



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



February 8, 2010

Gerrick McComsey, President  
Sharpe Enterprises, Inc.  
1218 Sale Barn Road  
Fort Pierre, SD 57532-0580

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

**Re: OC09-008 - In the Matter of the Complaint filed by South Dakota Network, LLC, Sioux Falls, South Dakota, against Sharpe Enterprises, Inc., Fort Pierre, South Dakota.**

Under the authority granted by SDCL 49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board first met on November 12, 2009, to determine whether there is probable cause to believe Sharpe Enterprises, Inc. violated any One Call statute or rule. The Enforcement Committee did not find probable cause existed and recommended dismissal of the Complaint. On November 25, 2009, South Dakota Network LLC rejected the Committee findings and requested a hearing. On January, 11, 2009, South Dakota Network LLC requested the Enforcement Committee reconsider the complaint yet preserved its right to ultimately request a hearing if it remains necessary.

The Enforcement Committee met to reconsider the decision on January 21, 2009 per South Dakota Network's request. The Enforcement Committee did not believe it had sufficient evidence to determine probable cause and recommended the Complaint proceed to hearing.

Please contact me regarding your availability to assure we schedule the hearing at a time best for all parties. Please be prepared with the following information: whether you intend to conduct discovery, whether you intend to take depositions and whether you are represented by counsel. Following an evidentiary hearing, the Board shall either render a decision to dismiss the complaint for insufficient evidence or shall impose a penalty pursuant to SDCL 49-7A-18 or SDCL 49-7A-19.

If you have any procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at [exedir@sdonecall.com](mailto:exedir@sdonecall.com). Do not contact members of the South Dakota One Call Notification Board to discuss this complaint as board members will hear testimony at the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Janes". The signature is fluid and cursive, with the first name "Larry" and last name "Janes" clearly distinguishable.

Larry L. Janes  
Executive Director  
South Dakota One Call