

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT) ENFORCEMENT PANEL
FILED BY THE CITY OF PIERRE, SD) RECOMMENDATION TO
AGAINST SHARPE ENTERPRISES) THE SD ONE CALL BOARD
INCORPORATED, FORT PIERRE SD FOR AN)
INCIDENT OCCURING ON MAY 2, 2012) OC12-006

On May 3, 2012 the South Dakota Public Utilities Commission received a complaint from the City of Pierre, South Dakota (herein "Pierre") against Sharpe Enterprises Incorporated (herein "Sharpe") of Fort Pierre, South Dakota. The complaint alleges Sharpe performed excavation pursuant to old marks under an expired locate.

A copy of the complaint was sent to Sharpe on May 4, 2012. Sharpe responded after the deadline on June 6, 2012 and denies the violation occurred.

On June 18, 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. Despite the late filing, the Panel voted to accept Sharpe's reply. The Panel did not, however, find sufficient evidence was presented to determine probable cause exists to believe a violation of One Call law or rule occurred.

As a result, the Panel dismissed the Complaint for lack of evidence.

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 June 18, 2012