

# BEFORE THE SOUTH DAKOTA ONE CALL BOARD OF DIRECTORS

IN THE MATTER OF THE ONE CALL )  
COMPLAINT FILED BY SOUTH DAKOTA )  
NETWORK LLC, AGAINST SHARPE )  
ENTERPRISES INC. )  
)  
)  
)

ORDER CANCELING  
HEARING

OC09-008

On September 8, 2009, South Dakota Network LLC (SDN) filed a complaint against Sharpe Enterprises Inc. (Sharpe) alleging Sharpe initiated excavation activities prior to the legally proper time. On November 2, 2009, Sharpe filed a reply.

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, SDN rejected the Committee findings and requested a hearing. On January, 11, 2010, SDN requested the Enforcement Committee reconsider the complaint yet preserved its right to ultimately request a hearing.

The Enforcement Committee met to reconsider the decision on January 21, 2010 per SDN's request. The Enforcement Committee did not believe it had sufficient evidence to determine probable cause and recommended the Complaint proceed to hearing.

By Order dated August 23, 2010 a hearing was scheduled in this matter for September 28, 2010.

The issues to be determined by the One Call Board were 1) whether Sharpe is in violation of One Call rules or statutes; and 2) if so, are fines appropriate and in what amount.

The Board was advised the issues have been resolved and a hearing no longer necessary. It is therefore

ORDERED, the hearing scheduled for September 28, 2010 is cancelled

Dated at Reese, South Dakota, this 28<sup>th</sup> day of September, 2010.

<p align="center"><b>CERTIFICATE OF SERVICE</b></p> <p>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, electronically.</p> <p>By: <u>Kara Semmler</u></p> <p>Date: <u>9/28/10</u></p> <p align="center">(OFFICIAL SEAL)</p>
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BY ORDER OF THE ONE CALL BOARD:

Kara Semmler for  
Bleau LaFave, Chairman

Kara Semmler for  
Larry Janes, Executive Director

CERTIFICATE OF SERVICE

I hereby certify that copies of the Order canceling Hearing were served on the following via e-mail on the 28<sup>th</sup> day of September, 2010.

MR WILLIAM P HEASTON  
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