

DRAFT Meeting Minutes
May 10, 2023
OREGON UTILITY NOTIFICATION CENTER
BOARD OF DIRECTORS
Meeting available on Zoom

Board members in attendance as follows: X = present O = absent P = phone/on line participant

X	Kyle Thomas OUCC	P	Micah Brown NULCA	O	Scott Crosby Regulated Telecom <50K Access Lines	P	Andy Crocker Special Districts
X	Nathan Rivera Municipal Electric	O	Jaimie Lemke Natural Gas Distribution	O	Melanie Lewis Regulated Electric	X	Alba Dawn Vogland Counties
	Cities Population <25K	O	Lee Tumminello Cities Population >25K	X	Johnny Sapp ODOT	P	Mitch Burghlea Cable TV
X	Kevin Hennessey OPUC		Telecom Cooperatives	X	Connor Toney Excavators	X	Jessica Epley Telecom >50K Access Lines
X	Paul Schmidt Contractors	X	Brewster Whitmire Electric Cooperatives	X	Dale Bromaghin Interstate Natural Gas Pipeline	P	Megan Moore Public Utility Districts
							Open Railroads

Others in attendance were: Josh Thomas - OUNC Executive Director, Kitty O’Keefe – OUNC Executive Assistant and Outreach Coordinator, Scott Gallegos- OCC, Frank Planton- OCC, Kim Boyd- OCC, Shawna Bergeron- Tapani, Aaron Nakano- Linescape

Introductions: Alba welcomed everyone to the meeting and introductions were completed. Alba served as chair for this meeting due to the absence of the Chair, Vice Chair and Secretary.

Safety Moment – Megan Moore provided the safety moment around heat related illness. She reminded the group about the importance of being sure to hydrate, wear the correct PPE, take time to acclimate and be aware of symptoms.

Observed annual "Safety Break for Oregon" launched by Oregon OSHA in 2003 to raise awareness and promote the value of workplace safety and health.

Adopt Previous Board Meeting Minutes: Jessica Epley moved to accept the April minutes as amended, Paul Schmidt seconded. **vote record 5-10-23-01**

Open Testimony:

OUNC Operations Report: Scott Gallegos

April 2023 Highlights

**Incoming
Tickets**

29,277 Down 9.64% from Apr 2022
Down 8.27% YTD from 2022

**Outgoing
Tickets**

158,007 Down 11.24% from Apr 2022
Down 9.89% YTD from 2022

In/Out Ratio

5.40 5.49 Apr 2022

ITIC Tickets

220,792 **% ITIC**
71.02% of total locates
71.65% in Apr of 2022

Jessica asked what the going % of ITICs across the other states OCC covers. Kim and Scott told the group that the low 70's

Kevin asked about how complaints are received at the call center around ITICs and what they may be. Kevin suggested coming up with some goals. Kevin would like to see how many users have moved from ITIC to phone.

Nate asked if this request was specific to Oregon or if the board should be looking at all of OCC data. The consensus was for Oregon data.

Jessica asked for a list of users that are not using ITIC. Specifically, the top 25 callers.

Kevin will follow up with Scott to get some data together.

OUNC Billing & Aging Report: All Board Members have been emailed copies of the billing reports for the current month.

Treasurer Report: Alba Vogland- Alba and Josh updated the board on the current treasurer's report.

- Outbound revenue is down 9.89% and inbound expenses are down 8.27%
- Call center revenue is up 1.94% contract cost are down 6.58%
- Will need a plan to meet updated/clarified reserve policy amount

Nate Rivera moved to accept the February and March treasurer and financial reports, Jessica Epley seconded. [vote record 5-10-23-02](#)

Board of Directors Officer's Reports:

Chair's Report: Melanie Lewis – Not present

Vice Chair Report: Jaimie Lemke – Not present

Treasurer Report: Alba Vogland – Nothing to report

Secretary Report: Lee Tumminello- Not present

PUC Representative Report: Kevin Hennessey –PUC IT group has been working on finalizing a report to share with the board and should have it available by the end of the day.

OUNC Staff report: Josh Thomas and Kitty O'Keefe

- Josh updated the board on upcoming and ongoing events
 - Accounting and Payroll Services invitation to bid is teed up and ready for the 5 firms that are to be considered.
 - This process is on hold pending advice from the Oregon Department of Administrative Services.
 - Tariff exemptions
 - DOJ affirmed current systems
 - OCC estimates that there would have been \$158,183.55 in revenue in 2022 related to exemptions
 - A concept submission form is being proposed to make available to all to help gather recommendations in a documented form.
- Policy and procedures manual and bylaws have been updated with reserve and term limits
- New 2023 calendar updated

Kyle Thomas moved to create a stand-up Data and Research committee, Jessica Epley seconded. [vote record 5-10-23-03](#)

Alba will table the appointment of a Chair for this committee.

- Josh shared that the board has been named as a third-party defendant involving the DOJ

- Filing for a dismissal
- Johnny asked that this be shared with the Board
- The League of Cities is engaged in a complaint involving the City of Portland and the marking of sewer laterals
 - Josh will attend the meeting next Friday and will report back
 - Jessica asked if the board should be involved in this issue as it involves OUNC rules interpretation
 - Kevin shared that the statute covers liability associated with this issue
 - Discussion followed
 - Kyle asked to note the letter in the standards manual regarding sewer lateral marking instructions found on pages 34 and 35.
- Josh confirmed with OCC that NXT is accurate enough to be used for electronic white lining
- Excavation training will be held after the meeting and tomorrow as well as in Coos Bay
- Mid-Oregon Construction Safety Summit invited the OUNC back in 2024
- Kitty shared some updates on the CGA conference
 - She would highly recommend members that have not attended to try and make it
 - Next year in Colorado Springs
 - Kitty enjoyed all of the sessions
 - Damage Prevention with women break out session stood out as a highlight
 - Kitty thanked OCC for the networking opportunities
- Josh shared some ideas provided by Jason Williams with Northwest Natural Gas
 - Getting 811 signage into portapotties and subdivisions
- Positive response
 - Kitty shared some updates on the positive response campaign that is ongoing with OCC
 - Scott will provide an update on new positive response members at the next meeting

Executive Session: Alba Vogland- The board went into Executive Session, Alba Vogland read the following statement.

To review and evaluate the performance of an officer, employee or staff member if the person does not request an open meeting. This reason for execution session may not be used to do a general evaluation of an agency goal, objective or operation or any directive to personnel concerning those subjects. ORS

192.660(2)(i)

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Committee Reports:

Oregon Administrative Rules (OAR'S) & Tariff: Jessica Epley- Jessica shared that the group met and has the following recommendations.

Jessica made a motion to amend the language in 952-001-0040 to read:

(1) Except as provided in section (2) of this rule, prior to notifying the Oregon Utility Notification Center, an excavator must ~~pre-mark with the color white~~ identify the immediate area of the proposed excavation within both the public rights-of-way and underground easements. ~~This may be accomplished by pre-marking with the color white marking as defined at OAR 952-001-0010 (12), electronic white marking or providing a site plan.~~

(2) An excavator need not pre-mark as required in section (1) of this rule if:

(a) ~~The operator can determine precisely the direction, length and location of the proposed excavation by referring to a locate ticket; or~~

~~(b) Before the beginning of the proposed project, the excavator and the operator met at the construction site to exchange the information required under section (1) of this rule~~

Paul Schmidt seconded **vote record 5-10-23-04** Kevin Hennessy and Kyle Thomas opposed. Nate abstained.

Kevin Hennessy wanted it noted that he was asked to present language that was not accepted nor were any questions given back to him.

Kevin Hennessy expressed concerned about not involving the DOJ in these discussions.

Kyle Thomas expressed concern around following public meeting requirements to get public feedback.

Jessica Epley made a motion to amend the language in 952-001-0080 (1) to read:

(1) Within 10 business days after a designer notifies the Oregon Utility Notification Center of a proposed project, the operator of the underground facilities must:

a. Mark within 24 inches of the outside lateral dimensions of both sides of all of its **locateable** underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches; **or**

b. Provide the excavator the best description available to the operator of the **unlocateable** underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; or

c. Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under subsection (a) or subsection (b) of this section of this rule.

Paul Schmidt seconded [vote record 5-10-23-05](#) Kevin Hennessy and Kyle Thomas opposed. Nate Rivera abstained.

Kevin Hennessy expressed concerned about not involving the DOJ in these discussions.

Kyle Thomas expressed concern around following public meeting requirements to get public feedback.

Jessica Epley made a motion to amend the language in definition 952-001-0010 (23) "Ticket Life" to read:
"Ticket life" means the **30** calendar day period after an excavator provides notice to the Oregon Utility Notification Center under OAR 952-001-0050(1) and the Center opens a ticket for a locate request based on this notice.

Dale Bromaghin seconded [vote record 5-10-23-06](#) Kyle Thomas, Johnny Sapp, Megan Moore and Kevin Hennessy opposed.

Kevin Hennessy expressed concerned about not involving the DOJ in these discussions.

Kyle Thomas expressed concern around following public meeting requirements to get public feedback.

Jessica Epley made a motion to amend the language in definition 952-001-0010 (13) "Non invasive methods" to read:

(13) "Non invasive methods" means using a practice to expose an underground facility that does not damage any part of the facility; **including the use of hand digging, air cutting, vacuum excavation or hydro vacuum excavation.**

Micah Brown seconded [vote record 5-10-23-07](#) Kevin Hennessy, Paul Schmidt, Nate Rivera, Kyle Thomas, Johnny Sapp, Connor Toney and Mitch Burghlea opposed *Motion failed

Kevin Hennessy expressed concerned about not involving the DOJ in these discussions.

Kyle Thomas expressed concern around following public meeting requirements to get public feedback.

Paul made a motion to reconsider the vote on the motion relating to Definition 952-001-0010 (13) in the standards manual, which he had previously voted against. Jessica Epley seconded. [vote record 5-10-23-09](#) Nate Rivera, Kevin Hennessy, Kyle Thomas and Johnny Sapp abstained.

Jessica Epley made a motion to amend the language in definition 952-001-0010 (13) "Non invasive methods" to read:

(13) "Non invasive methods" means using a practice to expose an underground facility that does not damage any part of the facility; **including the use of hand digging, air cutting, vacuum excavation or hydro vacuum excavation.**

Brewster Whitmore seconded [vote record 5-10-23-10](#) Kevin Hennessy, Nate Rivera, Kyle Thomas and Johnny Sapp opposed

Kevin expressed concerned about not involving the DOJ in these discussions.

Kyle Thomas expressed concern around following public meeting requirements to get public feedback.

Kyle Thomas asked that a link to a public records and meetings manual from the Oregon Department of Justice be shared with the board (<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/ii-public-meetings/>). Josh Thomas also referenced ORS 192.640(1) (https://oregon.public.law/statutes/ors_192.640).

Publicity Committee: Scott Crosby –

Josh shared updates on publicity activity

- Positive response
- Royle and Alpha media
- Lars Larson interview with Josh

Budget Audit and Tariff Committee: Alba Vogland-

Nothing to report

Training and Education Committee: Mitch Burghlea – Kitty shared some updates of ongoing events to include locator and excavator training.

Policy and Procedures Committee: Jessica Epley – Jessica shared with the board that there is a discrepancy in the bylaws saying that it is stated that 7 makes a quorum, which is raising a concern.

Discussion followed

Kyle Thomas moved to refer the issue of quorum and majority in policy and procedure and by laws to committee for alignment and clarity. Johnny Sapp seconded. [vote record 5-10-23-08](#) Nate Rivera opposed. Kevin Hennessy abstained

Josh will address this issue with DOJ.

Nate raised the question of how Josh will be directed. Nate will submit a formal request for consideration on the matter.

Notification Boundaries Committee: Kevin Hennessy- Nothing to report as of yet. Kevin asked the board if they have any leads or direction recommendations to please send them to Josh, Kitty or Kevin.

Oregon Utilities Coordinating Council (OUCC) Report: Kyle Thomas- Kyle noted that the next meeting will be in June in Coos Bay.

Scott formally thanked Kyle for his service

Scott shared that the council is currently collecting information from each local council on their expenses and events.

National Industry News: NULCA, CGA, Open Discussion:

Scott reminded the group of the OCC Users group that will take place September 26-28 in Albuquerque NM.

Old business:

Strategic plan feedback

- Will be available at next meeting
-

New Business:

Alba appointed Josh interim chair of the new Data and Research committee

Josh acknowledged Kyle Thomas's service with the OUCC and the OUNC.

Alba also acknowledged Sean Tarter's service on the board.

Good of the Order:

Paul Schmidt made a motion to adjourn the meeting. Jessica Epley seconded the motion. **vote record 5-10-23-11**

Meeting Adjourned.

**Voting Record
Motion 5-10-23-01**

Y	Kyle Thomas OUCC	NP	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	NP	Andy Crocker Special Districts
Y	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	NP	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary- Yes = 11 No = 0 Not Present = 7 Abstained= 0

**Voting Record
Motion 5-10-23-02**

Y	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	NP	Andy Crocker Special Districts
Y	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
Y	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 13 No = 0 Not Present = 5 Abstained= 0

**Voting Record
Motion 5-10-23-03**

Y	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	NP	Andy Crocker Special Districts
Y	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlelea Cable TV
Y	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 13 No = 0 Not Present = 5 Abstained= 0

**Voting Record
Motion 5-10-23-04**

N	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
A	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlelea Cable TV
N	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 11 No = 2 Not Present = 4 Abstained= 1

**Voting Record
Motion 5-10-23-05**

N	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
A	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
N	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 11 No = 2 Not Present = 4 Abstained= 1

**Voting Record
Motion 5-10-23-06**

N	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
Y	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	N	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
N	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 10 No = 4 Not Present = 4 Abstained= 0

**Voting Record
Motion 5-10-23-07**

N	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
N	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	N	Johnny Sapp ODOT	N	Mitch Burghlea Cable TV
N	Kevin Hennessy OPUC		Telecom Cooperatives	N	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
N	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 7 No = 7 Not Present = 4 Abstained= 0

**Voting Record
Motion 5-10-23-08**

Y	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
N	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
A	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 12 No = 1 Not Present = 4 Abstained= 1

**Voting Record
Motion 5-10-23-09**

A	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
A	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	A	Johnny Sapp ODOT	Y	Mitch Burghlea Cable TV
A	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 10 No = 0 Not Present = 4 Abstained= 4

**Voting Record
Motion 5-10-23-10**

N	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
N	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	N	Johnny Sapp ODOT	NP	Mitch Burghlea Cable TV
N	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 9 No = 4 Not Present = 5 Abstained= 0

Voting Record
Motion 5-10-23-11

Y	Kyle Thomas OUCC	Y	Micah Brown NULCA	NP	Scott Crosby Regulated Telecom <50K Access Lines	Y	Andy Crocker Special Districts
Y	Nathan Rivera Municipal Electric	NP	Jaimie Lemke Natural Gas Distribution	NP	Melanie Lewis Regulated Electric	Y	Alba Dawn Vogland Counties
	Cities Population <25K	NP	Lee Tumminello Cities Population >25K	Y	Johnny Sapp ODOT	NP	Mitch Burghlea Cable TV
Y	Kevin Hennessy OPUC		Telecom Cooperatives	Y	Connor Toney Excavators	Y	Jessica Epley Telecom >50K Access Lines
Y	Paul Schmidt Contractors	Y	Brewster Whitmire Electric Cooperatives	Y	Dale Bromaghin Interstate Natural Gas Pipeline	Y	Megan Moore Public Utility Districts
							Open Railroads

Summary Yes = 13 No = 0 Not Present = 5 Abstained= 0