



NCUDPRB MINUTES OF MEETING

NC811 NCUDPRB Board Meeting

Tuesday, October 17, 2023 – 10:00am

NC811 Event Center, Greensboro & Virtual via Microsoft Teams

Board Members Present: Ann Rushing, Larry Sanders, Amy Barron, Tony Konsul, Eric Lochner, BJ Lanier (Virtual), Jake Joplin, Marcus Koontz, Dan Robinette, Whit Wheeler (Virtual), Lisa Smith Perry

Board Members Absent: Freddie Young, Keith Holding

Others Present: Alex Ward (Virtual) (board attorney), Katie Hertel (board administrator),

Guests Present: Marc Worth – Dominion Energy (Virtual), Trever Green – Dominion Energy (Virtual), Valerie Cunningham – Lumos Project Contractor, Richard Walsh

Quorum Present? ☒ YES ☐ NO

Meeting called to order by Acting Board Chair at 10:11 am

Jake thanked Jonathon Holt for his leadership over the past years.

Meeting chair took roll call and asked if there were any guests on the call. No guests were noted. Guests arrived after the meeting started.

July 18, 2023 Board Meeting Minutes Approved? ☒ YES ☐ NO

Ann made a motion to approve the July 2023 meeting minutes as written.

The motion was seconded by Whit. None opposed.

Motion carries.

Board Chair Position Vacancy

The governor shall designate one member of the board as chair.

Jake Joplin stated he is interested in the role. Ann made a motion to recommend Jake Joplin be appointed chair. Larry Sanders seconded the motion.

All in favor, none opposed.

Jake called for nominations to be vice-chair, but there was no response. The vice-chair discussion was tabled until the January 2024 meeting.

The Board Administrator will provide the recommendation to the Governor's Office.

Length of Meeting

The board discussed the length of the previous seven meetings and the amount of cases decided at each meeting. The consensus is to leave the current meeting schedule in place.



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2024 Meeting Dates

January 23, 2024

April 23, 2024

July 10, 2024

October 15, 2024

Amy made a motion to approve the dates.

Motion was seconded by Ann. None opposed.

Motion carries.

Finance Report – Provided by Lisa Smith-Perri, Board Treasurer

The financial reports are provided for July and August.

The 2023 budgeted assessment revenue was \$80,000. Technology spending is overbudget because of a large expense at the beginning of the year. The board is currently under 75% of anticipated spending for the year.

There is currently no money included in the budget for travel or expenses for board members. The consensus of the board is that board members' employers should cover travel costs associated with attending UDPRB meetings.

It is recommended to increase the assessment to \$85,000, to be paid by the Top 50 users of NC811 by percentage of use.

Revenue is falling to fund balance, so a potential deficit caused by increased expenses could be paid using previous year's revenue.

Larry made a motion to approve the 2024 budget.

Motion was seconded by Dan. None opposed.

Motion carries.

Communication Chair Update – Provided by Ann Rushing

Ann will connect with Jon Black at Commerce about mobile uploads and picture issues with the UDPRB reporting feature.

The board discussed adding a pop-up to the reporting feature to reiterate that complaints are not anonymous and will be part of a legal proceeding. The pop-up should require acknowledgement on the part of the complainant.

Case File Reviews

Case # 504

Recusals – Dan Robinette

This is a continuation of Case 503.

Motion by Ann violation of (§)87-121-(b)(1) and (§)87-122-(c)(6) recommending PIPES Plus Training with \$1500 fine based on circumstance, history, and number of prior violations.

The board then held discussion on the best person to attend PIPES Plus training.

Ann amended the motion to include PIPES Plus training for Melissa Watters, Charter Communications.

Larry seconded the motion. None opposed.



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Motion carries

Case # 506

Recusals – Dan, Eric and Amy.

Ann motions violations of (§)87-121(a)(1) and (§)87-122(c)(6). Based on circumstances, history and other number of cases, recommendation of \$1,500 fine against Duke Energy.

Motion seconded by Larry. None opposed.

Motion carries.

Case # 507

Recusals – Eric, Amy, Dan

Alex stated that the allegation is Duke did not properly locate the flower bed. It appears Duke locates entry and exit of flower bed, not through the flower bed.

Jake asked if there was a requirement on intervals of marking. It was determined to be 50ft on a 4-inch utility.

Ann motions to dismiss the case for no violation of the Underground Safety Act.

Seconded by Whit Wheeler. None opposed.

Motion carries.

Case # 508

Recusals – Dan

Ann motions violations of (§)87-121(b)(1) and (§)87-122(c)(6) based on circumstances, no history, but other including six tickets, and recommends PIPES Plus training for Thomas Golden with Energy United and a \$500 fine against Energy United for a first offense.

Seconded by Larry Sanders. None opposed.

Motion Carries

Case # 509

Recusals – Dan

Ann motions violations of (§)87-121(b)(1) and (§)87-122(c)(6), no history, but other seven tickets, with PIPES Plus training for Michael Fenwick with Brightspeed and a \$500 fine.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 510

Recusals – Dan

Discussion – Same situation as previous two cases.

Ann motions violations of (§)87-121(b)(1) and (§)87-122(c)(6) with previous history and other, three tickets in this instance, with no PIPES Plus training since it was already recommended on a prior case and a \$2,500 fine to Charter Communications.

Seconded by Larry Sanders. None opposed.

Motion carries



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Case # 511

Recusals – Eric, Amy, Dan Marcus

Discussion – Same situation as previous three cases. Duke did respond to this ticket reporting there is a strain on the system due to the volume of underground projects.

Ann motions to table the case to pull ticket A231663287.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 512

Recusals – None

Discussion – City of Burlington responded to say they used the wrong code on the ticket but did agree on a locate schedule. Ann notes that in the tickets that were pulled, they did not respond. All tickets are showing a 999. Tony says they admit in the letter that they aren't keeping up, with only one locator for the City of Burlington. The city's response did not match up with the tickets.

Ann motions a violation of (§)87-122(c)(6), due to circumstances, number of tickets, no history, PIPES Plus training for Robert Patterson and \$500 fine to the City of Burlington.

Seconded by Tony Konsul. None opposed.

Motion carries.

Case # 513

Recusals – None

Ann motions violation of (§)87-122(a), due to circumstances and gravity being the gas line, recommends PIPES Plus training to Brad Sykes and a \$500 fine to RamJack.

Seconded by Tony. None opposed.

Motion carries.

Case # 514

Recusals – None

Discussion – Alleged violator continued digging after the estimated two weeks' timeframe for the work to be completed. Alex reviewed the statute and provided that is an estimate, not a requirement for when work is to be completed.

Ann moves to dismiss the ticket with no violation as the complainant states there is no NC811 ticket, but there is in fact a valid ticket.

Seconded by Dan. None opposed.

Motion carries.

Case # 515

Recusals – None

Discussion – The board discussed whether the right party was named, ultimately determining they did not think it was named.

Ann motions placing the case on hold and requesting the complainant to name the correct party.

Amy states that previous precedent was to dismiss based on wrong party named.

Ann motions that the case be dismissed due to insufficient information.

This motion was seconded by Larry. None opposed.

Motion carries.



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Case # 517

Recusals – None

Discussion – There were no locates tickets placed for the work to be done. The photos did not show a broken line.

Ann motions (§)87-122(a) no locate ticket and based on circumstances and gravity, recommends PIPES Plus Training for Asher Rosetti and a \$500 fine to Raleigh Oaks Charter School.

Seconded by Tony Konsul. None opposed.

Motion carries.

Case # 518

Recusals – Dan

Ann motions based on (§)87-121(b)(1) and (§)87-122(c)(6), and history from a prior case, recommends \$1,500 fine to Brightspeed.

Seconded by Larry. None opposed.

Motion carries.

Case # 519

Recusals – Dan

Ann motions based on violation of (§)87-122(c)(6), no history with Tidelands EMC and circumstances being only one ticket not responded to in a timely manner, recommends PIPES Plus training for Paul Spruill of Tidelands EMC.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 520

Recusals – Dan

Motion by Ann violation of (§)87-121(a)(1) and (§)87-122(c)(6), recommend a \$2,500 fine to Charter Communications based on history.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 521

Recusals – Larry

Discussion - Alex reviewed the exceptions to the Underground Safety statute and suggested (§)87-124(6) no violation based on the exemption for governmental entities performing routine maintenance.

Ann motions to dismiss the case due to no violation.

Seconded by Dan Robinette. None opposed.

Motion carries.

Case # 522

Recusals – None

Ann motions violation of (§)87-122(a), circumstances and gravity of digging near a gas line, history with two prior cases, recommends a \$2,500 fine to Imperial Electric.

Seconded by Tony. None opposed.



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Motion carries.

Break for lunch at 12:04

Returned from lunch at 12:35

BJ Lanier and Whit Wheeler left the meeting.

Case # 523

Recusals – None

Ann motions violation of (§)87-122(a), recommends PIPES Plus training for Jeff Carpenter and a \$500 fine to Warden Enterprises due to gravity and circumstance.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 525

Recusals – None

Discussion – The board discussed whether the incorrect party is named.

Motion by Ann to table Case #525 and request ticket search for 109 Grady Avenue, Tryon, NC 28782 and Home Visions Design and Construction and Ethan Thompson.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 526

Recusals – None

Discussion – This is the same violator as Case #522, Imperial Electric. The board discussed whether they have the authority to escalate cases to the licensing board. The attorney provided that there is nothing in the statutes that provides for an escalation to the licensing board.

Ann motions violation of (§)87-122(a), with circumstances, gravity, history and other – number of tickets, recommend penalty of \$2,500 to Imperial Electric.

Seconded by Larry. None opposed.

Motion carries.

Case # 527

Recusals – Dan

Ann motions that this case be tabled and additional pictures requested from the complainant.

Seconded by Larry Sanders. None opposed.

Motion carries

Case # 528

Recusals – None

Discussion – Ann states that the alleged violator requested a ticket with the wrong address and when they arrived at the site, they realized they called in the wrong address. They then called in an emergency ticket for the correct address. This does not meet the definition of an emergency locate.

Ann motions (§)87-125(c) based on circumstances with no history, recommends PIPES Plus training for Mike Holland with Lamberts Cable.



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Seconded by Larry Sanders. None opposed.

Motion carries.

Lisa left the meeting.

Case # 529

Recusals –

Discussion – The ticket was called in 8/2/23, and marked 8/7/23.

Ann motions the case be dismissed for lack of evidence.

Dan seconds. None opposed.

Motion carries.

Case # 530

Recusals – Dan

Ann motions violation of (§)87-122(c)(6), no history, recommendation of PIPES Plus Training for Archie Hunt with GreeneHunt Plumbing.

Seconded by Larry Sanders. None opposed.

Motion carries.

Case # 531

Recusals –

Discussion – The board discussed whether grading meets the definition of excavation. Larry stated that the complainant says they were digging. The pictures look like significant movement. Ann reports that it does not appear they had a locate ticket.

Ann motions violation of (§)87-122(a) with circumstances but no history, recommends PIPES Plus training for Robin Freeman with Freeman Landscape.

Amy seconds. None opposed.

Motion carries.

Case # 532

Recusals –

Ann motions violation of (§)87-122(a), due to history and circumstances, \$500 fine to Freeman Landscape.

Seconded by Eric Lochner. None opposed.

Motion carries.

Case # 533

Recusals – Dan

Ann motions violation of (§)87-121(b)(1) and (§)87-122(c)(6) with no history, but circumstances recommendation of PIPES Plus training for Ryan Sherby of BalsamWest FiberNet.

Seconded by Amy. None opposed.

Motion carries.



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Case # 534

Recusals – Dan

Ann motions violation of (§)87-121(b)(1) and (§)87-122(c)(6) based on circumstances with no history, recommendation of Pipes Plus training for George McArthur of Frontier Communications.

Second by Amy. None opposed.

Motion carries.

Case # 535

Recusals – Eric, Dan, Amy, Marcus

Larry motions for this case to be tabled to the next meeting due to lack of quorum.

Ann seconded the motion. None opposed.

Motion carries.

Comments From Guests

Trevor Green thanked the board for their efforts. Trevor notes the volume of submissions to the board will escalate.

Additional Board Discussion

Ann discussed the Locate Resolution Partnership Committee. It is a group of stakeholders that are working to address some of the issues in the system such as overabundance of tickets and no locates. Several of the members provide a list of the damages associated with no locates. Louis writes a letter reminding them they are required to call before they dig and that we provide education through NC-811. This group meets every other month in Greensboro.

No further discussion from the board.

Amy called for a round of applause for Jake for filling in.

Larry motioned to adjourn the meeting.

Seconded by Tony. None opposed.

Motion carries.

Meeting adjourned at 1:53 p.m.

Next meeting: January 23, 2024.