

**BEFORE THE SOUTH DAKOTA ONE CALL BOARD OF DIRECTORS**

IN THE MATTER OF THE ONE CALL )  
COMPLAINT FILED BY SOUTH DAKOTA ) ORDER TO CLOSE DOCKET  
NETWORK LLC, AGAINST SHARPE )  
ENTERPRISES INC. )  
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**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 subsequently advised issues were resolved and a hearing was not necessary. An Order Canceling the Hearing was issued and served on all parties. In addition, both parties, including the Complainant asked the docket be dismissed. It is therefore

ORDERED, pursuant to the parties' agreement, the above captioned docket shall be dismissed with prejudice with no costs to either party.

Dated at Pierre, South Dakota, this 16<sup>th</sup> day of February, 2011.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket.

By: [Signature]

Date: 2-16-2011

(OFFICIAL SEAL)

BY ORDER OF THE ONE CALL BOARD:

[Signature]  
Bleau LaFave, Chairman