd Rave motioned to approve the minutes. Loren Beld seconded the motion. **Motion carried unanimously.**



3. Review and Approve Financials
 - a. Callie Iverson reviewed the Q1 Financial Statements. With 25% of the fiscal year remaining, operations are within budget.
Loren Beld motioned to approve financials. Jake VanDewater seconded the motion.
Motion carried unanimously.
4. South Dakota 811 Performance Reports
 - a. Kyle VanLandingham with Texas 811 presented the data from Q1. Ticket counts were significantly higher compared to Q1 of 2023. The top ticket volume counties are Minnehaha, Pennington, Lincoln, and Hand.
 - b. 2024 Forecast Review – Codi Gregg discussed that excavation has already begun in the State of South Dakota. February was a record-breaking month for ticket volume history.

Executive Director Discussion Items:

5. Damage Prevention Season was successful. With a total of 19 meetings in person or available virtually, there was roughly 2,800 in attendance.
6. Codi Gregg shared the Proclamation from the Governor for National Safe Digging Month. Multiple articles are being shared with new sources and radio outlets. An interactive dashboard is currently being designed for the South Dakota One Call website. This will allow users to view information based on counties and various ticket volume data.
7. PHMSA Annual Report is due at the end of May. The past two years PHMSA has found South Dakota inadequate. The status of South Dakota should be available in September or October.
8. The FY 2025 Budget Load will be added the State Accounting system in May. The Department of Public Safety presented the South Dakota One Call budget to Appropriations.
9. FY 2026 Budget Planning & Committee will be Jake VanDewater, Kay Braaten, and Mark Meier.
10. The forms for Rule Changes are being worked on by Codi Gregg and Cody Honeywell. After the forms have been completed and signed, a Public Hearing will be scheduled and posted in multiple newspapers.
11. South Dakota One Call’s Enforcement Panel has 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 of the penalty if the respondent meets the following conditions:

1. Respondent must not be found guilty of a One Call violation within twelve months.
 2. Penalty payment must be received within 30 days of the Board Order.
 3. Respondent must attend a Damage Prevention Meeting.
 4. Respondent is to conduct an in house safety meeting to discuss dig laws.
 5. Respondent and Complainant are to meet to discuss the complaint, possible dig in scenarios and safe practices.
-
- a. OC23-001 In the matter of the complaint filed by Northern Natural Gas Company, Omaha, NE against UGK Communications, Houston, TX for an incident occurring August 9, 2024 at 10 Alumni Street in Vermillion.
 - i. Panel recommended dismissing the complaint under 49-7A-21, as the complaint was filed more than 90 days from the date of incident.

 - b. OC23-002 In the matter of the complaint filed by the City of Rapid City against KTM, Rapid City, SD for an incident occurring on March 3, 2023 at East Philadelphia and East Anamosa Streets in Rapid City.
 - i. Panel recommended dismissing the complaint as the City of Rapid City did not identify a statute violation in the complaint.

 - c. OC23-003 In the matter of the complaint filed by the City of Rapid City against KTM, Rapid City, SD for an incident occurring on March 14, 2023 at Dyess Avenue and Country Road in Rapid City.
 - i. Panel recommended dismissing the complaint as the City of Rapid City did not identify a statute violation in the complaint.

 - d. OC23-004 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Kenneth Osmotherly, Oelrichs, SD for an incident occurring March 30, 2023 at 13871 Old Highway 79 in Oelrichs.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 being suspended with Mr. Osmotherly meeting the five conditions listed above.

 - e. OC23-005 In the matter of the complaint filed by Jeff Stice, Sioux Falls, SD against Unknown for an incident occurring April 22, 2023 at the intersection of 41st and 42nd Avenue with Philips Avenue in Sioux Falls.
 - i. Panel recommended dismissing the complaint, as this was not a South Dakota One Call issue. Utility work was overhead with no excavation occurring.

 - f. OC23-006 In the matter of the complaint filed by Magellan Midstream Partners, LP Tulsa, OK against Black River Contracting, Rapid



City, for an incident occurring June 6, 2023 near Anderson Road and Lamb Road in Rapid City.

- i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 being suspended with Black River meeting the conditions listed above.

- g. OC23-009 In the matter of the complaint filed by NorthWestern Energy, Brookings, SD against T & T Underground, Windom, MN for an incident occurring September 26, 2023 at 1190 Pelican Point Road in Madison.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$750 suspended with T & T meeting the conditions listed above.

- h. OC23-011 In the matter of the complaint filed by Midcontinent Communications, Sioux Falls, SD against Loren Beld / LL & Sons Excavating, Inc., Watertown, SD for an incident occurring July 21, 2023 at 1394 South Lake Drive in Watertown.
 - i. Panel recommended dismissing the complaint due to a lack of evidence showing violations of state statutes.

- i. OC23-013 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Eric Nelson, Edgemont, SD for an incident occurring October 27, 2023 at Indian County Road and County Road 65 in Edgemont.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$750 suspended with Mr. Nelson meeting the conditions listed above.

- j. OC23-014 In the matter of the complaint filed by Magellan Midstream Partners, LP, Tulsa, OK against Mr. Bob Baker, Buffalo Gap, SD for an incident occurring on November 15, 2023 at 27050 Beaver Valley Road in Buffalo Gap.
 - i. Panel recommended a penalty in the amount of \$1,000 with \$750 suspended with Mr. Baker meeting the conditions listed above.

- k. OC23-015 In the matter of the complaint filed by Haider Construction, Inc. Redfield, SD against Farmers Oil Coop / Elevator in Orient, SD for an incident occurring on November 1, 2023 at the intersection of 355th Street and 172nd Avenue in Orient.
 - i. Panel recommended dismissing the complaint, not finding a violation of 49-7A-5.

- l. OC23-016 In the matter of the complaint filed by Charles Mix Electric, Lake Andes, SD against Woods Enterprises, LLC., Wagner, SD for an incident occurring on November 28, 2023 at 29820 398th Avenue in Wager.
 - i. Panel recommended a penalty in the amount of \$1,500 with \$1,000 suspended in the violation of 49-7A-12, if the conditions listed above are met. The Panel dismissed the violation of 49-7A-5 for no probable cause.

Motion carried unanimously for 11 a., b., c., d., e., f., i., j., k., l.



Roll call vote for item 11 g., ayes from Mark Meier, Lloyd Rave, Jim Wedin, Jim Scull, Kay Braaten, Ryan Barr, Loren Beld, Jake VanDewater. Refrained from roll call vote is Brad Wenande.

Roll call vote for item 11 h., ayes from Mark Meier, Lloyd Rave, Jim Wedin, Jim Scull, Jake VanDewater, Kay Braaten, Brad Wenande. Refrained from roll call vote is Loren Beld and Ryan Barr.

12. The Board of Directors will conduct an Enforcement Panel Hearing on Complaint Docket OC23-007 Accurate Locating vs. CCS, Inc. today, April 23, 2024 starting at 11AM CT. Cody Honeywell to review the hearing process for the Board of Directors.
13. Sharla Haugen will share information for a safety video/podcast for safe digging and work zone awareness on the Inside the Grid podcast that will be available to share.
14. Motion to Adjourn by Loren Beld. Motion seconded by Kay Braaten. **Motion carried unanimously.**

Notice of future One Call Board Meetings:

Board Meeting Dates:

- Proposed Dates to the Board of Directors

Notice of Safety Conferences:

- Texas811 Damage Prevention Summit, October 2 – October 4, 2024
Georgetown, Texas

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.)
Schedule provided to Enforcement Panel Members

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.