



Know what's below. Call before you dig.



January 14, 2011

Mark Stronseth
Stromseth Construction
16708 451st Avenue
Watertown, SD 57201

Steve Lehner
Watertown Municipal Utilities
901 4th Avenue SW
Watertown, SD 57201

Re: OC10-010 Watertown Municipal Utilities against Stromseth Construction.

Under the authority granted by SDCL-49-7A-22, the Enforcement Committee of the South Dakota One Call Notification Board met on January 10, 2011, to determine whether there is probable cause to believe a One Call violation occurred. The Enforcement Committee's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Committee findings. If you do request a hearing you must present your case to the One Call Board.

Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Committee recommendation. In that case, the recommendation will be Ordered by the SD One Call Board and your right to hearing is waived.

If you choose to request a hearing please return the signed and dated form prior to the close of business on February 15, 2011 to:

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Be aware, any future violations of any One Call statute or rule within twelve months may be subject to additional penalties up to a maximum of \$5,000. If you have procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at exedir@sdonecall.com. Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

Larry L. Janes
Executive Director
South Dakota One Call

**ENFORCEMENT COMMITTEE RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD
OC10-010**

Watertown Municipal Utilities filed a complaint with the Public Utilities Commission on December 3, 2010 against Stromseth Construction. alleging that violations of 49-7A-5 and 49-7A-12 occurred at 7711 2nd Avenue SW, Watertown, South Dakota at 12:00 pm on November 19, 2010. The complaint alleged that Stromseth Construction performed excavation prior to the start date on the locate ticket and did not notify Watertown Municipal Utilities of damages in at least two locations.

Stromseth Construction did not reply to the Notice of Complaint/Deadline for Answer mailed on December 6, 2010.

The Enforcement Committee of the South Dakota One Call Board met on January 10, 2011 and found probable cause exists to believe Stromseth Construction violated 49-7A-5 and 49-7A-12. Complete minutes from the January 10, 2011 meeting can be found on the SD One Call web site.

Due to the severity of the violation (see meeting minutes) the Enforcement Committee recommends the One Call Board assess a penalty of one thousand dollars (\$1,000) for violations of both 49-7A-5 and 49-7A-12 for a total recommended penalty of two thousand dollars (\$2,000).

**REQUEST FOR A HEARING
COMPLAINT OC10-010**

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-010
AND REQUEST A HEARING.**

Signature – Stromseth Construction.

Date

**I REJECT THE COMMITTEE RESOLUTION TO COMPLAINT OC10-010
AND REQUEST A HEARING.**

Signature –Watertown Municipal Utilities

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
500 E. CAPITOL AVE.
PIERRE, SD 57501-5070**

**Failure to request a hearing, results is acceptance of the Enforcement
Committee’s recommendation. In that case, the One Call Board will Order the
recommendation as the final disposition of this Complaint.**