

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

**IN THE MATTER OF THE COMPLAINT FILED BY)
THE CITY OF AURORA, AURORA, SOUTH)
DAKOTA, AGAINST EAGLE WEST, MAPLE)
GROVE, MINNESOTA)**

**ORDER TO BRING CIVIL
ACTION**

OC11-013

On November 14, 2011, the South Dakota One Call Board (Board) received a Complaint from the city of Aurora against Eagle West, Inc., a Minnesota Corporation (Eagle West). A copy of the complaint was sent to Eagle West on November 14, 2011. Eagle West did not answer the Complaint. On December 16, 2011, pursuant to SDCL 49-7A-22 a panel of five Board members (Panel) convened. Eagle West was given notice of the Panel meeting by letter dated December 6, 2011. The Panel found that a violation of SDCL 49-7A-5 had occurred. The Panel assessed a Five Hundred Dollar (\$500) penalty and suspended Two Hundred Fifty Dollars (\$250) of the penalty if specific conditions were met, including the condition that the unsuspended \$250 portion of the penalty be paid within 30 days following receipt of the Board's Order in the matter. At its scheduled meeting on January 25, 2012, the Board, pursuant to SDCL 49-7A-27, issued its Order adopting the terms and conditions recommended by the Panel. Eagle West violated the terms and conditions of the Order and the suspension when it failed to make payment. The full \$500 is now due, and Eagle West is out of compliance with the Board's Order. On March 2, 2012, a demand letter was sent to Eagle West 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 in South Dakota to recover the penalty of \$500 as ordered by the Board, with execution on judgment limited to action in South Dakota. It is therefore

ORDERED, that action be brought in South Dakota in the name of the State of South Dakota to recover the One Call penalty of Five Hundred Dollars (\$500) as ordered by the Board with execution on judgment limited to action in South Dakota.

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 Brunig

Date: 6.6.12

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Chris Nelson
CHRIS NELSON, Chairman

Kristie Piegen
KRISTIE PIEGEN, Commissioner

Gary Hanson
GARY HANSON, Commissioner