

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE) ORDER
COMPLAINT AGAINST LANDSCAPE) OC07-005
GARDEN CENTER)

On June 11, 2007, the South Dakota Public Utilities Commission received a complaint from Kaneb Pipeline Operating Partnership, L.P. against Landscape Garden Center. Landscape Garden Center 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 state complete understanding of the seriousness of the potential situation and that a corrective action plan including employee education had been implemented.

On July 19, 2007, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC07-005 in regards to the allegation that Landscape Garden Center has violated SDCL 49-7A-5. The Enforcement Committee recommended a one thousand dollars (\$1,00.00) penalty with eight-hundred dollars (\$800.00) suspended on the grounds that Landscape Garden Center 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 Landscape Garden Center 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 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 26th day of July, 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: July 26, 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