

North Dakota One-Call Board of Directors Meeting

August 10, 2006

The meeting was called to order by Vice-Chair Perry Oberg at 10:00 AM in the meeting room of the AGC of North Dakota in Bismarck, ND.

Board Members Present: Perry Oberg, Ron Ness, Dennis Kellar, Darrell Wrege, Ed Williams and Mark Dougherty

Others Present: New Board Member Dale Robbins, Midcontinent Communications, Devils Lake

Minutes:

Agenda: Vice-Chair Oberg asked if there were any additions or modifications to the agenda. Ron Ness moved to approve the agenda as submitted. Darrell Wrege seconded the motions. There being no discussion the motion was called. Ayes all, motion carried.

Approve Minutes of May 11, 2006 Meeting: Vice-Chair Oberg called for additions or corrections to the minutes of the May 11, 2006 regular board meeting. Ed Williams moved to approve the minutes as distributed. Dennis Kellar seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

Darrell Wrege Recognition: Darrell Wrege introduced Dale Robbins from Midcontinent Communications at Devils Lake, North Dakota. Darrell is leaving the Board due to a need to deal with family demands. Vice-Chair Oberg offered a welcome from the Board and expressed his appreciation for Darrell's help in changing the way the Board promotes the use of the one call system, through the use of television. Ron Ness moved to provide a Board resolution of appreciation for Darrell's service to the North Dakota One Call Board of Directors. The NDOC Board presented Darrell with a commemorative watch as a token of the Board's appreciation of his service. Don Nett expressed his appreciation for Darrell's help in the advancing the advertising part of his job and Darrell indicated he'd still be available to help with some of those items in the future. Darrell thanked the Board for the opportunity to serve on the Board and praised the effort and time all the Board members give to NDOC. Ron Ness's motion was seconded by Vice-Chair Oberg, the motion was called and carried unanimously.

Financial Report: Don Nett introduced the report submitted by Treasurer Blomeke. Ron Ness asked about the number of groups that used the \$100 offered for excavator dinners and it was noted that 8 were shown on the Transaction report dated 1/1/200 through 7/31/2006. Mark Dougherty moved to approve the financial report as submitted. Ron Ness seconded the motion. Ayes all, motion carried.

Approved Bills: Don Nett submitted a bill from One Call Concepts for advertising expenses including white flags, supplies, promotional items, radio, billboard and TV ads, exhibit registrations, displays, booths and trade shows, in the amount of \$24,887.07. Don Nett noted check number 70005 to One Call Advertising for \$799.18 was not for Radio, Billboard, TV but was actually for Color Code Cards. Dennis Kellar asked how many billboards were being used and Don Nett noted there are no billboards in use at this time and that the "Radio, Billboard, TV" item is a regular payables account. Ron Ness asked about the status of advertising on local TV. Don Nett indicated he will be

presenting a proposal later in the meeting. Vice-Chair Oberg asked if there were any other bills to be presented. Don Nett presented a bill from Dakota Awards for the commemorative watch. Darrell Wrege moved to approve the bills as submitted. Dennis Kellar seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

2006 Pipeline Safety Grant: Discussed Kevin Cramer radio ad. Everyone that heard it, made comments about it being a good ad and it's being played a lot. Don Nett relayed a request from Gloria Geiger on what we want to put in the 2007 grant application. We don't want to wait until the very end of the year to decide. Discussion was had and the hope would be to continue to use the funds for advertising as we've done in the past. Ed Williams asked what other systems are using the grant funds for. Don Nett related the allowable uses are broken into priority levels of which advertising is the lowest level three, but the funds could be used for other items such as legislation and mapping. Those items would be in priority one and may be easier to get the funds. Don Nett doesn't think we've ever gotten any funds under level one. Ron Ness related that the implementation of use of local mapping as a backup should not cost a lot of dollars but if we can get funds from the grant program we should. Ed Williams feels we need to look for other items to use the grant funds for, as we've done a good job on the advertising and may not need to spend quite as much as we do now.

Ron Ness said we will have to make a decision on the 2007 grant by the November meeting. Mark Dougherty suggested we form a subcommittee to work up some items to be included in the grant. Vice-Chair Oberg called for volunteers. Ed Williams, Dennis Kellar and Don Nett agreed to serve on the subcommittee. Ed Williams inquired as what other state resources we'd have to see what other one calls are doing for grants. Mark Dougherty offered a query to his discussions with other AGC chapters on the status of the Federal pipeline safety enforcement legislation now in the works in Congress.

Operations Report:

Center Operations: Don Nett reports the outgoing messages are about 5% ahead of last years. Home owner requests were down from last year, which was higher than ever, possibly due to change in advertising. Ron Ness inquired about the hold time and processing time being higher than before and expressed an opinion that it would be due to the increased number of new hires at the one call center. Don Nett feels that part of the increase in processing time is due to the increased use of ITIC by contractors and that leaves mostly home owners on the call in side and they take more time due to their unfamiliarity with the process. Don Nett is hearing no complaints on hold times from contractors so he doesn't see a problem. There was a problem with 811 last week when the feed for 811 through Qwest was not operating properly. Ed Williams asked who provides quality control for the one call system. Don Nett relayed they do call checks but this was not a problem with the call number but the 811 system. Dennis Kellar asked what a "canceled call" is and Don Nett informed him it's a called in locate request that gets cancelled later when the caller decides not to dig. Ron Ness questioned whether the canceled calls are billed. Don Nett answered that once the notice is sent out to the operators the locate request is billable.

Expenditures: 2006 Budget was \$48,000 which included all the items shown on the submitted report. Total expenditure to date is \$30,422.65. Vice-Chair Oberg asked how many white flags we have left and Don Nett thought there were about 8 boxes in stock and that amount should get us through the summer. Discussion was had on whether we've done enough to get the use of white flags started and we could maybe back off on the give away. Ron Ness asked whether there'd be merit in ordering some of the clear flags to start the use in our system. May be a good way to start the operators using the clear flags to let the excavators know the utility is clear and locates have been completed. Don Nett needs to order some supply items to replace stock and should not be more than the available dollars.

Meetings and Seminars: Don Nett submitted a report on the meetings and seminars he's attended and planning to attend.

Local TV Advertising: Don Nett recommended using the NBC and CBS stations in both the East and West areas of the State. Reason for using two stations is the increased coverage over using just one station. Each station will create a 30 minute ad at no cost to be used or we can furnish an ad for them to use. This advertising would be on local area stations not on satellite or cable stations. These ads should be running in about three weeks. If we use existing ads we'd need to dub in the 811 information. Ron Ness moved to accept Don Nett's recommendation to advertise on local TV stations. Dennis Kellar seconded the motion. Ed Williams asked if anyone has an idea of how to measure the effectiveness of the advertising. No one was sure how you can make any kind of measurement of the effectiveness in the short term but long term reduction in damage may tell the story. An increase in other calls may be a continuing indicator. There being no further discussion the motion was called. Ayes all, motion carried.

ND-DOT: The ND Department of Transportation has seriously increased the cost of their Access Permits to cover their locate costs. Cost change increased from \$25 to \$100 per crossing and the cost per mile is now \$200.

General Report:

- Don Nett received some calls from smaller communities about the one call requirement for there being one locate ticket per house when a whole city is being redone. The cities feel the installing operator should pay for the city locates as the cost for performing the locates required for those type jobs are rather high for some of the very small cities.
- Ron Ness is attending the technology meeting in Kansas City on October 18-19.
- 702 Communications tells Don that Excel energy wants them to be responsible for locating the power cable from the source to the meter and wonders if there is anything in the one call system to require them to do this. Board position is the operator has to locate their facilities and the two operators have to work out this situation on their own.
- Time limitation on emergency locates, due to a number of excavators waiting for hours to receive notice of locates. Statute does not address a time frame and we may need to look at a legislative change.
- Excavator calls in, needs a locate and the operator asks for 24 hour extension of time. Does the excavator have to allow the extension. The statute is not very clear on this issue. The specific instance was due to holiday time off for contract locators employees. Can the operators request the 24 hour extension at 47th hour and 59th minute. This is something the stakeholders have to work out with each other.
- Souris River Telephone & North Prairie Rural Water. NPRW installed new line and has not shown it on their mapping; SRT excavated and hit the unmarked line. NPRW says it's not theirs until they map it and SRT should pay for repair. They worked out the situation and NPRW has added the new lines to their mapping. Discussion was had on when a new installation becomes the owners and when it should be shown on their mapping. Several situations were discussed and no conclusion reached.
- Polar Communications was having trouble hitting farm land drain tile and wanted help with the situation. Don Nett talked to the person that does most of the installations and he said Polar Communications wouldn't have as much trouble if they stayed on their right or way and if Polar talks to the farmer, he has most of the drain tile located with GPS and would locate for a price.

Base Map Update: Ron Ness thinks it's taking way to long to implement the use of local area mapping as back up data for the One Call Center. He reports that Brad Anderson the Fargo's GIS Coordinator is also surprised its taking so long. It was decided to have Mark Bittner and Ron Ness work as subcommittee to move the use of local mapping as back up to the base mapping at the one call center.

Call Center Visit: Don Nett will send the Board members some possible dates for this visit as soon as he can get a response from Jim Holzer.

CGA Update: CGA continues to work on the federal enforcement legislation, best practices and DIRT modifications to allow for easier use. If States don't have or are not working towards some form of enforcement language in their laws, they will not be eligible for grant funds or maybe not as much of the funds available.

This completes Don Nett's Operations Report. Ed Williams moved to approve Don's report. Darrell Wrege seconded the motion. There being no further discussion the motions was called. Ayes all, motion carried.

Old Business:

811 Implementation: The Board has received a bill from Qwest for \$1205.26 for providing the 811 service on their system. Mark Dougherty moved to deny in writing the payment of invoice number A968085. Dennis Kellar seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

Mark Dougherty suggested the Board have Mark Bittner send a letter of appreciation to Chad Olson of BEK Communications for the excellent job he did on 811 implementation while he was on the Board and especially for his follow through after he left the Board.

Draft Legislation: Don Nett reports he is asked a lot about when we'll have something to put on the website. Most of the people asking are not willing to say for or against until they see the bill draft. The industry seems to be interested in what form the enforcement legislation will take. Mark Dougherty feels the excavators are ok with some form of enforcement as long as it's balanced for the operator and excavator. Mark feels it would be better for us to do what's right for North Dakota rather than have the Federal Government force their form on our industry. Mark also suggested we need to get the drafts out to the stakeholders so we can be ready for the coming stakeholder's annual meetings. Mark Dougherty moved to place the enforcement and design/survey legislative drafts on the NDOC website as amended by Ron Ness. Ron Ness questioned which draft we'd site. Discussion was had on how to deal with loss of product for the operators and lost time for contractors, disagreement between Ron Ness and Mark Dougherty on whether they are the same thing or not. It was agreed to site the enforcement draft with the changes suggested by Ron Ness. Ron Ness feels there is a passive enforcement for operators in that its their facilities that will be damaged and their costs to repair them. Ron also feels the operators will most certainly be against the bill if contractor lost time is included. Ed Williams seconded the motion. There being no further discussion the motion was called. Ayes all, motion carried. Don Nett will work out the details of the websiting with Tammie at the One Call Center. Discussion was had on how to notify all stakeholders of the need for input on the legislative drafts.

One Call Concepts has made a proposal to contact and illicit response from the State's stakeholder and we need to act on this proposal to use their proposed help. Darrell Wrege moved to accept One Call Concepts legislative proposal. Ron Ness seconded the motion. There being no further discussion the motion was called. Ayes all, motion carried. Discussion on who should attend the various meetings that could be used to get the word out on the legislation.

The Board discussed the need for the Board to become an unfunded State agency to provide enforcement authority. Mark Dougherty moved to make the Board an unfunded State agency. Ed Williams seconded the motion. Question on putting together the bill and Mark Dougherty has talked to the Legislative Council about making the bill and they suggested we have a legislator request the Council construct a draft bill. Discussion was had on whether someone should talk to the Legislative Council and have someone attend our next Board meeting to provide some information on the

responsibilities of an unfunded State agency. Mark Dougherty agreed to talk to the Legislative Council. There being no further discussion the motion was called. Ayes all, motion carried.

New Business:

Ron Ness asked if any of the items Don Nett suggested were added to the draft we've decided to propose. These items would include putting the locate information on the plans for bidding and design/survey locates cannot be used for excavation. Ed Williams feels the original one call legislation was meant to provide a safety procedure and reduce damage to utilities. He further feels it was not meant to benefit the engineers and architects when they aren't stakeholders in the industry. Ed wants to know why we can't do it like it was done in the past by getting together and decide what needs to be done. Ed doesn't know why this process has to be legislated if it's being dealt with under existing procedures. Ron Ness likes the idea of allowing the fifteen days and having the opportunity to charge for the service.

Meeting Adjourned: 2:15 PM