

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

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IN THE MATTER OF THE COMPLAINT            ) ENFORCEMENT PANEL  
FILED BY SOUTH DAKOTA INTRASTATE        ) RECOMMENDATION TO  
PIPELINE CO. AGAINST ABSOLUTE           ) THE SD ONE CALL BOARD,  
CONTRACTING SERVICE INC.,                )  
BALL GROUND, GEORGIA FOR AN             )  
INCIDENT OCCURRING ON JUNE12, 2012     )            OC12-009

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On June 19, 2012 the South Dakota Public Utilities Commission received a complaint from South Dakota Intrastate Pipeline Co. (herein "SDIP") against Absolute Contracting Service Inc. (herein "Absolute") of Ball Ground, Georgia. The complaint alleges Absolute performed excavation in violation of ARSD 20:25:03:10.02 when it commenced excavation without a site visit from the operator.

A copy of the complaint was sent to Absolute on June 20, 2012. Absolute responded to the Complaint on July 9, 2012. In its response Absolute explained that it was unaware of the site visit requirement and that it will take efforts to prevent this from happening in the future.

On July 25, 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 ARSD 20:25:03:10.02 occurred. Specifically, the Panel found Absolute commenced excavation prior to the requisite site visit. The Panel did not find the violation intentional.

The Panel found it proper to assess a One Thousand Dollar (\$1,000) penalty due to the degree of danger when excavating around high profile facilities. The Panel found it proper, however, to conditionally suspend Five Hundred Dollars (\$500) of the penalty due to Absolute's response to the Complaint and the efforts it stated it will take in the future to prevent the incident from happening again.

The suspension conditions are as follows:

- (i) Absolute shall make payment of the **Five Hundred Dollar (\$500) unsuspending portion** of the penalty within thirty days of issuance of the final SD One Call Board Order.
- (ii) Absolute must not be found guilty of a One Call violation in the next 12 months.
- (iii) Absolute shall attend an excavator meeting put on by the SD One Call Board in the spring of 2013.

- (iv) Absolute shall conduct and document an in-house gas safety meeting for its employees specifically focused on South Dakota procedures. The meeting shall be held within 30 days of the final One Call Order. Documentation shall include the printed and signed names of the meeting participants, details of the material discussed along with the date and length of the meeting. Documentation shall be submitted to the Executive Director of South Dakota One Call.

If any of the conditions are not met, the entire One Thousand Dollar Penalty (\$1,000) will be immediately due and owing.

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 7-26-2012