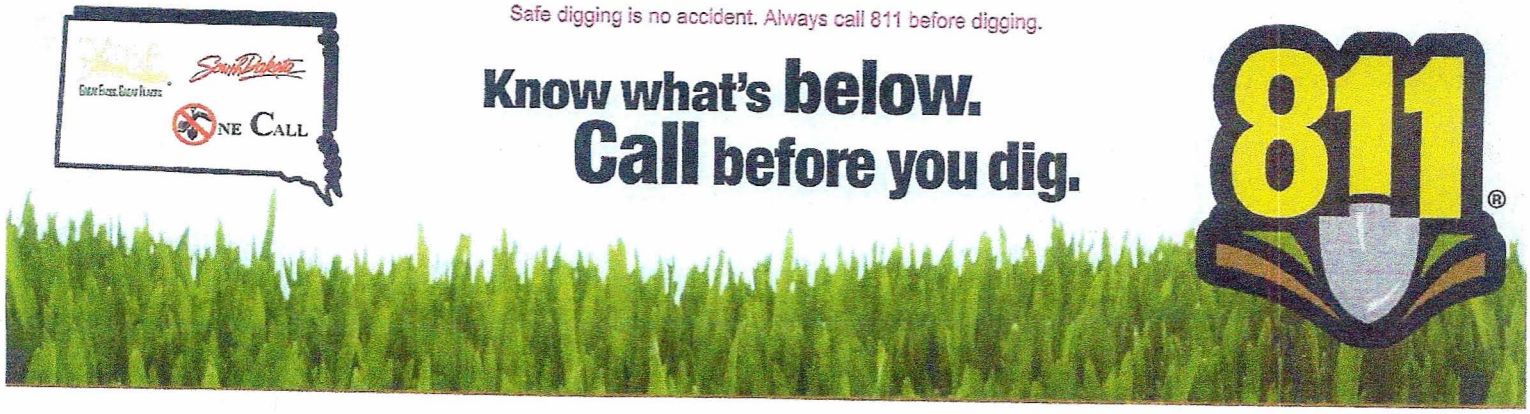


June 2, 2010

Kappes Fencing
47036 256th Street
Crooks, SD 57020

Ginny Beck
City of Crooks
PO Box 785
Crooks, SD 57020

The Enforcement Committee recommendation to resolve Complaint OC09-009 has been accepted by both parties involved in the complaint. 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 January 12, 2011.

Sincerely,

Larry L. Janes
Executive Director
SD One Call

# BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

| | | |
|---|---|---|
| IN THE MATTER OF THE<br>COMPLAINT AGAINST KAPPES<br>FENCING | )<br>)<br>) | ORDER<br>OC09-009 |

On October 4, 2009, the South Dakota Public Utilities Commission received a complaint from City of Crooks against Kappes Fencing. Kappes Fencing did not dispute the allegation in the complaint that they had excavated prior to the start date and time at 105 East 8th Street, Crooks, SD, as required by statute.

On December 17, 2009, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC09-009 in regards to the allegation that Kappes Fencing had violated SDCL 49-7A-5. The Enforcement Committee recommended a five hundred dollar ($500) penalty with five hundred dollars ($500) suspended on the grounds that Kappes Fencing fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months from January 12, 2010, the Enforcement Committee acceptance date deadline.

All interested parties agreed with the recommendations of the Enforcement Committee. By December 23, 2009, the City of Crooks had signed the Enforcement Committee Action Agreement. Kappes did not sign the Action Agreement by the deadline of January 12, 2010, thereby agreeing to the Enforcement Committee Recommendation.

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 had 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 had 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