

**BEFORE THE SOUTH DAKOTA ONE CALL  
NOTIFICATION BOARD**

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IN THE MATTER OF THE	)	ORDER
COMPLAINT AGAINST EAGLE	)	OC06-002
EXCAVATING, LLC	)	

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On May 12, 2006, the South Dakota Public Utilities Commission received a complaint from Watertown Municipal Utilities against Eagle Excavating, LLC. Eagle Excavating, LLC did not dispute the allegation in the complaint that they had excavated without providing advance notice to the South Dakota One Call System but did provide background information on how the violation occurred and their previous history of utilizing the South Dakota One Call System.

On June 15, 2006, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC06-002 in regards to the allegation that Eagle Excavating, LLC has violated SDCL 49-7A-5. The Enforcement Committee recommended a five hundred dollar (\$500.00) penalty with three-hundred dollars (\$300.00) suspended on the grounds that Eagle Excavating, LLC fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of Eagle Excavating, LLC signing the Enforcement Committee Action Agreement and that Eagle Excavating, LLC fully comply with the resolution of this complaint by making payment of two-hundred dollars (\$200) within thirty days of the issuance of this order.

All interested parties agreed with the recommendations of the Enforcement Committee. By July 1, 2006, all interested parties had signed the Enforcement Committee Action Agreement.

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement and the signed Acceptance of the recommended resolutions by both parties shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED that the docket in this matter shall be closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Dated at Sioux Falls, South Dakota, this 19th day of July, 2006.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

  
By: \_\_\_\_\_  
Larry Englerth, Executive Director

Date: July 19, 2006

BY ORDER OF THE SD ONE-CALL BOARD:

  
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JERRY SCHROEDER, Chairman

  
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Under the Authority and on Behalf of the  
Chairman

LARRY ENGLERTH, Executive Director