

**BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**

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IN THE MATTER OF THE COMPLAINT	) ENFORCEMENT PANEL
FILED BY CROOKS MUNICIPAL	) RECOMMENDATION TO
UTILITIES AGAINST MAY CONSTRUCTION	) THE SD ONE CALL BOARD
MADISON, SOUTH DAKOTA FOR AN	)
INCIDENT OCCURING ON APRIL 9, 2012	) OC12-002

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On April 18, 2012 the South Dakota Public Utilities Commission received a complaint from Crooks Municipal Utilities (herein "Crooks") against May Construction of Madison, South Dakota. The complaint alleges May Construction failed to adequately protect gas facilities and as a result hit and damaged said facilities.

A copy of the complaint was sent to May Construction on April 19, 2012. May Construction responded to the Complaint on May 9, 2012. In its response May Construction argues the facility marks were off and included pictures.

On May 22, 2012, 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 did not find sufficient evidence to determine probable cause exists to believe a violation South Dakota statutes occurred based on the information filed in the docket and recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing you must reply within twenty days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.

**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.

  
Larry L. Janes, Executive Director

Date May 22, 2012