

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

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

**ORDER TO BRING CIVIL
COURT ACTION**

OC11-008

On August 23, 2011, the South Dakota One Call Board (Board) received a complaint from Southeastern Electric Cooperative, Inc. (Southeastern) against Don Runge (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 Board members (Panel) convened. The Panel found probable cause to believe an intentional violation of SDCL 49-7A-5 had occurred. The Panel assessed a Two Thousand Five Hundred Dollar (\$2,500) penalty. Runge requested a hearing but later agreed to the penalty. Runge failed to make payment and is now out of compliance with the Board's Order to adopt the terms and conditions recommended by the Panel. On March 2, 2012, a demand letter was sent to Runge pursuant to SDCL 49-7A-33. The Board met on May 17, 2012, and unanimously voted to request that the South Dakota Public Utilities Commission (Commission) bring an action in the name of the State of South Dakota for recovery of the penalty pursuant to SDCL 49-7A-28.

The Commission has jurisdiction over this matter pursuant to SDCL 49-7A-28. At its regular meeting on June 5, 2012, the Commission voted unanimously to bring an action to recover the penalty of \$2,500 as ordered by the Board. It is therefore

ORDERED, that action be brought in the name of the State of South Dakota to recover the One Call penalty of Two Thousand Five Hundred Dollars (\$2,500) as ordered by the Board.

Dated at Pierre, South Dakota, this 6 day of June, 2012.

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, electronically.

By: Joy Deering

Date: June 6, 2012

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson

CHRIS NELSON, Chairman

Kristie Fiegen

KRISTIE FIEGEN, Commissioner

Gary Hanson

GARY HANSON, Commissioner