

North Dakota One-Call Board of Directors Meeting

Meeting Date: May 8, 2008

The meeting was called to order by Chair Ron Ness at 10:04 AM in the Board Room of the North Dakota Association of Telephone/Rural Electric Cooperatives building in Mandan, ND.

Board Members Present:

Ron Ness – Chair

Jerry Blomeke – Treasurer

Mark Dougherty – Secretary

Brenda Derrig

Dennis Kellar

Dale Robbins

Ed Williams

Others Present:

Jim Holzer – One Call Concepts

Chad Olson – One Call Concepts

Mac McGillivray – Northern Border Pipeline

Jeff Nelson – Legislative Council

Al Moch – Public Service Commission

Kent Blickensderfer - Qwest

Todd Kranda – Kelsch Law

Pat Fahn – Public Service Commission

Bill Gunnerson – Public Service Commission

Tony Straquadine – Alliance Pipeline

Jeff Ficek – Ron’s Rural Backhoe Service

Minutes:

Roll Call:

An attendance record is attached.

Agenda:

Dale Robbins made a motion to approve the agenda as submitted. The motion was seconded by Jerry Blomeke. There being no discussion the motion was called. Ayes all, motion carried.

Approval of previous meeting minutes:

A motion was made by Jerry Blomeke to approve the minutes of the February 22, 2008 meeting as distributed. Brenda Derrig seconded the motion. There being no discussion the motion was called. Ayes all, motion carried.

Financial report (Attached):

Treasurer Jerry Blomeke presented the current financial statements and the NDOC tax return for 2007 for review. The financial summary is as follows:

Income	\$19,484.47
Expenses	\$13,105.86
Ending Balance	\$6,378.61
Bank Balance	\$154,816.69

Mark Dougherty made a motion to approve the financial report as presented. The motion was seconded by Brenda Derrig. There being no discussion the motion was called. Ayes all, motion carried.

Board Audit:

Jerry Blomeke reported he had visited with an accountant about how to conduct the bylaws required annual audit. The accountant recommended we consider requesting an “Agreed Procedure Audit” rather than a full audit due to the excessive cost of a full out audit. To conduct an agreed procedure audit, the board would decide what items are to be audited and the report would then be based on only those agreed procedures. The expected cost for this type of audit would be \$1500 to \$2000. A motion was made by Dale Robbins to engage an accounting firm to conduct an “agreed procedure audit” on 2008 financials with a spending range to \$1500 to \$2000. The motion was seconded by Jerry Blomeke. There being no further discussion the motion was called. Ayes all, motion carried.

Approve bills:

A list of bills to be paid was submitted to the Board by Board Representative Chad Olson. There were eight bills submitted for a total amount of \$4,791.57. All of the bills were for advertising expenses and promotional items. The breakdown for the eight bills is as follows:

Joe Hetzel (Walk-A-Mile video duplication)	\$60.00
Dakota Screen Arts (Promotional Shirts)	\$46.64
Barbara Long (website redesign)	\$2,940.00
Arrow Advertising (Promotional Flashlights)	\$1,417.80
Chad Olson (promotional items)	\$35.68
American Express (prizes and cleaning booth)	\$96.83
The Jamestown Sun (home/garden show advertising)	\$60.00
American Express (Promotional items)	\$134.62

Chad Olson reported to-date he has received only six requests for the \$100 reimbursement for contractor dinners. Jerry Blomeke related the backup documentation for the submitted bills was in order.

Jerry Blomeke made a motion to approve the bills as submitted for payment. The motion was seconded by Dennis Kellar. There being no discussion the motion was called. Ayes all, motion carried.

Center Operations Report

Jim Holzer of One Call Concepts presented a new format for the center operations reports the board receives on a regular basis. The report is a more visual representation of the information contained in the existing reports. Mark Dougherty noted the new report format did not include a break out of types of tickets. Jim Holzer responded they could certainly be included in the new report form. No formal action was taken however the board agreed the new format would be acceptable.

Chad Olson submitted an update to the 2008 advertising proposal presented at the February 22, 2008 meeting. The board was provided a preview of two ads being run on TV stations. Dennis Kellar asked if the board members could get copies of these ads and if they could be given to local cable stations or TV stations to use if they'd be so inclined. Chad will obtain the ad copy for any board member upon request.

Chad Olson reported the PSC is considering using the \$10,618 received for 2008 from the One Call Damage Prevention Grant to do newspaper advertising which would include a “cut & save” coupon containing one call information. Gloria Geiger will keep the board involved by communication with Chad.

The One Call Center monthly report was reviewed. Ron Ness questioned the NTMS Fee shown on

the February and March monthly reports. Jim Holzer related the amounts were showing revenues from subscriptions to the internet ticket management system being offered to member companies on an individual basis. The two statements include one subscriber in February and two subscribers in March.

Chad Olson distributed an updated Meetings and Seminars schedule for board review and comment. Chad provided some thoughts on the value of some of the meetings and venues he has been involved with these past few months. He feels the home and garden shows are not the greatest but feels we should try setting up the "Digging Dangers" video at the booth to attract more people and spur more questions. Chad also questioned our attendance at the pipeline dinners. These meeting have a very low attendance, mostly attended by the local first responders who are the main target of these informational meetings. Chad doesn't present at these meetings but does have the opportunity to answer questions about NDOC for those in attendance. Chad related the attendance at the pipeline provided him the opportunity to meet first responders and pipeline personnel in a very short time. No action was needed or taken and Chad will use his instincts to decide which meeting to attend for next years schedule.

The excavator's meetings were well attended and at this time only 6 meetings have requested the \$100 reimbursement available from NDOC. Jerry Blomeke made a motion to approve the reimbursements as presented by Chad. Second was offered by Dennis Kellar. The motion was called. Ayes all, motion carried.

Chad Olson informed the board the ITIC Lite handbook is in the works but they are still waiting for the website redesign to be complete to allow use of some of the actual web pages as illustrations in the handbook.

Walk-A-Mile video coping was completed and a copy was distributed to each board member.

Report on One Call Center tour. Met with Jim Holzer, John Eisele, Tammy Gardner, John Erdly and Chris? Chris gave the group an overview on ITIC and John Erdly provided an update on IMAP. Observed CSR's working on tickets from North Dakota and Texas. Had lunch and a question and answer session for board members to ask about services and procedures.

ND Locators Association has little new information other than Kevin Alishouse has resigned from the Association and has taken a new position in another state. Richard Schultz will be taking over Kevin's duties until a replacement is seated.

CGA Partnership has nothing new to report. Mark Dougherty offered some copies of the new best practices and DIRT 2006 reports. Mark also reported he has been selling the use of DIRT to report locating problems. Mark also gave a short report on happenings at the CGA annual meeting held in Las Vegas in March. Mark reported some difficulties with finding information on the partnership meeting at the annual meeting. Chad informed the Board of the CGA Partnership Summit being held in Bismarck on May 28, 2008.

Nothing new to report on Southeast ND Utility Partnership activities since the last meeting.

Old Business

Minutes are being posted to the website when they are complete and signed by Chair and Secretary. Some discussion was had on the possibility of using a consent agenda to simplify the meeting minutes and provide more time for other items on the agenda rather than those stock items common

to every meeting.

Website redesign report by Jim Holzer indicated they had hit a snag in there was some confusion as to who would host the new website when completed. The designer was under the impression they would host the site rather than OCC. The designer and existing host worked out the confusion. Another problem was how to get the designer paid. There was some miss understanding on getting a 1099 Misc completed to allow for the payment for services. This has been fixed and the redesign process is now underway and we should see significant progress from this point forward. Ron Ness questioned what a completion time frame would be and Jim Holzer was uncomfortable in giving an answer in light of past progress but hoped it would be ready for launch during the late summer lull in call center activity. OCC launched the new gopher state site during the business season which was not a good experience. Dennis Kellar questioned what would be behind each of the stakeholder area as far as information. Jim Holzer replied it would be how to get a ticket, what happens when you make a call or use ITIC, information on color code, safe distances and probably use some of Minnesota's materials, animations which are available and descriptions of the process to make a ticket and information on private facilities and link to or text of One Call statute. Dennis Kellar would like to see some additional encouragement for excavators to clean up the dig site as far as removing locate flags which is required.

Map URL subscriptions update. Jim Holzer had nothing new to report as it's been too busy due to spring start-up.

Design locate committee has not met since the last board meeting. Mark Dougherty did report he has met with the ND Civil Engineering Companies and the issue was discussed. Mark offered the contractors group would not oppose the legislation as currently written and with the ND Civil Engineering Companies having hired a lobbyist they could advance the issue. Ron Ness reported the Board Members on the committee have helped to construct the bill draft and it maybe time for the most effected group to advance the bill.

There is a best practices benchmarking call center performance/compliance committee being formed and Chad and Ron Ness are working with Paul Blouin of Louisiana One Call to review a proposed best practice. One Call Concepts is not convinced it's really necessary. Paul Blouin is convinced that if all one call centers are not operating in the same way then the government may come in and set up a one call center for the whole county. Jerry Blomeke asked why Paul thinks this is going to happen. Jim Holzer related that Paul was the first time he had heard of this concern. Paul pointed to the advent of 811 and how you have only one number to call and the fact some states are starting to reference the CGA best practices in their statutes. Jim started to discuss with others in the industry and found more with the same concern. The main item is the drive to make centers comply with one common set of best practices and pushing model one call laws created by model law groups. Some feel this system could be used to identify other things like brown fields and other sensitive areas. Most feel this is out of the main use of the one call centers. Ron Ness will keep the board apprised of further action on this item.

February 22, 2008 action items were discussed and nothing to report except what's on the agenda.

New Business

Base map updates were discussed and Jim Holzer stated they will start on North Dakota updates when Minnesota updates are complete. They purchase the maps for the whole state instead of county by county due to the lack of incentive and gain in quality.

Chad related a request from an excavator to have an “all clear process” in-place to allow the excavators to know without a call when all the utilities have completed the locating. This could be something like Minnesota currently uses. Jim Holzer feels the system could be handled by the center through an online positive response system. Jerry Blomeke asked if it could be handled through the ticket online and Jim said it could be handled that way. Jim also felt the system should only offer one method to respond to locate completion. Brenda Derrig related the City of Fargo makes calls to the excavator to notify the excavator they are all clear. Ron Ness added that Cass County Electric does make some calls but not consistently. Jim Holzer informed the board the one call in Texas is doing a form of positive response without a legislative change and is doing it on a volunteer basis to get the process started.

Qwest 811 Tariff Charges

With Qwest representative Kent Blickensderfer, Bill Gunnerson and Pat Fahn of the Public Service Commission being in attendance the board moved to agenda item number eight to discuss the 811 tariff charges the board feels they are receiving in error. Mr. Blickensderfer informed the board they had received the letter from the NDOC board stating the board does not feel they have to pay the recurring charges imposed by Qwest for 811 services. He further stated the charges are direct from their catalog of services which contain a section addressing the 811 service and the earlier recurring charges for 811 set-up which have been waived. Mr. Blickensderfer stated Qwest had agreed to no charge for 811 set-up (conversion) but had never agreed to not apply any recurring charges for the 811 services which again is a service right out of the Qwest catalog and allows a one cent per call charge. Mr. Blickensderfer continued he is not going to waive these charges but would offer that the Board could credit the amount owed back to Qwest’s account due to the NDOC Board. 811 is a Qwest product and they have a right to charge for the offered service. Discussion was had on why the NDOC Board feels they should not have to pay for the service. Ron Ness offered the 811 number was mandated to be used exclusively for one call services by the Federal Communication Commission (FCC) and NDOC did not actual request the service but offered to the North Dakota Public Service Commission they would be the most likely user of the 811 dial code. The FCC directed the telephone companies how the dial code should be used but did not include any direction on cost recovery by those companies. Mr. Blickensderfer wondered why the NDOC Board thinks Qwest or any carrier should provide this service for free. Ron Ness stated again the FCC ruling doesn’t talk about cost and just says the 3 digit dialing will be available and he felt the mandate required telephone companies to provide the service. Mr. Blickensderfer offered his interpretation as the telephone companies were mandated to use the 811 number for the One Call systems and could not use it for any other purpose and there was never any mandate saying you’re going to reserve 811 and do it for free. Mr. Blickensderfer continues that 811 like 911 are reserved for emergency call and there are tremendous costs associated with 911. Ed Williams asked who pays for the 911 services. Mr. Blickensderfer responded the service is paid for by the jurisdictions or providers who force you to have it and the charge gets tacked on to the local phone bill and wireless phone bills. Ed Williams asked why 811 wouldn’t be dealt with in that same fashion. Mr. Blickensderfer responded he thought that the NDOC Board was statutorily responsible for the costs associated with the operation of the one call service for North Dakota. Mr. Blickensderfer question how calls were handled before 811 and assumed the center had an 800 number and asked who paid for that service or do you think the phone company provided that for free. Ron Ness stated the Board did not know there was going to be a charge for 811 and didn’t ask for 811 or know about the tariff. Mr. Blickensderfer related Qwest is not in love with the fact they have to provide this and especially not happy about customers who think they should have the service for free. Mark Dougherty offered in going back to the start of the implementation process and specifically the PSC informal hearing on who should be the user of the 811 dialing code and the statement made by Mel Kambeitz then representing Qwest at the hearing to effect there would be no charge for 811. Mr. Blickensderfer responded that Qwest had agreed not to

bill for the non-recurring charges but did not agree to waive billing the recurring charges. Mark Dougherty offered the Board has a tape of the PSC hearing and the NDOC Board in light of the statements by Qwest at the hearing were sure there would be no charges for the 811 service and it was several months later we got the first bill for \$1205.26 which was waived and then the per call service charge started to show up sporadically. Mr. Blickensderfer admitted the first bill was waived and was sent in error. Mark Dougherty further stated the Board was taken aback by the first bill when we expected no charges for the 811 from any telephone company and Mr. Blickensderfer stated most of the other telephone companies 811 calls get routed directly to Qwest. Mr. Blickensderfer stated he takes no joy in coming to this meeting for a 62 dollar bill but at this point it has become the principle of the matter for Qwest. And further stated some states PUCs have ordered Qwest to provide the service for free but that is not the case in North Dakota. Mr. Blickensderfer offered they made a contract with Minnesota and South Dakota for a set fee to provide the service and they could have done that in North Dakota but thought there would be some out cry about the big number and how do we know how many calls there would be so Qwest decided to go with a penny per call instead. Mr. Blickensderfer stated the bill is now for about 63 dollars and Ron Ness offered the last bill NDOC received was for \$2.82. Discussion was had on the varying nature of the bills NDOC has received and the total offered by Mr. Blickensderfer. Mr. Blickensderfer stated he's not sure where to go from here but he continued to point out the fact NDOC is using 811. Jim Holzer asked Mr. Blickensderfer when NDOC subscribed for the use of 811 and believes the Board never subscribed. Mr. Blickensderfer responded he did not know when NDOC asked for the service. Mr. Blickensderfer stated he'd have to get the information on when the subscription was made. Jim Holzer offered NDOC never subscribed for the service and should not have to pay. Mr. Blickensderfer offered at the request of NDOC Qwest could begin a proceeding to discontinue the service. Dennis Kellar asked Mr. Blickensderfer what Qwest does with other people who don't pay their bill. Mr. Blickensderfer stated they are notified of non-payment and would be eventually cut off. Dennis Kellar asked if that is what would happen in this case. Mr. Blickensderfer stated he did not know it would work, because of the federal mandate on 811. Ron Ness summed up the previous discussion and restated the NDOC Board was working with the federal mandate and the statement at a PSC hearing there would be no charges and then charges began to accrue for something the NDOC Board did not subscribe to and still don't think we should be liable. Mr. Blickensderfer stated we could ask the regulator what would happen if 811 service is not paid for, could service be cut off. Bill Gunnerson of the PSC stated he did not know the answer. Pat Fahn of the PSC did not look at the mandate close enough to make a determination on how the service would work and the commission simply made a determination on who would use the dial code. Mr. Fahn also stated the tariff Mr. Blickensderfer mentions is not an essential service and is therefore not regulated by the PSC. In response to a question from Chad Olson, Pat Fahn stated the PSC hearing purpose was only to determine who would be the user of the dialing code and if costs were discussed at the hearing those discussion may not have been a part of the decision. Mr. Gunnerson offered the purpose of the PSC hearing was to determine only who the user of the 811 dialing code would be and the NDOC Board stated they should be the user. Mr. Fahn offered further the FCC can mandate what the PSC should do but if under the state law the commission doesn't have the authority it still can't do what's mandated by the FCC. Mr. Blickensderfer stated that when NDOC applied for the use of the 811 dialing code at the PSC hearing that would be when they subscribed. Mr. Fahn stated what the order says is the NDOC Board is the authorized users and the PSC would not have jurisdiction on any agreement between NDOC and Qwest. Jerry Blomeke offered his thoughts on the fact that all the other telephone companies have agreed to not charge and the fact there were comments made by Qwest to not charge. Also, Qwest can, as it seems, unilaterally impose the charge so is it true that Qwest can then on it's own increase that charge and Jerry has a concern about the likely hood of that happening. Mr. Blickensderfer stated the charge is only a penny per call and he feels it's not a big money maker for Qwest. Dennis Kellar added that Mr. Blickensderfer stated earlier Qwest is here on

principle not money and the NDOC Board is also standing on principle. Discussion was had on everyone is advertising the availability of 811 to contact the one call center but the NDOC Board also advertises the 800 number we've always used. Ron Ness added we have never asked for the use of 811 but that its use was mandated to the One Call center. Mr. Blickensderfer asked who pays for the calls that come to the call center. Jim Holzer stated One Call Concepts pays for the 800 number. Mr. Blickensderfer asked why not then work the cost of the 811 number into that bill paying system and further stated that all N11 numbers are paid by someone. Dale Robbins offered that maybe the bill should go to One Call Concepts rather than NDOC Board like the 800 number does. Mr. Blickensderfer agreed that could be worked out; but 811 is a product offered by a phone company and the Board is promoting the use of 811. Ed Williams offered the agreement for the use of 811 should have been made up front as was done for the use of the 800; but no agreement was made. Discussion was had on the PSC order and if NDOC requested to be the holder of the 811 dialing code or if the PSC decided NDOC would be the right user of that code. Mr. Fahn offered the Commission would not have made a decision unless someone requested to use the number. Mr. Blickensderfer asked if any Board members attended the hearing. Chad Olson offered he and Mark Dougherty attended the PSC hearing. Mr. Blickensderfer asked if either hearing attendee had any comments on the hearing. Mark Dougherty offered the discussion revolved around who would be the appropriate user of 811 and everyone agreed it should be the NDOC Board to be in compliance with the FCC mandate, and Chad Olson was a Board member representing the telephone companies at the time of the hearing and had communicated with the state's telephone companies about the mandated 811 service, how to get it going, and the expected cost of the service. At that time a couple of telephone coops were contemplating a set-up charge and Chad was still working with those companies to not charge for the service. Mark further stated the Commissioners asked about charges for the service and specifically of Mel Kambeitz if Qwest would have any charges for 811 and the simple answer from Qwest was no. Mr. Blickensderfer asked if it's NDOC's and One Call Concepts' position to continue to use 811 and not pay for that use. Mark Dougherty responded yes based on the statement made by Mel Kambeitz at the PSC hearing indicating Qwest would not be charging for 811 service. Mr. Blickensderfer stated he has talked to Mel Kambeitz and he related his comments at the PSC hearing were about conversion or set-up charges only. Mark Dougherty offered his recollection of the conversation was a general discussion about cost for 811 service and not specific to set-up charges only. The recording of the PSC hearing was played. Mr. Blickensderfer again asked if the NDOC Board is going to pay for the 811 service as provided by Qwest. Ron Ness stated the Board would need some additional time to think about the current discussion and would let Mr. Blickensderfer know after the next Board meeting scheduled for August 7, 2008.

Old Business – Western ND Cross Street Information Update

Mr. Jeff Ficek of Ron's Rural Backhoe Service which operates in the Dickinson area wished to address the Board on some problems he's had recently with regular locates. Jeff has been in business for about 15 years. Jeff supported one call and thought it made life easier. Jeff feels like all laws when they're new there is a lot of forgiveness all the way around but as things start to harden up a little bit that changes. Jeff was alarmed at the spring excavator's dinner to learn of the legislative work being done to change and increase this law. This was news to Jeff because as a contractor we don't get notification as one horse operators from one call. There is very little literature comes to excavators. Jeff related there have been previous issues he has discussed with Don Nett. There are a lot of excavators who don't call 811 ever and it's because it's a hassle and in some ways exposes them to more liability. Jeff feels if the legislation passes a lot more excavators will stop calling. Jeff wished to illustrate a problem recent with an on farm water line repair, which was called in as a routine locate rather than an emergency locate. Farmer notified Jeff the night before excavation to commence that all utilities were marked except the phone company. The farmer had called the phone company and he was told the line was not theirs. Jeff then hassled through Consolidated, Inc. and

was finally told the line is leased from Qwest and they should locate the line. Jeff then got ELM to locate the line. This type of thing happens to Jeff a lot and this is why a growing number of contractors are not making the required call to the one call center. Dennis Kellar imparted that we can't deal with what happened six months ago but if it happens again we need to know so we can deal with it at the time. Chad Olson offered that's why he's here to deal with those kinds of issues. Jeff is willing to work with Chad but related he called Don a lot and got no response. Jeff also related an incident with Qwest over a missed locate by Qwest where he hit and cut the miss located line and two months later he got a bill for \$40,000. Jeff said he called the center to get the ticket information and was told it wasn't possible to find the ticket without the number. Jeff got the ticket number by other means. Jim Holzer provided his personal phone number and contact info to be used if he ever has this need in the future. Dennis Kellar asked Jeff what he would suggest we do to let everyone else know who the Board members are and how to contact them. Jeff had no suggestion and has only attended two excavator meetings. Ed Williams related how the Board works to advertise the one call system and how to contact them for locates and other issues. Ron Ness thanked Jeff for coming and providing the information on system problems. Mark Dougherty related that the very problem Jeff had with Consolidated is something the Board has no power in the statute to enforce the system functions and that is why the Board is looking at the proposed legislation. Ed Williams offered everyone had trouble with Qwest before one call. Jeff made a good point in that if he makes the call and knows a utility is there but not located he can't dig so who pays him for this lost time? Dennis Kellar asked Jeff if he could make some suggestions of how to improve the excavators meetings to cover these issues better. Jeff begged off that he doesn't have time to attend most years.

Enforcement Bill Draft Review

Ron Ness had the pipeline representatives, PSC and legislative council attorney introduce themselves. The pipeline companies are in attendance at the board meeting to provide their support for the proposed enforcement legislation now in interim study by the Natural Resources interim committee. Ron Ness offered to bring everyone up to date on the bills progress. The Natural Resources committee last meeting provided a draft bill and allowed comment on the bill draft. Sounds like the board would have to become a state agency to levy fines and impose penalties and there seemed to little desire to establish another state agency and they suggested the board take another look at what we are recommending and if we could find an existing agency to take on the enforcement function in the draft bill. Ron felt there is little support on the committee to handle the enforcement of the statute and seemed to be little support in general. Jeff Nelson related that non-profit organizations have never been given enforcement powers as provided in the bill draft and for that reason the legislative council drafted the bill to make the board a state agency with full powers and rule making authority. Jeff concurred that there may be other agencies which could take on the enforcement portion of the bill draft. Ron Ness related that's where we are at and that's why Al Moch of PSC is in attendance. Ron Ness related we can now make a complaint to local state's attorneys for enforcement purposes. Mark Dougherty stated the draft as written is something the excavators and contractors would not be able to support due to the one sided way the enforcement is handled. Dennis Kellar asked Al Moch if the PSC would be willing to fill this need. Al Moch is here to gather what the desires of the Board would be and take that back to the Commissioners for a decision. Discussion was had on how the PSC deals with pipeline violations and Al Moch informed the board they do not deal with violations of the one call law or have any jurisdiction over any entity other than pipeline companies. Dennis Kellar asked Al Moch what happens to the money when the PSC collects a fine from a pipeline operator. Al Moch offered the dollars go into the State's general fund. Dale Robbins offered a motion to move forward with the enforcement legislation by establishing a sub-committee to review the legislative draft and provide suggested changes dealing with the lack of penalty for operators and some issues on agricultural exemptions and have that presented back by June 15 and having the PSC

be the enforcement support for the ND One Call Board of Directors. Jerry Blomeke seconded the motion. Ed Williams suggested we leave our options open rather than just having the PSC be our enforcement support. Dale Robbins offered his motion's intent was to have the sub-committee fix the areas in the legislative draft which are unacceptable to some board members and discuss how or if we could work with the PSC on the enforcement support. Jerry Blomeke asked how we could get an answer from the PSC on whether they would be willing to work with the NDOC Board on the statute enforcement. Al Moch offered we could send a letter stating this is how we hope to redraft the existing bill draft including making the PSC the Boards enforcement agent and if the Commission would support this. This type letter would be enough to get the topic on the Commission's meeting agenda. Jerry Blomeke further stated the Board needs to find out if the Commissioners are willing to involve the PSC in the One Call Board enforcement procedure. Jeff Nelson offered the letter should state generally how the procedure would work (i.e. the PSC receives the complaint, passes it to the board for review and recommendation, etc.) which would help them with their decision on time involved and staff needs. Chair Ron Ness called the motion and asked Dale Robbins to restate the motion. The motion was to move forward with the enforcement legislation by establishing a sub-committee to review the legislative draft and provide suggested changes dealing with the lack of penalty for operators and some issues on agricultural exemptions and have that presented back by June 15 and having the PSC be the enforcement support for the ND One Call Board of Directors. Motion carried with one dissenting vote. Role call vote called: Ed Williams – nay; Dennis Kellar – aye; Brenda Derrig – aye; Dale Robbins – aye; Jerry Blomeke – aye; Ron Ness – aye; Mark Dougherty – aye. Pipeline companies present offered their and their attorney's support for moving forward with this process.

One Call Handbook Changes

Ron Ness will work with Chad Olson on the need for some corrections in the book.

Contract Review & Operations Center Contract Renewal

A short discussion was had on requesting a proposal from OCC on another three-year contract renewal. It was a Board consensus to have Ron send a letter to OCC requesting this three-year contract renewal proposal.

August Board Meeting Change

Due to scheduling conflicts with the NDAREC Board Room on August 7, 2008, the August 7, 2008 NDOC Board Meeting was moved to the AGC office in Bismarck.

Upcoming Meetings

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Location</u>
August 7, 2008	10:00 AM	Regular	AGC - Bismarck
November 13, 2008	10:00 AM	Regular	NDAREC-Mandan
February 12, 2009	10:00 AM	Regular	NDAREC-Mandan

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

Meeting Task Assignments

1. Chair Ness to send a letter to PSC requesting their stand on being involved in One Call law enforcement.
2. Chair Ness to send a letter to Qwest stating the Board did not subscribe for 811 service.

3. Chair Ness to send a letter to Jim Holzer requesting a proposal for a three-year contract extension.
4. Ed Williams to assist Ron in drafting the PSC NDOC enforcement letter.

Submitted by Mark Dougherty, Secretary

Signature: 

Date: 8/7/08

Ron Ness, Chairman

Signature: 

Date: 8-7-2008