



Gary Hanson, Chair
Steve Kolbeck, Vice Chair
Dustin Johnson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
1-866-757-6031 fax

Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

March 10, 2008

Mark Seifkes dba S.P.O.T
305 Hwy 14E
DeSmet, SD 57231

Re: In the Matter of the Complaint OC07-006 filed by One Call Systems, Inc. against Mark Seifkes dba S.P.O.T., regarding a failure to provide notification of proposed excavation as required by SDCL 49-7A-5.

Dear Mr. Seifkes:

On August 28, 2008 you were notified by the South Dakota One Call Board (herein "Board") of a complaint against you. The Complainant believed you, based on utility facilities owned and operated by you, are considered an "operator" under South Dakota Statutes Title 49 Chapter 7A. You did not provide the Board with any information to show otherwise and on September 28, 2007, the South Dakota One Call Board notified you of its decided action.

The Board found you are, according to South Dakota statutes, considered an Operator. The Board suspended a \$1,000 fine based on a particular course of action you chose not to pursue. The Board requested that you either follow all obligations of an Operator, or enter into a contract with a 3rd party to fulfill the same. The Board went so far as to allow you an extension to comply with the Board's Order. You still failed to comply and are now in breach of a Board Order and are subject to the \$1,000 suspended fine.

The Board is demanding payment of the \$1,000 fine pursuant to SDCL 49-7A-33. You have thirty days (30) from the date of this letter to make payment otherwise suit will be brought against you for the recovery of the penalty. If you have any questions or concerns please feel free to contact me.

Sincerely,

Kara Semmler
South Dakota One Call, Staff Attorney

Cc: Larry Englerth