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

Know what's below.
Call before you dig.

November 5, 2009

Stacey Moke, Owner
Haywire Fencing
19107 Windswept Lane
Belle Fourche, SD 57717

William Heaston, Attorney
Northern Hills Transport LLC/
South Dakota Network LLC
2900 W. 10th Street
Sioux Falls, SD 57104

The Enforcement Committee recommendation to resolve Complaint OC09-004 has been accepted by both parties involved in the complaint by failure to request a hearing. 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 May 27, 2010. Payment should be made within 30 days to the following address:

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

Sincerely,

Larry L. Janes
Executive Director
SD One Call

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT AGAINST HAYWIRE FENCING	)))	ORDER OC09-004

On June 30, 2009, the South Dakota Public Utilities Commission received a complaint from Northern Hills Transport LLC/South Dakota Network LLC against Haywire Fencing. Haywire Fencing did not dispute the allegation in the complaint that they had excavated without providing advance notice to the South Dakota One Call System.

On September 01, 2009, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC09-004 in regards to the allegation that Haywire Fencing has violated SDCL 49-7A-5. The Enforcement Committee recommended a one-thousand dollars ($1,000) penalty with five hundred dollars ($500) suspended on the grounds that Haywire Fencing 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 Hagen Grading fully comply with the resolution of this complaint by making payment of five hundred dollars ($500) within thirty days of the issuance of this order.

Neither party requested a hearing by rejecting the panel recommendation within the timeframe specified.

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement 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 Rapid City, South Dakota, this 5th day of November 2009.

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 L. Janes, Executive Director

Date November 5, 2009

BY ORDER OF THE SD ONE-CALL BOARD:

Bleau LaFave, Chairman

Under the Authority and on Behalf of the Chairman

LARRY L. JANES, Executive Director

ENFORCEMENT COMMITTEE ACTION
OC09-004

Northern Hills Transport LLC/South Dakota Network LLC
vs.
Haywire Fencing

FINDINGS:
OC09-004

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

Allegation is made by Northern Hills Transport LLC/South Dakota Network LLC that Haywire Fencing commenced excavation at Exit 52, east bound lane, I-90, South Dakota, without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

Haywire Fencing did not dispute the allegation that excavation activity had commenced without providing advance notification to the South Dakota One Call System.

In reviewing the complaint filed by Northern Hills Transport LLC/South Dakota Network LLC and the response from Haywire Fencing, the committee determined the following:

> Haywire Fencing 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 that Haywire Fencing violated SDCL 49-7A-5 by commencing excavation at Exit 52, east bound lane, I-90, South Dakota without providing advance notification to the South Dakota One Call System as required by SDCL 49-7A-5.

RECOMMENDATION
OC09-004

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

The Committee found there was probable cause that Haywire Fencing had violated SDCL 49-7A-5 by commencing excavation at Exit 52, east bound lane, I-90, 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 one thousand dollars ($1,00.00) with five hundred dollars ($500.00) suspended on the following conditions:

- Haywire Fencing fully complies with SDCL 49-7A and ARSD Article 20:25 for twelve months following the acceptance of resolution of Complaint OC09-004 by failure to request a hearing by October 30, 2009.
- Haywire Fencing fully complies with the resolution of Complaint OC09-004 by making payment of the five hundred fifty dollars ($500) within thirty (30) days of the issuance of the Order to close Complaint OC09-004.
- Haywire Fencing 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.