

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
BY NORTHWESTERN ENERGY AGAINST
SCOTT OLSON DIGGING, INC.

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ORDER TO BRING ACTION PURSUANT
TO SDCL 49-7A-28

OC10-006

On September 13, 2010, the South Dakota Public Utilities Commission received a complaint from NorthWestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged NorthWestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. In its October 27, 2010 reply, Scott Olson Digging, Inc. stated the line was to be relocated by NorthWestern Energy and that it was in contact with a third party regarding the relocation.

On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred.

In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended one-thousand dollar (\$1,000) penalty. In making its recommendation the Panel considered all factors in SDCL 49-7A-26.

Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation was considered accepted by both.

At its scheduled meeting of February 16, 2011, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure, approved its findings and issued a Final Order requiring complete payment of the penalty within 30 days of service of the Order on Scott Olson Digging, Inc.

Scott Olson Digging, Inc. failed to make payment and is out of compliance with the Board Order. On April 6, 2011 a demand letter was sent to Scott Olson Digging, Inc. pursuant to SDCL 49-7A-33.

The One Call Board of South Dakota met on May 18, 2011 to consider this matter and hereby unanimously requests the Public Utilities Commission bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28.

CERTIFICATE OF SERVICE

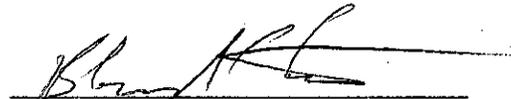
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list.


Larry L. Janes, Executive Director

Date 5-19-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,
this 18th day of May, 2011


Beau LaFave
Chairman