

Safe digging is no accident. Always call 811 before digging.



**Know what's below.  
Call before you dig.**



Larry Englerth  
Executive Director

1012 North Sycamore Ave.  
Sioux Falls, SD 57110

Tel/Fax (605) 339-0529  
Email: [exedir@sdonecall.com](mailto:exedir@sdonecall.com)

July 3, 2008

Jeff Thompson  
707 Prairie Blvd  
Dakota Dunes, SD

Larry Albenesius  
Albenesius Contracting  
1050 Joseph Way  
Jackson, NE 68743

The Enforcement Committee recommendation to resolve Complaint OC08-001 has been accepted by both parties involved in the complaint. The order closing this Complaint is attached.

This order will close all action on this complaint with the exception that the suspended portion of the penalty would be applicable should a further violation occur prior to June 29, 2009 or payment of the penalty is not received prior to August 3, 2008. Payment should be mailed to the following address:

South Dakota One Call Notification Board  
c/o Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Sincerely,

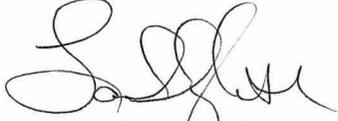
A handwritten signature in black ink that reads "Larry L. Englerth".

Larry L. Englerth  
Executive Director



**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.



Larry Englerth, Executive Director

Date July 3, 2008

BY ORDER OF THE SD ONE-CALL BOARD:



ED ANDERSON, Chairman

Under the Authority and on Behalf of the Chairman



LARRY ENGLERTH, Executive Director

# **ENFORCEMENT COMMITTEE ACTION**

## **OC08-001**

**Jeff Thompson vs. Albenesius Contracting**

### **FINDINGS:**

#### **OC08-001**

#### **Alleged Violation of SDCL 49-7A-5 Notification of Proposed Excavation**

Allegation is made by Jeff Thompson that Albenesius Contracting commenced excavation at 707 Prairie Blvd, Dakota Dunes, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

Albenesius Contracting did not dispute the allegation that excavation activity had commenced without providing advance notification to the South Dakota One Call System. Albenesius Contracting did indicate that they have a regular process for calling the South Dakota One Call System when excavating.

In reviewing the complaint filed by Jeff Thompson and the response from Albenesius Contracting, the committee determined the following:

Albenesius Contracting had commenced excavation without providing advanced notification to the South Dakota One Call System.

Based on the information noted above, the Committee found there is probable cause to find the Albenesius Contracting violated SDCL 49-7A-5 by commencing excavation at 707 Prairie Blvd, Dakota Dunes, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

### **RECOMMENDATION**

#### **OC08-001**

#### **VIOLATION OF SOUTH DAKOTA SDCL 49-7A-5:**

The Committee found there was probable cause that Albenesius Contracting had violated SDCL 49-7A-5 by commencing excavation at 707 Prairie Blvd, Dakota Dunes, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

#### **PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18:**

The committee recommends a penalty of five hundred dollars (\$500.00) with four hundred dollars (\$400.00) suspended on the following conditions:

- Albenesius Contracting fully complies with SDCL 49-7A and ARSD Article 20:25 for twelve months following acceptance of resolution of Complaint OC08-001 by both parties.
- Albenesius Contracting fully complies with the resolution of Complaint OC08-001 by making payment of the one hundred dollars (\$100) within thirty (30) days of the issuance of the Order to close Complaint OC08-001.
- Albenesius Contracting should be aware that any future violation of SDCL 49-7A or ARSD 20:25 within twelve months from the date of the final order are be subject to additional penalties up to a maximum of \$5000 under SDCL 49-7A-18.