

South Dakota One Call Notification Board Meeting

MINUTES

(Draft, Unapproved, Circulated August 2, 2024)

Tuesday, July 23, 2024 at 9:00AM CT (8:00 AM MT)

This meeting was held over ZOOM.

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;

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;

Codi Gregg, Executive Director;

Mandy Benson, Executive Assistant;

Board Members Unable to Attend:

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

Guests:

Matt Schmahl, West River Electric;

Sharla Haugen, Sioux Valley Energy;

Chad Kinsley, Southeastern Electric;

1. Codi Gregg called the meeting to order at 9AM CT. Codi Gregg did amend the agenda, removing Item 3. Lloyd Rave made the motion to accept the amended agenda. Brad Wenande seconded the motion. **Motion carried unanimously.**
2. Lloyd Rave made the motion to approve the July 11, 2023 Board Meeting Minutes as printed. Jake VanDewater seconded the motion. **Motion carried unanimously.**

Executive Director Discussion Items:

3. South Dakota 811 hosted a Public Hearing regarding the proposed rules changes. Today, how does the Board wish to proceed?

The proposed rules changes were reviewed. Discussion included reviewing each proposed rule individually to identify any concerns from the Public Hearing. The Board agreed to hold another Board Meeting August 8th to discuss the forward motion of the proposed rules. Lloyd Rave motioned to table all three proposed rules until August 8th. Scott Wiese seconded the motion. **Motion carried unanimously upon a roll call vote with Jim Scull abstaining.**

4. FY 2026 Proposed Budget Presentation and Discussion was held July 11, 2024. Today, does the Board approve the FY26 Proposed Budget?

The FY 2026 Proposed Budget was displayed. Board training was discussed and will possibly align with the Legislative Breakfast. Board Members agreed to continue hosting a Legislative Breakfast. Lloyd Rave motioned to accept the FY 2026 Proposed Budget as presented. Ryan Barr seconded the motion. **Motion carried unanimously.**

5. Take Charge Bookkeeping Contract

- a. South Dakota 811 Board of Directors may go into Executive Session, if and only according to SDCL 1-25-2(3). Time in and time out to be recorded.

Scott Wiese motioned to enter Executive Session at 10:02am CT. Lloyd Rave seconded the motion. **Motion carried unanimously.**

Scott Wiese motioned to conclude the Executive Session at 10:24am CT. Lloyd Rave seconded the motion. **Motion carried unanimously.**

Scott Wiese motioned to start the RFP process for bookkeeping services to start in 2025 and include a three-year service. Brad Wenande seconded the motion. **Motion carried unanimously.**

6. 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. OC23-008 In the matter of the complaint filed by Montana Dakota Utilities, Rapid City, SD against Underground Construction, Rapid City,



- SD for an incident occurring on August 23, 2023 near 1213 1/2 Quincy Street and 1214 Quincy Street in Rapid City.
- (i) Panel found an unintentional violation of 49-7A-8 and recommended a penalty in the amount of \$750 with \$250 suspended with Underground meeting the conditions as stated.
- b. OC23-012 In the matter of the complaint filed by Montana Dakota Utilities, Mobridge, SD against Blackburn Foundation Repair, Pierre, SD for an incident occurring October 4, 2023 at 110 E Scranton Street in Selby.
- (i) Panel recommends dismissing the complaint as the statute violated was not identified by MDU.
- c. OC23-017 In the matter of the complaint filed by American Engineering Testing, Inc, Rapid City, SD against West Rover Electric Association, Inc., Rapid City, SD for an incident occurring September 6, 2023 at Lot 3 at the intersection of Isaac Street and E Anamosa Street in Rapid City.
- (i) Panel found an unintentional violation of 20:25:03:05:04 and recommended a penalty in the amount of \$500 with \$500 suspended with West River Electric meeting the conditions as stated.
- d. OC24-001 In the matter of the complaint filed by NorthWestern Energy, Mitchell, SD against Pro Contracting, Mitchell, SD for an incident occurring on December 15, 2023 at 1504 W 20th Street in Mitchell.
- (i) Panel found an intentional violation of 49-7A-5 and recommended a penalty in the amount of \$1,000 with \$500 suspended with Pro Contracting meeting the conditions as stated.
- e. OC24-002 In the matter of the complaint filed by NorthWestern Energy, Mitchell, SD against Pro Contracting, Mitchell, SD for an incident occurring on December 20, 2023 at 1504 W 20th Street in Mitchell.
- (i) Panel found an intentional violation of 49-7A-5 and recommended a penalty in the amount of \$1,875 with \$500 suspended with Pro Contracting meeting the conditions as stated.
- f. OC24-003 In the matter of the complaint filed by LL & Sons Inc, Watertown, SD against Midcontinent Communication, Sioux Falls, SD for an incident occurring on November 16, 2023 at Marina Bay Drive in Watertown.
- (i) Panel found an unintentional violation of 49-7A-8 and recommended a penalty in the amount of \$750 with \$250 suspended with Midcontinent Communications meeting the conditions as stated.
- g. OC24-004 in the matter of the complaint filed by LL & Sons, Inc., Watertown, SD against Midcontinent Communications, Sioux Falls, SD

for an incident occurring on October 19, 2023 at 1096 S Lake Drive in Watertown.

- (i) Panel recommends dismissing this complaint as probable cause was not found.
- h. OC24-005 In the matter of the complaint filed by LL & Sons, Inc., Watertown, SD against Midcontinent Communications, Sioux Falls, SD for an incident occurring November 6, 2023 at 1096 S Lake Drive in Watertown.
 - (i) Panel recommends dismissing this complaint as probable cause was not found.
- i. OC24-006 In the matter of the complaint filed by DG Utilities, Spearfish, SD against Oak Mountain Country Estates Owners Association, Sturgis, SD for an incident occurring January 3, 2024 at 20760 Ranch Road in Sturgis.
 - (i) Panel recommends dismissing this complaint per the request of the complainant to withdraw.

Lloyd Rave made the motion to approve the recommendations for Items 7a., 7b., 7c., Ryan Barr seconded the motion. **Motion carried unanimously for 7 a., b., c.**

Ryan Barr motioned to approve item 7 d. and e. Jim Scull seconded the motion. **Motion carried unanimously with a roll call vote with Brad Wenande abstaining.**

Mark Meier motioned to approve item 7 f., g., and h. Lloyd Rave seconded the motion. **Motion carried upon a roll call vote with Ryan Barr and Loren Beld abstaining.**

Ryan Barr motion to accept the complaint withdrawal addressed in 7i. Steve Barnett seconded the motion. **Motion carried unanimously.**

- 7. Sharla Haugen shared she appreciates the Board taking the opportunity to not use a one-size-fits-all approach to the proposed rule changes, specifying white lining. Matt Schmahl agreed and is looking forward to working with the Board to ensure the safety of the contractors having things marked safely.
- 8. Lloyd Rave motioned to adjourn. Ryan Barr seconded the motion. **Motion carried unanimously.**

Notice of future One Call Board Meetings:

Board Meeting Dates:

- July 23, 2024, ZOOM
- October 17, 2024 In person

Notice of Safety Conferences:

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



Notice of future One Call Enforcement Panel Meetings:

August 22, 2024 at 10AM CT (9AM MT) ZOOM
September 26, 2024 at 10AM CT (9AM MT) ZOOM
October 24, 2024 at 10AM (9AM MT) ZOOM
November 14, 2024 at 10AM CT (9AM MT) ZOOM
December 17, 2024 at 10AM CT (9AM MT) ZOOM

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.

