



Know what's below. Call before you dig.



July 21, 2009

Tim Chance
Southeastern Electric
605 SD Hwy 11
Alcester, SD 57001-0105

Bruce Loewenberg
Loewenberg Technologies
1000 E Benson Road
Sioux Falls, SD 57104

Under the authority granted by SDCL 49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on July 21, 2009, to determine whether there is probable cause to believe that a violation has occurred relative to Complaint OC09-003 filed by Southeastern Electric against Loewenberg Technologies.

Prior to reviewing this complaint, an inquiry was made to legal counsel regarding SDCL 49-7A-21 which states "...A complaint alleging a violation of any statute...or rule of the Statewide One-call Notification Board shall be brought within ninety days of the alleged violation". A review of this complaint documents indicate that the violation occurred on December 2, 2008 and the complaint was filed on June 5, 2009. Legal Counsel advised the Enforcement Committee that they did not have the authority to consider this complaint.

Based on the legal opinion provided, the Committee closed this complaint.

Sincerely

A handwritten signature in purple ink, appearing to read "Larry L. Englerth". The signature is stylized and somewhat cursive.

Larry L. Englerth
Executive Director
South Dakota One Call Board