

**MEMORANDUM OF UNDERSTANDING BETWEEN
PALMETTO UTILITY PROTECTION SERVICES, INC.,
DOING BUSINESS AS SC811811, AND
THE SOUTH CAROLINA OFFICE OF THE ATTORNEY GENERAL**

This Memorandum of Understanding ("MOU") is entered into this ____ day of ____, 2017 between the South Carolina Office of the Attorney General ("SCAG") and the Palmetto Utility Protection Service, Inc. d/b/a SC811 ("SC811").

WHEREAS, under the South Carolina Underground Facility Damage Prevention Act (Act 48 of 2011, codified at S.C. Code Ann. §§58-36-10 et seq.) (the "Act") the SCAG has the authority to assess penalties for violations of the Act (see S.C. Code Ann. §58-36-120); and

WHEREAS, SC811 is a non-profit organization formed by Operators as required by S.C. Code §58-36-50(A) to receive notifications regarding planned excavation activities in South Carolina and to then transmit information about those notifications to potentially affected facility owners; and

WHEREAS, because of its statutory role in the protection of underground facilities, SC811 is well positioned to provide information and other assistance to the SCAG to enable the SCAG to enforce the requirements of the Act; and

WHEREAS, SC811 and the SCAG have been working cooperatively on an informal basis to promote the enforcement of the Act but now wish to reduce to writing the procedures by which SC 811 will provide assistance to the SCAG regarding matters relating to the Act; and

NOW THEREFORE, the SCAG and SC811 agree to the following:

1. SC811 will maintain, in a prominent location on its website, a form by which potential violations of the Act can be reported to the SCAG. The form will be accompanied by instructions that will enable it to be filled out accurately. The form and the instructions are subject to the approval of the SCAG and shall be modified by SC811 at the request of the SCAG.
2. SC811 will provide reports to the SCAG on a quarterly basis relating to information collected by SC 811 on damage to underground utility facilities. SC811 will cooperate with the SCAG in providing the information in a form that is useful to the SCAG and will make reasonable efforts to produce reports at the request of the SCAG.
3. SC811 will make efforts to publicize the role of the SCAG regarding the enforcement of the Act, including efforts to ensure that its members are aware of the role of the SCAG. SC 811 will make efforts to ensure that its members regularly report damage claims to SC811 and that significant or repeated violations of the Act are reported by SC811 members to the SCAG.

4. SC811 will provide assistance to the SCAG regarding any violations of the Act that the SCAG decides to prosecute. Such assistance will include both providing information in the possession of SC811 that relates to the prosecution, and encouraging SC811 members to provide information that relates to the prosecution.

5. SC811 maintains training materials and courses designed to promote compliance with the Act. The training materials and courses may be useful to the SCAG in providing alternatives to the prosecution of violations of the Act at the discretion of the SCAG. SC811 will provide the SCAG with information regarding its training resources and will cooperate with the SCAG in making such resources available for use by the SCAG.

6. Nothing in this MOU is intended to restrict or infringe in any way on the discretion of the SCAG in determining how and whether it will prosecute potential violations of the Act.

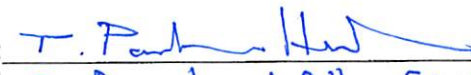
7. Either party may cancel this agreement upon thirty days written notice.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding effective Feb. 3, 2017.

**PALMETTO UTILITY PROTECTION
SERVICE, INC. D/B/A SC811**

**SOUTH CAROLINA OFFICE OF
ATTORNEY GENERAL**

By: 
Title: Executive Director SC811

By: 
Title: Sr. Assis. Law + Atty General