

North Dakota One-Call Board of Directors Meeting

May 11, 2006

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, ND.

Board Members Present: Mark Bittner, Ron Ness, Dennis Kellar, Jerry Blomeke, Darrell Wrege, Ed Williams and Mark Dougherty

Others Present: Gloria Geiger - PSC, Ed Brockell - SRT, Kevin Ailshouse - MDU, Paul Liese - ND Locators Association and Bill Boyd - Mid Continent Communications

Minutes:

Agenda: Chairman Bittner asked if there were any additions or modifications to the agenda. Jerry Blomeke moved to approve the agenda as submitted. Darrell Wrege seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

Approval of previous minutes: Chairman Bittner called for additions or corrections to the minutes of the February 16, 2006 regular board meeting. Ron Ness noted that the time of the last meeting was 9:00 AM not the usual 10:00 AM and that it should be changed in the meeting minutes. Motion was made by Ron Ness to approve the minutes as corrected. Darrell Wrege seconded the motion. There being no further discussion the motion was called. Ayes all, motion carried.

Financial report: Treasurer Jerry Blomeke presented the current financial statements for review. Chairman Bittner called for questions on the financial statements. No questions were offered. Motion to approve the financial report was made by Mark Dougherty. Ed Williams seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

Approve bills: Bills were submitted as follows:
NDOC Advertising - approximately \$10,000
Zuger, Kirmis & Smith - \$1139 (review of design locate procedure)
Revac - \$629 (CGA Best Practices Manuals)

Jerry Blomeke made a motion to approve the submitted bills. Darrell Wrege seconded the motion. There being no further discussion Chairman Bittner called the motion. Ayes all, motion carried.

2006 Pipeline safety grant application (Gloria Geiger): Gloria reported the PSC has received \$13132.00 to be used to fund NDOC promotional activities for 2006. To date about \$2000 has been used to purchase small advertising items to give away at the diggers meetings and other events. The remaining \$11,000 will be used to fund this seasons radio ads. The RFP has gone out and the responses are due by June 5, 2006. When responses are in Gloria and Don Nett will review and make a recommendation to the commissioners who will make the final choice on the most acceptable proposal. The radio ads should start airing after July 1, 2006 and run until the funds are gone.

Height requirements: To be continued when Bill Boyd arrives.

ND Locators Association: Kevin Ailshouse presented a document outlining the "Goals Regarding the Formation of a Locating Association/Society" (see attached). Lengthy discussion was held on the possibilities of the ND Locators Association becoming a part of the NDOC Board; as possibly a committee position to allow the use of the NDOC's structure and bank account. Kevin Ailshouse proposes this as an opportunity for

the NDOC to have close ties for communication with the locators, who are major players in the NDOC mission of facilitating the location of underground utilities. Mark Dougherty and Ron Ness posed the opposite maybe true in that the connection may be seen as a conflict or extra representation on the part of the operators. Ron Ness also mentioned that this connection may not be legal and could be a problem in light of NDOC's coming decision on becoming an "unfunded State agency" and just the fact that NDOC seems to have a very full plate at this time with the current list of items in need of decisions. Motion was made by Mark Dougherty to not allow the ND Locators to come under the NDOC's administrative structure. Motion died due to a lack of second. The ND Locators were encouraged to do more research on if this happens in other states and some of the legalities of moving forward with the creation of the locators being a committee under the NDOC and then bring the item back to a future board meeting. Jerry Blomeke expressed the desire not to close the door on the possibility.

Height requirements: Continued. Bill Boyd of Mid Continent Communications was asked by the ND Agriculture Commissioner to attend a meeting to discuss how the state could handle the need for a Canadian company that hauls over height loads of flax straw from the state to their plant in Canada. At the April 5, 2006 meeting the ND Highway Patrol and the ND Department of Transportation were not interested in changing the height requirements in the state to accommodate these loads. Bill was asked if he thought the NDOC would be willing to allow the use of the One Call Center to take calls to facilitate the raising of overhead utilities. Ed Williams pointed out that the purpose of NDOC is to facilitate the operation of the One Call Center to provide notification to underground operators of impending excavations. No action was taken other than to send the issue back to the Department of Transportation and the cities and counties who have always been responsible for this issue.

Operations report:

Center Operations: Don Nett presented the current operating reports provided by the One Call Center and noted that "other calls" are still up over what they were in previous years. Our hope is this is due to an increase in property own calls caused by our advertising program. Jerry Blomeke questioned why call volumes are down and the hold times are way up? Don Nett responded this is due to the One Call Center losing almost a third of their CSR since last fall. Ron Ness asked what the One Call Center was doing to fix the problem as it seems to be continuing. Ron also related an emergency locate call Cass County Electric made this week that was on hold for ten minutes the pickup message didn't identify recipient as the One Call Center and only said that due to call volume there would be an 8-10 minute wait for a service representative. Chairman Bittner questioned what percentage of CSRs are full time employees of the center and how many are seasonal and were the lost CSRs mostly seasonal that just didn't come back after layoff. Don Nett didn't know the answer and we could as Jim Holzer when we call him at 12:00 noon.

Financial: Don Nett explained the need for the equipment purchased from Computer place which allows him to run onto four screens on one computer which is needed for some of the facilities where diggers meetings are held.

Advertising report: Don Nett reviewed the advertising expenditures for 2006. Budget of \$27,500 with \$19,970 spent to date on TV advertising through the major cable networks in the state. Don informed the board that a proposal from a local network offer 384 ads plus and additional 50% to be run on the local TV stations in Bismarck, Minot, Dickinson and Williston for a cost of \$5568. Don also related that we don't have the dollars in the budget at this time to fund this advertising. Chairman Bittner expressed a concern for the areas we are missing with our message and that we should possibly spend some of the board dollars on local networks. Jerry Blomeke expressed an interest in finding out the cost of local network ads for the next meeting. Don Nett is to obtain proposals from the appropriate companies that can provide local coverage to North Dakota's rural areas. Chairman Bittner summarized by stating the board is comfortable with the existing cable advertising and that we need to augment that with some local network ads.

Base map updates:

Emergency locates: Grand Forks area called in an emergency locate and then went back and did additional work after the emergency was over. Hit a utility that was not marked. Question is the "emergency locate" good for ten days. Ed Williams related that emergency locates are usually focused on a very specific area and the marks maybe obliterated during the emergency. Don Nett has question as how to handle this type of complaint call. Ron Ness feels Don should listen to their complaint and only tell them what the law says but not decide who right or wrong.

City locates/positive response: City operator told contractor that called in to verify locates had been completed and were told the city didn't have time to do the locate. Don related that Minnesota passed a law that requires cities to locate their utilities to the edge of the right of way. Mark Dougherty related this was a big topic of discussion at the CGA annual meeting in Phoenix and was amazed that most cities don't locate anything but the main and the property owner is responsible for the services to the property. Complaints about Qwest in that they were not locating calls from the tree stump grinders. Responsible point of contact is very difficult for anyone trying to get answers on locating services.

Meetings and seminars: Don presented an amended 2006 list for the time since last meetings. Related that the pipeline meetings were great opportunities to answer questions for local first responders and other stake holders in those specific areas. Feels this is time well spent. **Center Operations Continued (Jim Holzer teleconference):**

Ron Ness questioned Jim Holzer on why the April hold times were so high in comparison with last year. Jim Holzer relayed the One Call Center lost 30 CSRs in April and are trying to replace them as quickly as possible and hope to have the hold times back on track by the end of May. The One Call Center has also added 32 more work stations with more capacity and capability and are training to fill those stations as well as replace the lost CSRs. Ron Ness questioned why the CSRs left. Jim Holzer related that some were let go and some found other employment which is a continuing problem with the healthy economy providing more job opportunity. Chairman Bittner questioned about how much the Center uses temp employees. Jim Holzer related that they use temps as little as possible. The Center lays off on employee request only if possible. Ron Ness asked if they use the off site call answering centers. Jim Holzer offered they are using overflow centers for those calls other than professional excavators and send home owner calls to the overflow for the most part. Ron Ness questioned Jim Holzer on what happened with the emergency call they made this week and mentioned above. As far as Jim Holzer know calls are screened at the center and this should not happen; he will use the offered wave file from Cass County Electric to further research what happen in this specific instance. Ron Ness further asked about update on the Fargo mapping issue. Jim Holzer related this situation, wanted use the information and contacted a service to put the information online and found the information had no differentiation between primary roads, highways or secondary streets and we can't tell what's what when we use the information. Our plan now is to use the material as reference material layer rather than primary information. Another problem is if there is a position difference between the two layers and how do we deal with that difference. Jim is questioning their Missouri center who is evidently working in a similar situation. Ed Williams question on man power shortage as to if you have any thought as to what you're going to do in the future. Jim Holzer hopes they can find a root cause of the employment loss, they will certainly work to fix the problem but at this time they just don't know. Jerry Blomeke asked what the average pay range is for a CSR. Jim Holzer felt he couldn't discuss that with the board but did offer their wages and benefits are very competitive in the area.

Chairman Bittner will look into the problems and report back to the board.

Don Nett Report: ITIC contest will run again this year. White flags went over big this year and people even followed Don to car to get more than he brought into the meeting. Locator's evaluations are completed. Attended a 911 meeting and was surprised they are dealing with the same issues and items.

Call Center Visit: Jim Holzer would rather wait until the spring rush is over and he'll submit some possible dates for consideration.

Ron Ness recommended Don follow up on the Qwest contact difficulty and how they are screening locate calls.

Old business:

811 implementation: Chad has sent a list, indicating when individual systems would be operating the 811, to all board members. Dennis Kellar had no additional information as Chad has continued to follow this issue. Questioned what Qwest has for a plan to implement and charge for the implementation which still seems to be a question in other states. Mark Dougherty will check with the PSC on the order for implementation on July 1, 2006.

Draft legislation: Chairman Bittner expressed appreciation for the drafting efforts of the proposed legislation. Ron Ness questioned when stated you have to follow the requirements of the whole chapter what do you mean and if all violations are malicious then we need nonmalicious violations. When stated "meets the requirements of this chapter" we means all of chapter 49-23.

Ron also mentioned we should add a section into the draft on what is a separate violation. Chairman Bittner thinks the draft is good the way it is. Mark Dougherty asked for direction on what changes should we make before we site this on our website for comment, he also noted we need to move this along as the next

legislative session is looming large. Chairman Bittner feels we should get the draft on our website and then initiate the OCC proposal to contact all stake holders to get feedback on whether they think this is an issue they wish us to pursue and if so what comments they have on the draft legislation. Chairman Bittner has no feel for whether anyone other than the pipeline companies wants this to move ahead. Don Nett to check with OCC about the procedure to contact the operators and excavators and how it could be accomplished. Don Nett related it took SD two years to get their bill through the legislature. Ed Williams suggested maybe we work first on the unfunded state agencies status for the board even if we aren't ready to take the enforcement bill to this session. Ron Ness offered to work on the "malicious" issue and Mark Dougherty would work on the separate offense.

Design/survey locates: Chairman Bittner feels we should also move ahead with this issue as well as the enforcement draft. Don Nett questioned who will pay for the cost of the locate call? Mark Dougherty feels the engineer will pay and would have to add a section to the bill to allow for that event. Mark Dougherty feels the engineers would be willing to pay for this without any problem and suggested the enforcement and design/survey locate be entered as separate bills to the legislature. Mark Dougherty will work on a draft to add in language to require the engineers to pay for the locates; like excavators and operators. Discussion on Locate Area Limit Draft was had and decided to change language to read one-quarter section or one mile linear and make a new section for the area limit. Decided to put all pieces of draft legislation on our website for stake holder review.

Secondary locates: Ron Ness relates the problems seems to be most prevalent in the rural areas where some do locate everything and some only locate to the meter. John Rodgers would like some verbiage change to better inform property owners of their responsibility to locate their private facility. No one is sure how to deal with this matter or even how big a problem it is at this time. Jerry Blomeke suggested that the inconsistency of how the separate utilities handle these locates is some of the problem; some provide the locates for the property owner and some don't; it would be easier if every operator refused to do the locates. No action was taken.

There being no further business to come before the board the meeting was adjourned.

Submitted by Mark Dougherty, Secretary

Chairman Mark Bittner

Signature: _____ Signature: _____

Date: _____ Date: _____