

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE)	ORDER
COMPLAINT AGAINST JHK)	OC07-002
EXCAVATING)	

On April 9, 2007, the South Dakota Public Utilities Commission received a complaint from Southeastern Electric Cooperative, Inc. against JHK Excavating. JHK Excavating 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 May 3, 2007, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC07-002 in regards to the allegation that JHK Excavating 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 JHK Excavating fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of both parties signing the Enforcement Committee Action Agreement and that JHK Excavating 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 May 24, 2007, 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 resolution 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 28th day of May, 2007.

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: s/s Larry Englerth

Larry Englerth, Executive Director

Date: May 28, 2007

BY ORDER OF THE SD ONE-CALL BOARD:

s/s Jerry Schroeder

—
JERRY SCHROEDER, Chairman

s/s Larry Englerth

Under the Authority and on Behalf of the
Chairman

LARRY ENGLERTH, Executive Director