

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE) ORDER
COMPLAINT AGAINST MARK) OC07-006
SEIFKES dba S.P.O.T)

On August 21, 2007, the South Dakota Public Utilities Commission received a complaint from One Call Systems, Inc. against Mark Seifkes dba S.P.O.T alleging two violations of SDCL 49-7A-5 (1) for not registering as a member of the South Dakota One Call System and (2) for failing to accept notification of excavation.

On September 27, 2007, the Enforcement Committee of the South Dakota One Call Notification Board made the following findings:

1. The Committee found there was there was not probable cause that Mark Seifkes dba S.P.O.T. had violated § 49-7A-5 by failing to accept notification of excavation from One Call Systems, Inc. and therefore dismisses this allegation against Mark Seifkes dba S.P.O.T. Therefore, One Call Systems, Inc. may cease providing excavation notifications to Mark Seifkes dba S.P.O.T. under the membership for D & D Trailer Court.
2. The Committee found there was probable cause that Mark Seifkes dba S.P.O.T. had violated § 49-7A-5 by operating an underground sewer facility and not registering as a member of the South Dakota One Call Notification System.

All interested parties agreed with the recommendations of the Enforcement Committee. On October 3, 2007, One Call Systems, Inc. signed the Enforcement Committee Action Agreement and pursuant to § 49-7A-27 Mark Seifkes dba S.P.O.T. accepted the recommendation by not responding prior to October 22, 2007.

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement and the signed Acceptance of the recommended resolution by One Call Systems, Inc. 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 25th day of October, 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: October 25, 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