

**AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN  
PALMETTO UTILITY PROTECTION SERVICES, INC.,  
DOING BUSINESS AS SC811, AND  
THE OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL**

This Amended Memorandum of Understanding (“MOU”) is entered into this 22 day of May, 2023, 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 Act (Act 48 of 2011, codified at S.C. Code Ann. §§58-36-10 et seq.) (“the Act”) the SCAG has the responsibility for enforcing the requirements of the Act (see S.C. Code Ann. §58-36-120); and

WHEREAS, Operators, as defined in S.C. Code §58-36-20(17), formed SC811, a non-profit organization, pursuant to 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 entered into a Memorandum of Understanding in 2016 that memorialized SC811’s providing assistance to the SCAG for the protection of underground utility facilities, and the SCAG and SC811 now wish to amend that agreement to provide additional provisions regarding their relationship; and

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

1. SC811 will maintain, in a prominent location on its website, a form on 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 correctly. 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. When the SCAG receives a complaint regarding an alleged violation of the Act, SC811 will assist the SCAG in its evaluation of the complaint. Such assistance will include, but not be limited to, providing information in the possession of SC811 that relates to the alleged violation, encouraging excavators and SC811 members to provide information that relates to the alleged violation, and obtaining statements and information from the parties allegedly involved in the violation.

3. SC811 will maintain records of complaints received by it regarding compliance with the Act as well as any efforts made by SC811 to address those complaints in accordance with the policy set forth by the South Carolina 811 Board of Directors. These records will be made available to the SCAG upon request to provide background on compliance history of entities subject to the Act.

S.C Attorney General's Office  
Civil Division

**MAY 19 2023**

Received by 

Reviewed by/Date \_\_\_\_\_

Referred to/Date \_\_\_\_\_

Notes: \_\_\_\_\_

4. SC811 will provide reports to the SCAG on an annual basis relating to information collected by SC811 on compliance with the requirements of the Act and damage to underground utility facilities. SC811 will cooperate with the SCAG in providing the information in a form that is useful to the SCAG. The reports will include the following.

- (A) The identification of Operators that SC811 has identified that are required by S.C. Code Ann. Section 58-36-50(B) to join SC811 but have not.
- (B) The identification of Operators that failed to respond to a substantial percentage of locate notifications as required by S.C. Code Ann. Section 58-36-70 and the history of warnings issued to the Operators regarding their noncompliance.

At the request of the SCAG, SC811 will make reasonable efforts to produce additional reports.

5. SC811 will make efforts to publicize the SCAG's role regarding the enforcement of the Act, including efforts to ensure that its members are aware of the role of the SCAG. SC811 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.

6. SC811 maintains training materials and offers courses designed to promote compliance with the Act. The training materials and courses may be useful to the SCAG in enforcing the Act. 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 as well as any people or entities that the SCAG determines would benefit from such training.

7. 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 take any action regarding potential violations of the Act.

IN WITNESS WHEREOF, the parties have entered into this Amended Memorandum of Understanding effective May 22, 2023.

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

By: Misty Thi  
Title: Executive Director

**OFFICE OF THE SOUTH CAROLINA ATTORNEY GENERAL**

By: [Signature]  
Title: Chief Deputy A.G.

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