



MEMBERS MANUAL

New Mexico 811

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1. INTRODUCTION

Since 1990, New Mexico utility companies have joined together to operate a service known as New Mexico One Call, Inc. dba New Mexico 811 (NM811) for the purpose of providing a mechanism where construction contractors and other persons can determine the location of underground facilities prior to engaging in excavating operations. NM811 is intended to help prevent damage to underground facilities resulting from such operations, and to prevent injuries to persons and property damage or that may lead to interruptions in utility service. NM811 is also the designated three digit “811” one call center for New Mexico.

NM811 is structured as a 501-C4 nonprofit corporation, the regular members of which are the participating entities that own, operate or maintain underground facilities. New Mexico Law, Chapter 62, Article 14 NMSA 1978 requires all underground facility owners and certain pipeline owners and operators to belong to the One Call Center and also requires all excavators to notify the One Call Center of their intended excavation activities.

This manual sets forth the general operational procedures for NM811 and its members. The manual is subject to revision from time to time by the board of directors. All board approved changes will be posted on the NM811 web site www.nm811.org and will list the latest revisions. Significant changes to content or changes in rates will be communicated to the members in advance, at least 30 days prior to any proposed board actions.

2. NM811’S MAJOR FUNCTIONS

2.1 Locate Requests

NM811 receives notifications from the public, contractors, utilities, and other parties of proposed excavation activity. These parties are required by state law to contact the One Call Center at least 48 hours in advance of all planned excavation. The notifications received for these purposes are referred to as locate requests.

2.2 Notify Facility Owners

NM811 transmits, via a communications network, information pertinent to the excavation location and the nature of the excavation to all NM811 members who may have underground facilities at or near the excavation location.

2.3 Damage Reporting

NM811 receives notifications of damages, which must be reported by law to NM811, and to notify the affected facility owners and the State of New Mexico Public Regulation Commission Pipeline Safety Bureau.

2.4 Positive Response

NM811 provides a Positive Response Registration System as required by state law for underground facility owner/operators to document the status of locate requests and for excavators to inquire about the status of a locate request.

2.5 Promotion

NM811 promotes membership to all underground facility owners/operators.

2.6 Awareness

NM811 promotes awareness of safe excavation practices to the general public.

2.7 Education

NM811 provides education for excavators, facility owner/operators and the general public on how to use the one-call process in compliance with state law and industry best practices.

3. OBJECTIVES

3.1 NM811's objectives are to:

- A. Promote public safety.
- B. Eliminate costly damages.
- C. Reduce lost production time caused by damages.
- D. Promote utility coordination.
- E. Promote compliance with existing state and federal regulations:
- F. Help protect the environment.
- G. Promote use of 811 by excavators.
- H. Promote membership in NM811.
- I. Provide a cost effective notification system to members.

4. MEMBERSHIP

4.1 Member Classifications

Participation in NM811 may be in one of the following classifications:

- A. Pipeline – Any member who owns or operates facilities in New Mexico consisting of a Gas Transmission, Liquids pipelines, or products or by-products pipelines, gathering systems, or producers.
- B. Electric – Any member who owns or operates underground electric distribution and transmission utility facilities within New Mexico.
- C. Government – Any member of a political subdivision or authority of government or quasi government agency or group including Villages, Towns, Cities, Counties, School Districts, Institutions of Higher Education, Parks, Authorities, or other government owned and/or operated underground facilities within New Mexico that are for the public use or good.
- D. Communications – Any member who owns or operates underground telephone, fiber, cable television, or other communication signal or alarm facilities within New Mexico.
- E. Water and Wastewater – Any member who owns or operates as a business a water system or wastewater system or is non-profit mutual domestic water or waste-water system, a homeowner association, or other group providing water or waste-water services in New Mexico.
- F. Gas Distribution – Any member who owns or operates a gas distribution system providing gas services to the general public in New Mexico.

- G. Associate – Any individual, group, or business entity, including contractors, suppliers, or designated honorary members; who does not own or operate any underground plant in New Mexico, but desires to promote safe excavation and damage prevention by providing services and support to New Mexico One Call, Inc. (dba New Mexico 811).
- H. Members may only reside in one classification. When members have more than one underground facility they must choose which classification to belong to. Usually, the member chooses the classification with the most underground facilities. If a member wishes to be represented in more than one classification, it must elect to have another membership under the other desired classification.

4.2 Membership Agreements

- A. Upon execution of the appropriate membership agreement, all members of NM811 shall be governed by the Bylaws of the Corporation. Membership activation is contingent upon the submission and acceptance by NM811 of all registration and database information requirements
- B. The Membership Agreement states those terms and conditions under which members may be accepted and permitted to participate in NM811 as a member.

4.3 Membership Dues

Each member will be assessed membership dues, in accordance with the allocation method adopted by the Board of Directors. Members will be notified at least thirty (30) days prior to any changes in their allocation if the budget on which the allocation is based is greater than 3.5% over the previous year's budget. An overview of the current allocation methodology is attached as Appendix A.

4.4 Membership Types

The following Membership Type definitions are used to help describe the various member entities:

- A. Regular – Member type includes all underground facility owners, but not limited to large & small systems, non-profits, government systems, businesses & corporations, homeowner associations, pipelines, gathering systems and producers
- B. Associate – Member type includes any individual, group, or business entity, including contractors, suppliers, professional groups, or designated honorary members who do not own or operate underground facilities.
- C. Privately Owned – Member type is used to identify farm, ranch, or privately owned systems utilizing services that are not for resale or profit and are used strictly within the ranch or farm or privately owned operation.
- D. Non-jurisdictional - Member type identifies larger facilities owned by developers, including strip centers, apartment complexes, and other master metered utilities, whose complex is served by the utility but owned and operated by the owner. Typically the rent or lease within the complex includes the utility service or it is sub-metered for allocation purposes. This also includes military reservations, Native American Indian reservations and state

and national parks.

- E. Voluntary Non-jurisdictional Registry – Non-jurisdictional members who voluntarily register their facilities with NM811 in order to receive email notifications only. This only applies to entities that are exempt from state administration of the excavation law.

5. CENTER OPERATIONS

5.1 Executive Director

The Executive Director is responsible for overseeing the daily operations of NM811.

5.2 Board of Directors

The Board of Directors will meet periodically as determined by the board and, when necessary, will review and revise the operations of NM811 to ensure it continues to provide the most efficient service to all of its members.

5.3 Geographical Boundary

NM811 will accept notifications of excavation activities only when they are within the geographical boundaries of the State of New Mexico.

5.4 Employees

NM811 shall provide the personnel necessary to carry out its business and shall employ the appropriate management and staff to conduct the operations of NM811 in an effective manner to ensure the integrity of the service offered to all of the NM811 members.

5.5 Duties and Responsibilities

The duties and responsibilities of the personnel of NM811 are designated and outlined in the approved job descriptions for those positions operating within NM811. The duties and responsibilities of these positions are subject to change pending any changes in the temporary or permanent operational needs of NM811.

5.6 Hours

NM811 Operations Center is open to receive locate requests during the following business hours - 7:00 A.M. to 5:00 P.M. (Mountain Time Zone) Monday through Friday. The Center will also accept facsimiles and web requests 24 hours per day, 7 days a week, but will process such requests as defined in state regulations.

5.7 Holidays

NM811 will observe the following state holidays:

- New Year's Day
- Martin Luther King's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- US Presidents Day (observed the Friday following Thanksgiving Day)
- Winter Holiday (observed Christmas Eve and Christmas Day)

If any of these holidays occur on a Saturday, it will normally be observed on the preceding Friday and if any of these holidays occur on a Sunday, it will normally be observed on the following Monday.

5.8 Afterhours (24/7) Emergency Service

NM811 offers limited 24X7 services for emergency locate requests. All other locate requests will continue to be submitted as they currently are; by phone during normal business hours, or faxed or web entered anytime. When a request is made to the one call center, the one call operator will send out an emergency locate ticket to the member's terminal. This ticket will document the emergency notification.

The member companies are required to respond to the emergency and either mark the lines or clear the ticket. Members who have 24 hour personnel and receive the tickets in the same location where these personnel are working will be able to immediately respond.

Members who do not have personnel working afterhours where the ticket is received may make their own arrangements for proper response to emergencies or may elect to use NM811's 24x7 Afterhours Emergency Phone Up Service (AEP) by completing a service agreement form (Appendix "B"). NM811 will not provide the AEP service during normal business hours, and members will still be notified of an emergency via an emergency ticket sent to the terminal.

Those members employing the AEP service, in addition to the ticket sent to the terminal, will also be notified by telephone and will be advised of the tickets details. The one call operator will make up to four phone attempts to reach the designated afterhours emergency contact in a two hour period. If the operator is not able to reach the contact using the phone number provided, then the one call operator will document the record as "no answer". Failure of a facility owner to answer the emergency phone call or to respond to an emergency in progress could be considered a violation of the excavation law.

It is NM811's policy that every member must designate and return the 24x7

Afterhours Emergency Phone Up Service Agreement form (Appendix "E") indicating the member's desire to participate in or to decline the 24x7 afterhours emergency phone up service. Excavators using the after hour's emergency service are deemed to have made a reasonable effort to contact the facility owners when they call NM811 for after hour emergencies.

5.9 Afterhours (24/7) Damage Reporting

As a part of NM811's limited 24X7 services, operators will accept reports of damages and will send a copy of the damage report to the affected members using the context they have designated for afterhours emergencies.

6 DATABASE PROCEDURES

6.1 Notification Area

Each member company shall be responsible for providing the location of all underground facilities within the State requiring notifications from NM811. Member companies are also responsible for notifying NM811 in writing of any changes in its coverage area within thirty (30) days of the installation of new facilities affecting their service area and database information. Each member agrees to review and verify notification information at least once a year, or as often as their coverage area changes.

6.2 New Members

New members are required to provide the following:

- (A) Company Representative and contact information.
- (B) For each terminal, the contact person and related information and terminal type.
- (C) After hour emergency contact information by terminal.
- (D) Business office billing contact and required information.
- (E) Map data of their underground facilities or TRSQ grid database information for their service area.
- (F) A signed 24x7 Afterhours Emergency Phone-Up Service Agreement (Appendix "E") indicating the members desire to participate in or decline the service, and the members afterhours emergency contact information.

A member is not considered active and will not receive notifications until their database information has been provided, accepted and entered into NM811's computer system database. Official activation and billing begin once a new member has received a "test" notification and confirms receipt of the ticket.

Test notifications will be sent to each designated company terminal contact and it is the member's responsibility to review and ensure that the database confirmation accurately represents the information provided to NM811. Damages or liabilities resulting from errors or omissions in the database information provided are the sole responsibility of the member until the member has provided NM811 confirmation the database information as entered is accurate and correct.

6.3 Database Updates

Once the initial member database information is input, NM811 will make changes to it on an as requested basis by the member.

7 COMMUNICATIONS

7.1 Locate Requests

NM811 will provide adequate incoming telephone lines as the volume of calls dictate. NM811 also provides "facsimile" and "web-based" accessibility for locate requests twenty-four hours per day, seven days per week. For the purposes of determining the legal excavation start time, "facsimile" and "web-based" locate requests entered after 4pm weekdays and after normal business hours will be processed within three hours of the next business day's opening at 7:00am.

7.2 Voice Recordings

NM811, as required by law, records all daily incoming I Call Center requests to locate underground facilities. These records shall be kept in retention for a period of five (5) years. Should a notification become involved in litigation, a recording of that notification shall, upon request, be made available to the NM811 member for legal purposes. A nominal charge may apply for cost associated with the retrieval of any copies of written or voice records from our archived records.

7.3 Member Notification

NM811 shall maintain sufficient Call Center capacity and internet bandwidth to ensure the expedient and efficient transmittal of notifications, requests or messages to all its members.

Members are responsible for maintaining a communications receiving device capable of receiving NM811 transmission. All members are required to use e-mail, if available, as their primary means of receiving notifications which helps to reduce per ticket costs to all members.

Members are required to notify NM811 of any additions, relocations or disconnections of terminal units prior to such action to ensure that our database information is properly updated.

Members are required to furnish NM811 with the appropriate contact information for member personnel (i.e., email, phone, etc.) responsible for verification of location requests and emergency and/or after-hours notifications.

Members are responsible for ensuring that all receiving equipment is operating properly adequately maintained. NM811 will, however, promptly notify the designated member's contact personnel at each terminal receiving location if it is determined that their receiving equipment is not functioning properly. NM811 will also assist members by providing test messages if required, to any terminal receiving location upon their request.

7.4 Good Night Reports

Each NM811 member shall be furnished a "good night" report each morning. The member will receive a "good night report" for each terminal subscription which provides a list of previous-day notifications for each specific terminal. Terminal Members are responsible for reviewing the report and notifying NM811 immediately of any missing or inaccurate transmission data to be corrected and retransmitted.

7.5 Option Limiting Good Night Reports

Good Night Reports provide Members an audit trail of the previous days transmission activity, however, members may request an option to disable good night reports and cease daily notifications.

7.6 Positive Response Registration System

NM811 shall maintain a "Positive Response Registration System", as required by State law, whereby all NM811 members shall document the status of every locate notification received. There is no charge for registering positive responses in the system.

8 UNDERGROUND LOCATE REQUESTS

8.1 The Locate Ticket

PRC rules and regulations requires that everyone making a locate request must provide the following 9 items of information as prescribed by law so as to permit the locator to specifically identify the proposed area of excavation and work area requirements:

1. Name & Contact information of excavator – “boots on the ground”
2. Alternate name & contact information
3. Description and purpose of type of work to be done.
4. The name of whom the work is being done for
5. Pre-marked in white?
6. Accurate physical description of the location and size of excavation site
7. Driving directions especially in a rural area
8. Spotting instructions
9. Access issues or Hazards

For each locate ticket NM811 is required to provide the requestor with a unique ticket number and the date of the ticket start and expiration and a list of all the utility companies that will receive the ticket. Excavators are required to have their ticket number with them on site in the event it is requested by the New Mexico Pipeline Safety Bureau representative. It is the excavator’s responsibility to provide and verify the ticket information is correct, either on the call, or via the web ticket response.

The following is a list of locate tickets most commonly utilized in the One Call Center ticketing process:

Requested by Excavator/UFO

- Standard 10 day
- Road Maintenance
- Relocate
- Wide Area
- Reaffirms
- Damage Report
- Emergency

Requested by Person Preparing Plans

- Design Conference or Locate
- Bid Conference or Locate

Reserved for NM811

- Warnings
- Priorities

8.2 Members Notified

The NM811 operators will inform the caller of NM811 members that

are being notified.

8.3 Member Response

The receiving location(s) of each member is responsible for promptly responding to all notifications that they receive. Each member that is notified of planned excavation activities shall mark those facilities that may be in the proposed area of excavation and shall respond, via the "Positive Response Registration System," the status of each locate request as provided by law.

9 BILLING AND EXPENSE RECORDS

9.1 Member Billing

NM811 will bill its members, in accordance with the allocation method established by the Board of Directors, as follows:

- (A) An invoice and statement will be sent 30 days in advance to each member according to their billing cycle (monthly, quarterly or annually) and using the delivery method that they have chosen (mail, email or FAX).
- (B) The statement shall indicate the current billing amount and any previous outstanding balances, late fees and credit amounts applied.
- (C) Payments are due and payable within 30 days of date of invoice. Checks should be made payable to NM811 or New Mexico One Call, Inc. Payments by credit card may be made on our website. Direct deposit payments through ACH clearing are also available by providing the necessary documentation to NM811.
- (D) The member's account will be credited when payment is received and processed.
- (E) Payments not received by NM811 within 60 days will be considered delinquent and subject to the following late payment fees:

0 - 60 days	Current
Over 61 days	\$9 late fee or 1½% of unpaid balance per month, whichever is greater
- (F) Members within 180 days will receive a warning letter stating that the Public Regulation Commission Pipeline Safety Bureau has been notified of their delinquent status and will be referred to a collection agency.
- (G) Any member, who fails to pay their account in full and reinstate their membership status within 30 days of the warning letter, will be referred to the Board of Directors for termination of membership at the next Board of Directors meeting. A letter will be sent to the member detailing the termination reason and the date of removal. Late fees will continue to accrue until the account is paid in full.

Removal of any member terminates all membership rights and privileges accompanying said membership immediately upon removal. In the event of such removal, the member shall none the less remain obligated for all assessments, fees, dues, and other charges payable for any preceding years and the year of removal. A copy of the removal notice shall be sent to the Public Regulation Commission Pipeline Safety Bureau.

9.2 Bills and Billing disputes

Bills are based upon the factors included in the approved membership dues schedule. The quantity of tickets is based on the “total transmissions notifications” sent to the member by NM811 which is determined by the number of subscriptions (fax, email, FTP, or phone ups) the member has requested for each terminal. The goodnight report shows all transmissions (notifications or tickets) members will be billed for including those with multiple subscriptions. Each transmission (ticket) sent via a subscription will be billed except for goodnight reports, free forms, cancelations, and resends. It is the member’s responsibility to provide a primary and backup subscription method for each terminal. Multiple subscriptions for the same ticket number are permitted, but *will* be billed for.

Any member wishing to dispute their bill should immediately contact NM811 and provide the nature of the dispute. No actions regarding a billing dispute will be permitted for a period going back more than a six month period.

APPENDIX A
MEMBERSHIP DUES AND FEES



MEMBERSHIP DUES AND FEES SCHEDULE

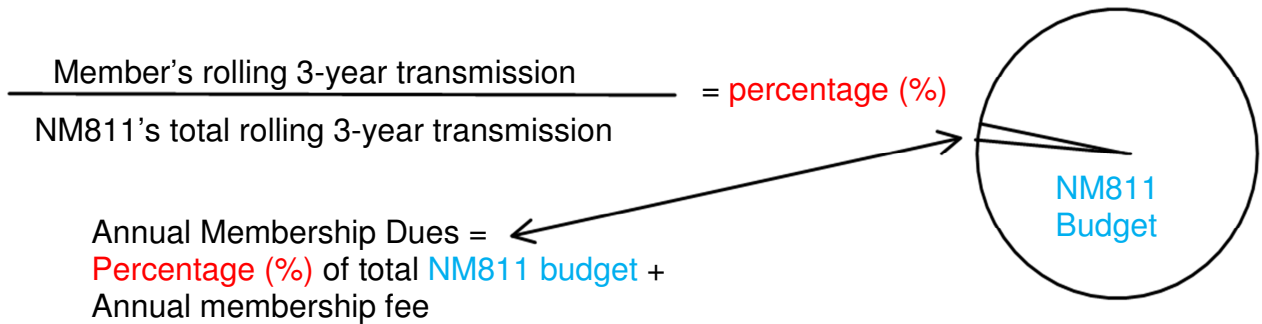
The following is a description of the dues and fees and algorithms approved by the Board of Directors of New Mexico One Call, Inc. dba New Mexico 811

	TYPE	RATE	ANNUALMEMBER FEE	TRANSMISSION CHARGE*
MEMBERSHIP	Regular (includes large & small systems, non-profits, government systems, businesses & corporations, homeowner associations, pipelines, gathering systems and producers)	REG	\$90	Regular Allocation Members Calculation based on pro-rata percentage (%) of annual budget Or Non-Allocation Member fee of \$2.40 per transmission pending initial 3-year average.
	Privately Owned	PRIV	\$74	No Charge
	Non-jurisdictional	NON	\$150	No Charge

	TYPE	Yearly Fee	Includes	Additional Persons
ASSOCIATE MEMBERSHIP	Individuals	\$150	n/a	n/a
	Associations Groups	\$350	Three persons	\$125 per added person/year
	Contractor And Excavator Companies	\$225	One person	\$125 per added person/year
	Vendors	\$300	One person	\$125 per added person/year

REGULAR MEMBERSHIP DUES

Allocation Calculation: For Members with 3 or more years of transmission history



Less than 3 years of Transmission History

Annual Membership Dues = \$Member fee + transmission fee * # of transmissions

Note: TRANSMISSION CHARGE” means every notification sent by NM811 (excluding free-forms, cancellations, corrections, resends & goodnights) including multiple subscriptions (i.e. email, phone, FTP, or fax) for the same transmission (ticket) number.

Billing

Any member whose dues are **under \$200 a year will be required to pay their membership dues annually**. In special hardship cases, arrangements can be made for payments.

Any member whose dues are **\$200 a year or more will have the option of paying their membership dues annually, quarterly, or monthly**.

You can choose from the following options to receive your bill:

- Bill sent via email at no charge
- Bill sent via fax for an annual charge of \$35
- Bill sent via USPS for an annual charge of \$25

There will also be charges for the following:

- Annual Charge of \$25 per Terminal where the primary transmission method is via fax; (back-up transmissions – no additional charge for fax)
- Annual Charge of \$35 to manually calculate a bill

Terms

Terms of payment are NET 30 days. Late fees will be charged according to our policy as stated in the Members Manual. A copy of the manual is available on our web site at www.nm811.org or by calling 505-254-7300.

New Applicants

Do not send payment with your membership application. NM811 will bill new members on a quarterly basis.

APPENDIX B
AFTERHOURS EMERGENCY
PHONE-UP SERVICE AGREEMENT



REGULAR MEMBERSHIP AGREEMENT
AFTERHOURS EMERGENCY PHONE-UP SERVICE AGREEMENT

(Attach one page for each terminal)

*****Pick one (1) option only & fill it out:**

LEGAL NAME OF COMPANY: _____

AFTERHOUR'S EMERGENCY CONTACT NAME: _____

AFTERHOUR'S EMERGENCY PHONE-UP NUMBER: _____

Option 1: ACCEPT 24 X 7 AFTERHOURS PHONE UP SERVICE

I, _____, hereby authorize NM811 to notify the above named contact person by telephone anytime during holidays or weekends of all after hour emergency notifications. I further acknowledge and agree that NM811 will make up to four (4) phone-up attempts at 15-30 minute intervals, in a two (2) hour period during an after hour emergency and a written copy of the notification will be sent to my normal business hours terminal for documentation purposes. I also agree that the failure of the above named contact person to answer or respond to the phone up notification will be deemed to be a non-response by the member company noted above. The member company also agrees to hold NM811, its officers, agents and contractors harmless from and indemnify NM811 for any cost, loss, or expense which NM811 incurs because of the member company's negligence. This indemnification provision applies to reasonable attorney fees and costs incurred by NM811 to defend against any claim which results from the member company's negligence.

Member Company Authorized Signature:

Signed by _____ Date: _____

OR

Option 2: DECLINE 24 X 7 AFTERHOURS PHONE UP SERVICE

The member company noted above hereby declines the 24 X 7 afterhours emergency phone-up service offered by NM811. The member company is able to respond to afterhours notification to the above named terminal in an appropriate manner. The member company also agrees to hold NM811, its officers, agents and contractors harmless from and indemnify NM811 for any cost, loss, or expense which NM811 incurs because of the member company's negligence in responding to notifications. This indemnification provision applies to reasonable attorney fees and costs incurred by NM811 to defend against any claim which results from the member company's negligence.

Member Company Authorized Signature:

Signed by _____ Date: _____