

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE)	ORDER
COMPLAINT AGAINST LARRY'S)	OC09-007
ELECTRIC)	

On September 2, 2009, the South Dakota Public Utilities Commission received a complaint from South Dakota Network, LLC against Larry's Electric. Larry's Electric did dispute the allegation in the complaint that they had failed to maintain a minimum horizontal clearance between a marked facility and the cutting edge of any mechanized equipment.

On November 12, 2009, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause did not exist in Docket OC09-007 in regards to the allegation that Larry's Electric had violated SDCL 49-7A-5.

On January 11, 2010, South Dakota Network, LLC rejected the South Dakota One Call Notification Board Enforcement Committee resolution and requested reconsideration of its findings by the Enforcement Committee.

On January 21, 2010, the Enforcement Committee of the South Dakota One Call Notification Board met and determined again that probable cause did not exist in Docket OC09-007 in regards to the allegation that Larry's Electric had violated SDCL 49-7A-5.

On February 8, 2010 both parties were notified of the Enforcement Committee findings. Neither party responded to the notification prior to the close of business on March 1, 2010, as instructed by the notification, thereby accepting the Enforcement Committee findings and waiving the right to a formal hearing by the South Dakota One Call Notification Board.

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement and the Acceptance of the recommended resolution by both parties shall be incorporated into this Order by reference, 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.

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 June 2, 2010

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