

## BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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IN THE MATTER OF THE COMPLAINT	)	ORDER ADOPTING ENFORCEMENT
BY WATERTOWN MUNICIPAL UTILITIES	)	PANEL RECOMMENDATIONS AND
AGAINST BELAIR EXCAVATING	)	CLOSING DOCKET
	)	OC11-001

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On April 13, 2010, the South Dakota Public Utilities Commission (SD PUC) received a complaint from Watertown Municipal Utilities (Watertown) against Belair Excavating (Belair). The complaint alleged Belair concealed damage of a gas tracer wire in violation of SDCL 49-7A-12. The damage was discovered when Watertown responded to a separate locate request. Due to the damage, Watertown alleged, approximately 1700 feet of gas line were no longer locatable. Upon investigation, Watertown found portions of the damaged gas tracer wire wrapped around lath stakes and buried.

On April 29, 2011 the SD PUC received Belair's response to the complaint, admitting the allegations contained therein. Belair admitted the damage appeared to be caused by Belair's equipment and concealed by an employee of Belair.

On May 6, 2011, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board (One Call Board) whether probable cause existed to believe the violation occurred as described in the Complaint (Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred.

The Panel recommended a **five thousand dollars (\$5,000) penalty be assessed Belair. The Panel recommended four thousand (\$4,000) dollars of the total penalty be suspended but such will become immediately due and payable if: (i) Any complaint regarding a violation of SDCL 49-7A or ARSD Article 20:25 is filed with the South Dakota Public Utilities Commission or the One Call Board against Belair within the twelve (12) months following the date of the final One Call Board Order, or (ii) Belair fails to make payment of the outstanding one thousand dollar (\$1,000) penalty within thirty (30) days of service of the One Call Board Order.** 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 is considered accepted by both and the One Call Board shall accept the Panel's recommendations.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions recommended by the Panel as set forth above, shall be final resolution of this complaint; and it is

FURTHER ORDERED that complete payment of said penalty shall be made within thirty (30) days of issuance of this Order; and it is

FURTHER ORDERED this docket shall be closed.

The One Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-15, 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 by first class mail, or by other electronic means.

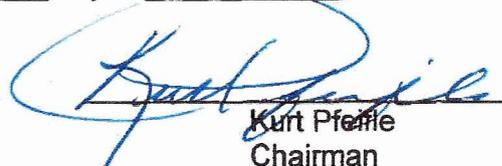
Larry L. Janes, Executive Director

Date 6-29-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Miller, South Dakota,

this 28<sup>th</sup> day of June, 2011



Kurt Pfeiffer  
Chairman