

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

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IN THE MATTER OF THE COMPLAINT	) ORDER ADOPTING
FILED BY THE CITY OF PIERRE, SD	) ENFORCEMENT PANEL
AGAINST SHARPE ENTERPRISES	) RECOMMENDATION, AND
INCORPORATED, FORT PIERRE SD FOR AN	) TO CLOSE DOCKET
INCIDENT OCCURRING ON MAY 2, 2012	) OC12-006

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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 did not 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 recommended dismissal of the Complaint for lack of evidence.

At its scheduled meeting of October 3, 2012, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved it 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 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



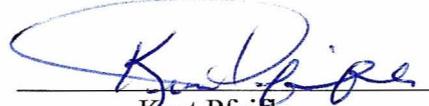
Larry L. Janes, Executive Director

Date 10-4-2012

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Ft. Pierre, South Dakota,

this 3<sup>rd</sup> day of Oct., 2012



Kurt Pfeifle  
Chairman