



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



TO: May Construction

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: APRIL 27, 2012

RE: ADDITIONAL EVIDENCE PROVIDED BY COMPLAINANT

In the Matter of the Complaint OC12-004 filed by Crooks Municipal Utilities, SD against May Construction.

You are hereby notified that on April 27, 2012, Crooks Municipal Utilities filed additional evidence with the South Dakota One Call Notification Board against May Construction as part of Complaint Filing OC12-004. The evidence provided is in the form of pictures, which are labeled with the filing as:

04/27/12 - Pictures

[Picture 1 \(plst sleeve that hit by May Construction 400 psi line\)](#) (labeled as Picture 5 on the actual picture)

[Picture 2 \(400 psi line repair\)](#) (labeled as picture 6 on the actual picture)

[Picture 3 \(collar over 500 psi line April 20\)](#) (labeled as picture 7 on the actual picture)

These pictures are attached.

Please note that even with the additional evidence provided the required date for your response has not changed and must still be answered in writing, no later than the close of business on May 8, 2012 by filing the original copy of the answer at the

address listed below **and** by serving a copy on the complainant, **or** you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

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

As a reminder 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 referenced in the complaint:

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 OC12-004 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.

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. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. Since they may

be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve of the complaint, they have been advised by legal counsel to not discuss any pending complaint before the Board.

Enclosures: Copy of 3 pictures as additional evidence

cc: Crooks Municipal Utilities, SD (via email)





