

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ORDER TO PURSUE
BY SOUTHEASTERN ELECTRIC)	ACTION PURSUANT TO
COOPERATIVE, INC. AGAINST)	SDCL 49-7A-28
DON RUNGE)	
		OC11-007

On August 23, 2011, the South Dakota Public Utilities Commission received a complaint from Southeastern Electric Cooperative, Inc. (herein "Southeastern") against Don Runge (herein "Runge"). On October 11, 2011 a reply was filed by Runge's counsel. On October 28, 2011, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The panel found two violations and pursuant to SDCL 49-7A-22 assessed a civil penalty in both dockets.

The Panel recommended a One Thousand Dollar (\$1,000) penalty for each violation with Five Hundred Dollars (\$500) suspended for each under specified conditions.

At its scheduled meeting of January 25, 2012, 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 penalties within 30 days of service of the Orders.

Don Runge failed to make payment thus violated the suspension conditions and is out of compliance with the Board Order. **The full Two Thousand Dollar Penalty is now due and owing.** On March 2, 2012 a demand letter was sent to Don Runge pursuant to SDCL 49-7A-33.

The One Call Board of South Dakota met on May 17, 2012 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 OC11-007 penalties 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 5-18-2012

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Watertown, South Dakota,
this 17th day of May, 2012


Erin Hayes
Vice-Chairman