

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT FILED BY)
SOUTHEASTERN ELECTRIC COOPERATIVE,)
INC., MARION, SOUTH DAKOTA, AGAINST DON)
RUNGE, SIOUX FALLS, SOUTH DAKOTA)
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)
)**

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO THE
SD ONE CALL BOARD AND
CLOSING DOCKET

OC11-008**

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"). Runge replied on October 11, 2011. 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 probable cause exists to believe a violation of SDCL 49-7A-5 occurred. Specifically, the panel found Runge excavated without a properly contacting One Call to have facilities marked. This violation was only weeks after a previous violation. As a result the Panel found Runge intentionally violated SDCL 49-7A-5.

As such the Panel looked to SDCL 49-7A-19 to determine proper penalties. The Panel found it proper to assess a Two Thousand and Five Hundred Dollar (\$2,500) penalty.

Two Thousand Five Hundred Dollars (\$2,500) is due within thirty days of issuance of this Order.

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 and approved its findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED this docket shall be dismissed and 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 by first class mail, or by other electronic means.

Tina Douglas
Tina Douglas

Date 2-8-13

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,

This 8th day of February, 2013

Kurt Pfeifle
Kurt Pfeifle, Chairman