

**NORTH DAKOTA ONE-CALL  
BOARD OF DIRECTORS MEETING**

May 19, 2005

The meeting was called to order by Chairman Mark Bittner at 10:00 am in the boardroom of the North Dakota Association of Telephone/Rural Electric Cooperatives building in Mandan.

**Members present:** Mark Bittner, Mark Dougherty, Chad Olson, Ron Ness, Jerry Blomeke, Ed Williams, and Perry Oberg. The director absent was Darrell Wrege.

**Others present:** Don Nett, One-Call Concepts and Gloria Geiger from the Public Service Commission office.

**Agenda:** Chairman Bittner asked if there were any additions or modifications to the agenda. Jerry made a motion that the agenda stand as printed. Mark D. seconded. The motion passed unanimously.

**Approval of previous minutes:** Chairman Bittner asked for any additions or corrections to the minutes as presented. Chairman Bittner asked for a motion to approve the minutes as presented. Perry made a motion and Ron seconded. Motion approved.

**Financial Report:** Jerry reported that there were no items out of the ordinary to discuss. Mark B. asked if there were any questions from the Board. There being none Mark B. solicited a motion to accept the financial report. Ron made the motion, seconded by Perry to accept the financial report as presented. The motion was approved unanimously.

**Approval of Bills:** Mark B. asked if there were any bills that needed to be discussed. He mentioned that there is a bill presented by Don for advertising expenses for the first quarter of 2005. Don has reviewed the invoice in the amount of \$10,789.06.

Mark D. asked Mark B. if he received the bills sent to him. Mark B. acknowledged receipt of the bills. Mark D. also stated he had a new statement to be presented to the Board, which he had just received. Mark D. asked a question on the procedure in presenting bills to the Board for reimbursement. Mark B. explained that the bills could be sent to him and he would forward them on to Jerry for Board approval for payment.

Mark D. made a motion to approve the bills as presented. Perry seconded the motion. The motion was approved unanimously.

**Status on Request for Proposals for One Call Legislation:** Mark B turned over the meeting to Gloria Geiger from the office of the Public Service Commission (PSC). Gloria began with an update on the movie theater advertising. We have received a total of \$34,000.00 in grant monies. They have received \$18,000.00 for movie theater

advertising and \$16,000.00 for the consultants. We have two vendors that can do movie theater advertising in North Dakota, Unique Screen Media and Movie Ad Media. Unique Screen Media serves the Fargo area and she believes people have seen those ads. We are having a difficulty with the vendor that provided advertising in the Bismarck area. They didn't like our contract and we cannot enter into their contract. The State of North Dakota has to use their contract. So, on the 19<sup>th</sup> of May, she contacted them and said that in Fargo they are using their contract. After checking, they would make an exception and use the States' contract. Starting the end of June, June 24<sup>th</sup>, we should see those ads.

As far as the consultants, there is a 56 page Request for Proposal (RFP) that Al Moch and Gloria have been working on. What she has done, is made a summation of the things that they feel is pertinent, such as the scope of work and pertinent information for the Board to review.

Gloria asked for a clarification on Alta surveys, because we would probably have a question from the consultants. Mark B. explained that essentially what those are is that a financial institution, mortgage company, or closing company may ask for a survey of the site for a transaction of deed to take place. They normally like to include everything that is above ground or below ground on that survey and would include underground facilities. Basically, it is a comprehensive topographic survey that includes the legal boundaries of the tract of land. More and more, we are seeing requests to have underground facilities marked on those. It used to be the legal lot survey to show the legal boundaries of the property for above ground facilities, but now we are seeing more requests for below grade utilities.

Gloria asked if the schedule for the RFP would work for the Board. She began by reading the purpose of the RFP. The first line should read "summarize" instead of "summarized". Ron asked if we were going to include verbiage in other areas different than what is stated. Mark B. explained this information is stated further in the scope of work on page 9.

Mark B. expressed to Gloria that she did an excellent job pulling the information from the brief summary that we submitted to her and incorporating into the format that she needs to utilize.

Mark B. asked that the first year would be an information gathering session to see what the other One-Call Centers are doing and what their legislation includes. The second year would be to try to sell the plan to the rest of the operators and excavators.

Gloria explained that the RFP is written completely to include the whole contract. She stated that we would not know if there is money available for the second year, so it has to be written to encompass everything that we are requesting.

Perry asked about the amounts stated on page 8 of the RFP, which states the "estimated budget for completion of this project is between \$16,000 and \$16,675. Proposal priced at more than \$16,675 will be considered non-responsive." He inquired what would happen

if all of the proposals were higher. Gloria stated that all consultants must stay within this range to be considered.

Gloria had faxed to Don a list of vendors that are pre-approved by the State. If there are any other vendors known to the Board that are interested in bidding on the RFP, they must be submitted to her for State approval.

Mark B asked the Board if they were comfortable with amount stated on the RFP. After more discussion, the Board agreed that, because of the comfort level expressed by Gloria that the amount would remain as written.

After discussion on the review of the applicant's proposals, Perry volunteered to be the representative from the Board to work with Gloria and Al Moch on the applications submitted to the PSC. Mark B. agreed to be the initial point of contact with Gloria for forwarding any correspondence to the Board.

At 10:35 am Gary Puppe, Paul Benedict, and Wes Weedenmyer entered the meeting.

Mark B. asked if there were any other questions of Gloria. Hearing none, Gloria left the meeting at 10:37 am.

**Center Operations Report:** Don asked if everyone received the operations report sent out by the Center. He explained that incoming calls for 2005, compared to 2004 are down 7 ½ percent. He felt that the reason was weather related. Outgoing calls were down 6%, and the ratio remains at 5to1.

At 10:41 Richard Schultz entered the meeting.

Some questions were asked by the Board on processing time spikes shown on the charts that were in the report. Don explained that earlier in the year, the Center receives more calls from homeowners. Because of their inexperience with One-Call, the majority of these calls take longer to process than calls taken from excavators and operators. It was also thought by the Board that some of the processing durations could be as a result of I-TIC requests.

Don discussed the complete upgrade of the Center's software completed on May 17<sup>th</sup>. They installed a new server in the systems office.

At 10:51 Jerry Backus and Bob Forgarty entered the meeting.

Don stated that the Technology Committee meeting will be on October 17<sup>th</sup> and 18<sup>th</sup> in Seattle, Washington. Ron and Ed were scheduled to attend.

Don explained that Susan Volkman and Jim Holzer from One-Call Concepts (OCC) were scheduled to attend today's meeting, but were unable to come because of depositions.

Don discussed the advertising budget. To date, the Board has spent \$15,082 out of the \$42,750 budgeted. That includes the new handbooks that were purchased. Don did a comparison with surrounding states and their advertising expenses. In Minnesota, it costs \$.36 per ticket compared to \$.46 per ticket in North Dakota. Montana and South Dakota are very comparable to North Dakota.

So far this year, we have spent \$6,052 on TV advertising with a budget of \$20,000. In 2004, we spent \$10,566 on TV advertising and \$10,272 on radio ads. Jerry made a motion to spend \$8,000 on radio advertising and \$12,000 on TV advertising for 2005. Perry seconded the motion. Motion carried.

**Tree Planting on Farms:** Wes Weedenmyer from National Resources Conservation Services introduced himself and Paul Benedict the State Soil Scientist and Gary Puppe from the North Dakota Association of Soil Conservation Districts. They were at the meeting to discuss tree planting and whether or not they are covered under the One-Call law. Another topic they wished to discuss with the Board is in the I-TIC training the release form is not able to be signed by their employees attending the sessions. The federal government will not allow them to sign away control by signing the release form.

Mr. Weedenmyer began by discussion of tree planting on farms. The USDA Natural Resources feel that this should be considered an exempt operation as they do not go 18 inches deep. He handed out a copy of their safety policy which consisted of Subpart A – Engineering Activities Affecting Utilities for the Board to review.

He referenced item four on the second page of their policy manual which stated “Normal farming operations are exempt; however, this exemption does not include plowing, sub-soiling, or ripping to a depth of 18 inches or more.” However, he stated this does not include tree planting.

He also handed out a sheet with Agricultural Definitions which “refers to open land planted to an agricultural crop, used for the production of food or fiber, used for haying or grazing, left idle for USDA programs, or diverted from crop production to an approved cultural practice that prevents erosion or other degradation”. Tree planting would fall under that definition, under USDA. But, tree planting would not fall under the One-Call law.

“But, if the Century Code does require that the One-Call system be used for tree planting activities then it will be enforced”, according to Mr. Weedenmyer. They are concerned about the law for the safety of their employees.

Ron brought up his concern that trees could be planted right over a utility line, if not marked prior to planting. If in the future, the trees would need to be removed, the line could be affected. This also seemed to be a concern of the rest of the Board.

Mr. Weedenmyer said that he agreed that there is some vagueness in the law, but their interpretation is that tree planting is not included as part of the One-Call law. Don stated that his interpretation is that tree planting is not part of agricultural activities.

Mark B. stated that he does not understand, for safety purposes, why you wouldn't want the people doing tree planting to call One-Call. Ron also asked the same question and asked why they wouldn't make this a requirement before planting trees.

Perry asked if the Board would want an Attorney General's option on this matter. Mark B. expressed that it would be up to USDA to obtain the option, because it is the Board's option that tree planting is covered under the North Dakota One-Call law.

After more discussion, Mark D. made a motion that a letter be written to the Attorney General asking for an option stating that tree planting is expressed within the One-Call law. Jerry seconded the motion. Ayes all, motion carried.

The next item that was brought before the Board was an issue about the I-Tic training. According to Mr. Weedenmyer, the federal government does not allow employees to sign the release of claims required to use I-Tic. They asked if there could be an exemption for government employees.

Don was asked what One-Call Concepts does in regard to this issue in other states. According to Don, all of the states that OCC is affiliated with require that the waiver be signed. Using I-Tic is a privilege; it is not something that everyone is entitled to use. Don stated that he would get something in writing from OCC on this issue.

The third item was an issue with soil surveys. Paul Benedict asked if there could be a way to improve use of the One-Call system for these soil surveys. They could be in several sections in one day and some of these bores could be 100 feet deep over a large area of ground. It was asked if they could white flag these areas prior to boring. Mr. Benedict stated that it would be very time consuming to do.

After much discussion, it was felt that there was no way to improve the process at this time. Don expressed that the people doing these surveys are doing an excellent job in notifying the call center with these locates.

**Design and Survey Locates:** Jerold Backes, an engineer from Bartlett & West Engineers and Bob Fogarty from Cenex Pipeline wished to discuss design and survey locates. Mr. Backes expressed the frustration from utilities to locate all of the facilities for these locates. But, he articulated the need from their prospective for the utilities to comply with these requests.

Mark D. explained his reason for asking Mr. Backes and Mr. Fogarty to come to the meeting to explain their positions on this issue. Because it is a topic that the Board is reviewing for possible legislation, he felt time was appropriate for their input.

Mr. Fogarty stated that he has concerns for the reasoning behind some of the design locates. He said that he has locates come through from people that are buying a lot or a piece of property to see what is on the land or what is not on the land. They see locate requests from contractors who are interested in whether or not they want to bid on a project or not. He had a locate from a landowner on a quarter section of land to find out what utilities were in his neighbor's property.

He feels that it is time consuming and expensive to respond to these locate requests. He stated that these should be handled differently than for damage control and prevention. He is asking the Board for some clarity on this issue.

Mr. Backes asked if there could be some common ground established for both the engineers prospective on needing these locates for completing their job requirements and Mr. Fogarty's concern for the time and expense in responding to these design locates. Mark B. expressed the need for a representative from both sides of the issue to help in establishing a working compromise.

Mr. Richard Schultz from the North Dakota Locators Association expressed his concerns as far as locators on this issue. He gave some examples of requests that have occurred and the frustration in complying with the locates.

Ron asked if the Board should be looking at a different ticket for design locates. Perry stated that maybe the Board should be working with Call Center to see what could be implemented with design locates.

Some of the items that would need to be decided for a design locate should be: Excavation (yes or no), time line for the request (10 to 15 days), charging for the locate (yes or no), fine and penalties (yes or no).

Mark B. asked the Board how they would like to proceed. After much discussion, it was decided to establish a sub-committee to meet throughout the state to decide on how to implement a resolution with regard to design locates. Mark D. volunteered to organize this meeting with Don and set up the coordination with prospective individuals. It was decided to have it in conjunction with the next Board meeting on the 18<sup>th</sup> of August.

Mr. Schultz asked about the District Number Search which is a database which allows an individual to search by excavator, by address, or by ticket number. He has not been able to get an answer from anyone if this search procedure is available. Don stated that he would check with Jim Holzer from the Center if it is achievable.

Mr. Backes and Mr. Fogarty left the meeting at 12:50 pm.

The meeting was adjourned for lunch at 12:51 pm.

The meeting reconvened at 1:15 pm.

**Center Operations Report Continued:** Don discussed the Excavator meetings for the year. The number of meetings increased because of I-Tic training and contractor's meetings. The contractor's meetings have been well received and it appears that, overall, are providing safety and information on One-Call and the law.

Don and Mark D. discussed their work on Common Ground Alliance (CGA). Mark D. stated that there was a meeting in Fargo on April 21<sup>st</sup>. There were 16 people that attended the meeting and it was agreed to form a group and begin to meet on CGA topics such as best practices. Mark D. is considering starting regional meeting in Grand Forks and Minot in the future.

Don mentioned that there have been problems with contractors using the wrong colored flags when marking the proposed excavation site. For instance, when a contractor marks out a proposed sprinkler system, they have been using blue flags instead of white. This is a problem that he will continue to address during contractor's meeting and when visiting with the public.

Don stated that he has received very few damage reports to date.

Don reported that there have been 29 I-Tic training sessions throughout the state. The number of attendees is 518 and out of this number there are 327 who are authorized to perform I-Tic requests. The reason of the lower number is that many who have taken the training have not signed the waiver. As far as the number of I-Tic requests that have come into the Center, in January there were 18 tickets, February there were 61 and in March there were 66, and in April there were 768, and through the first half of May there were 461.

Don talked about the I-Tic contest that the Board sponsored \$250. When it was discussed, at the last meeting, OCC was going to match the \$250 that the Board gave and have a drawing for \$500. But, OCC changed the contest to give \$250 per month for 6 months beginning in April and continuing until September. Then with six other states that OCC has centers, the winners for each month will go into a drawing for a \$1000 cash prize and a \$4000 travel voucher. Because of the change in the contest, the Board decided to rescind the motion made by Perry and seconded by Jerry to contribute \$250 to the I-Tic contest.

Mark B. asked what percentage of I-Tic tickets that are checked by the Center to verify that the information on the tickets is correct. Don stated that 99 percent are still checked by the Center. He said that an operator in the Center using the I-Tic must do everything perfect for five days in a row or they must start over and train on mistakes that they are making when using I-Tic.

Ron explained that Cass County Electric is not using I-Tic as much as they first thought they would, but this is because of some frustration in providing the information that the Center requires. He stated that when you are in review, the reviewer has to be able to determine from the description exactly where the polygon is located. Some of the

problems are that his people will put the polygon where it should be, but then in the description, rather than describe how to get to that polygon, they will insert information for the locator to locate in that area. When you are in review, the number one criteria is to explain in the text how to get to that polygon. But, Ron stated that if you follow the rules, the I-Tic works well. Ron also stated that Don does a good job of training and helping the people to use I-Tic.

Don was asked about the delay in receiving the passwords for those people completing the I-Tic training. He explained that the students should receive their passwords within a couple of days, but there were problems at the Center getting them out, but that has been resolved.

Don discussed the One-Call web site and the news letter. Perry asked what we are paying per month for the web site. Don explained that for any web site updates the Board is paying \$200 per month. It was decided that we would include the web site costs with the contract negotiations with OCC.

Don stated that the Board has control of the data used for the handbooks that were recently updated. The disk is located in his office.

Don talked of the base map updates that Randy at the Center is working on and stated that we will have the updates in place before the next Board meeting.

The Locators Association meeting is scheduled for January 4<sup>th</sup> and 5<sup>th</sup>, which is a Wednesday and Thursday. Don is sure that they will want the One-Call Board to provide another question and answer session. It will probably be on the afternoon of the first day.

**Dial 811 Implementation:** Chad explained that one company had switched 811 to go to the One-Call Center. In doing so, there was a recording that people dialing 0 for their operator services would receive a recording saying “if you have any questions for service or billing, please hang up and dial 811.” When they hung up and dialed 811, the call would go to the One-Call Center. So, it required them to change the recording to give them the company’s office number and that resolved the problem.

Chad sent out an e-mail to all of the telephone companies in the state, asking if and when they would be implementing 811 dialing for One-Call. Except for Qwest, all of the other telephone companies stated that they will not do anything with 811 until it is mandated by the FCC or Public Service Commission.

Don had sent Chad an e-mail asking of potential costs for implementation of 811 dialing. Chad sent an e-mail out to all of the telephone companies asking this question. The reply was that two companies charge \$280 for the conversion, but the remaining companies that replied stated that they do not charge for the conversion and consider it part of doing business.

In the e-mail that Don had sent out, it stated that some companies in other states are charging \$850 for the conversion plus \$35 per month for recurring charges. Chad is thinking that these charges are from Qwest or Southwestern Bell. He is trying to receive a reply from Qwest on what their charges might be, but has not gotten a reply to date.

Chad stated that if a company is using 811 now, they have 6 months from March 13, 2005 to vacate the number. They then have two years from the March 13<sup>th</sup> date to implement 811 dialing to go to the One-Call Center or until it is mandated by the FCC or the State.

Don asked the Board if they wanted to begin to advertise 811 with the 800 number. It was decided to wait until there is some directive by the FCC or PSC.

Don showed the Board a handout to give fire departments when they go out on inspections or to be given out to the public for information on One-Call. The Board instructed Don to make the necessary changes and have more printed.

Jerry left the meeting at 1:58 pm.

Don requested a speaker system to be used for meetings to project a better sound quality which would connect to his laptop. The cost of the system he presented was \$340 for the speaker and \$40 for the carrying case. Perry made a motion to purchase the system, Chad seconded. Motion carried.

The Underground Focus magazine has been ordered and the Board should be receiving that in the mail.

Don stated that in June the Common Ground Alliance and One-Call Systems will be having a regional meeting in Omaha, Nebraska. The Board felt Don should attend if it meets with his schedule.

Don discussed that he received a call from a contractor in Fargo that was doing aeration of lawns at a depth of 4 inches. The contractor damaged a Cable One drop, but to date he was not charged. Don told him that his interpretation was that he did not have to call, because it is considered gardening. The problem is that Cable One should have their cables deeper.

Perry asked Don to purchase a microphone for the speaker system. Don stated he would purchase a mike with the system.

**New Business:** Mark B. stated that he had sent out a copy of the existing Operation Center contract with the meeting minutes for the Board's review. He explained that we need to decide whether to procure an RFP or re-negotiate with OCC. Perry made a motion to initiate contract negotiations with OCC. Mark D. seconded the motion. Motion carried.

Mark B. stated that Chad should summarize a list of items that we need to change in the contract for the August 18<sup>th</sup> meeting. The Board should review and make any changes they would like to see in the contract and send them to Mark B.

The next meeting is at 10:00 am on August 18, 2005.

The meeting was adjourned at 2:17 pm.

**Submitted by Chad Olson, Secretary**

**Chairman, Mark Bittner**

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