

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

---

IN THE MATTER OF THE COMPLAINT	) ORDER ADOPTING
FILED BY CROOKS MUNICIPAL	) ENFORCEMENT PANEL
UTILITIES AGAINST MAY CONSTRUCTION	) RECOMMENDATION, TO
MADISON, SOUTH DAKOTA FOR AN	) PURSUE COLLECTION ACTION
INCIDENT OCCURING ON APRIL 17, 2012	) IF NECESSARY AND TO CLOSE
	) DOCKET
	)
	)
	) OC12-005

---

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 performed excavation on April 17, 2012 after facility marks were removed. May Construction failed to have facilities re-marked.

A copy of the complaint was sent to May Construction on April 19, 2012. May Construction responded to the Complaint on May 9, 2012 admitting the violation occurred.

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 found sufficient evidence was presented to determine probable cause exists to believe a violation of SDCL 49-7A-8 occurred.

The Panel found it proper to assess a Two Thousand Dollar (\$2,000) penalty for this repeat offense. Based, however, on May Construction's safe excavation history, the Panel found it proper to conditionally suspend One Thousand Dollars (\$1,000) of the penalty under the following conditions:

- (i) May Construction shall make payment of the **One Thousand Dollar (\$1,000) unsuspending portion** of the penalty within thirty days of issuance of this Order.
- (ii) May Construction must not be found guilty of a One Call violation in the next 12 months.

If any of the conditions are not met, the entire Two Thousand Dollar Penalty (\$2,000) will be immediately due and owing.

At its scheduled meeting of June 20, 2012, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved its findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED, if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; and it is

FURTHER ORDERED this docket shall be dismissed and closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

**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



Larry L. Janes, Executive Director

Date June 20, 2012

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Miller, South Dakota,

this 20th day of June, 2012



Kurt Pfeifle  
Chairman