



Safe digging is no accident. Always call 811 before digging.

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



June 28, 2010

Zwak Construction, Inc. DBA Hagen Excavating
5404 N French Ave.
Sioux Falls, SD 57104

Mike Garry
Northern Natural Gas Company
P.O. Box 336, 47493 272nd St.
Harrisburg, SD 57032

The Enforcement Committee recommendation to resolve Complaint OC10-001 has been accepted by both parties involved in the complaint. The order closing all action on this Complaint is attached, with the exception that future violation of SDCL 49-7A-5 or ARSD 20:25 within 12 months of the order are subject to additional penalties up to a maximum of \$5,000 under SDCL 49-7A-18 from the date of the final order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry L. Janes'.

Larry L. Janes
Executive Director
SD One Call

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT AGAINST) ORDER
Zwak Construction, Inc. DBA Hagen Excavating) OC10-001
Construction, Inc.)

On February 11, 2010, the South Dakota Public Utilities Commission received a complaint from Northern Natural Gas Company against Zwak Construction, Inc. DBA Hagen Excavating. Zwak Construction, Inc. DBA Hagen Excavating did not dispute the allegation in the complaint alleging excavation occurred at 4900 S. Kalen Place, Sioux Falls, South Dakota, without providing advance notice through the South Dakota One Call System.

On March 30, 2010, the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC10-001 in regards to the allegation that Zwak Construction, Inc. DBA Hagen Excavating had violated SDCL 49-7A-5. The Enforcement Committee recommended a one-thousand dollars (\$1,000) penalty, with five hundred dollars (\$500) suspended on the grounds that Zwak Construction, Inc. DBA Hagen Excavating fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of both parties signing the Enforcement Committee Action Agreement and that Zwak Construction, Inc. DBA Hagen Excavating fully comply with the resolution of this complaint by making payment of five hundred dollars (\$500) within thirty days of the issuance of this order.

Neither party replied to the recommendation, thus indicating agreement.

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 and attached hereto, 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 28, 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