BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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

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 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 this Order 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 requested a hearing in this matter.

At its scheduled meeting of September 29, 2010, the South Dakota One Call Board approved the Enforcement Committee recommendation per SDCL 49-7A-27.

ORDERED, the terms and conditions of the Enforcement Committee recommendation per SDCL 49-7A-22 and 49-7A-27 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 12/1/2010

BY ORDER OF THE SD ONE CALL BOARD

Dated at Sioux Falls, South Dakota, this 1 day of December, 2010

Bleau LaFave, Chairman

Under the Authority and on Behalf of the Chairman

Dated at Rapid City, South Dakota, this 1st day of December, 2010

Larry L. Janes, Executive Director