

exedir

From: exedir [exedir@sdonecall.com]
Sent: Monday, September 26, 2011 3:59 PM
To: 'Carl V. Carlson'
Subject: Notification to Qwest - Notice of Complaint/Deadline for Answer

Mr. Carlson,

Please note the attached Notice of Complaint/Deadline for Answer mailed to Qwest today via Priority Mail. This letter was also emailed to ELM Locating. This letter has been posted to the SD One Call website.

If you have any questions, please do not hesitate to contact me.

Thank you.

Larry L. Janes
Executive Director
South Dakota One Call
Tel #/Cell # (605) 339-0529
Fax # (605) 348-4543
exedir@sdonecall.com



Know what's **below**.
Call before you dig.

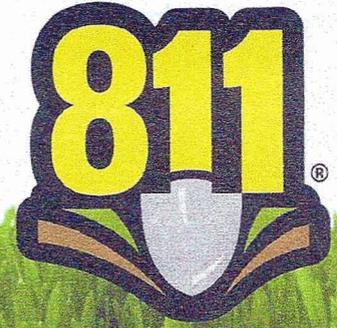
"Let's all do our part to make our communities and state a safe place to work and live"
Always Call 811 Before You Dig

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Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



TO: Qwest Communications/CenturyLink
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
DATE: SEPTEMBER 26, 2011
RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC11-010 filed by Carl V. Carlson Company against ELM Locating & Utility Services, regarding insufficient and not at all thorough locates. This Complaint was amended by Carl V. Carlson Company on September 23, 2011 withdrawing the complaint against ELM Locating & Utility Services and naming Qwest Communications as the defendant.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Qwest Communications/Century Link. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on October 17, 2011 by filing a copy of the answer at the address listed below:

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

or you may file your response electronically at:

<http://www.state.sd.us/puc/EFilingOptions.aspx>. You must also serve a copy on the complainant,

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation of SDCL 49-7A-5 referenced in the complaint:

Qwest Communications/Century Link provided incomplete and haphazard locates at 2020 W. 10th , Sioux Falls, SD on August 12, 2011.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC11-010 the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. You are strongly urged to reply to this Notice in the time frame described above and to obtain the advice of counsel should you have any legal questions.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to exedir@sdonecall.com. Do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. They may be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve of the complaint and have been advised by legal counsel to not discuss any pending complaint before the Board.

Enclosure: Copy of complaint

cc: Carl V. Carlson (via email)