

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED BY
WATERTOWN MUNICIPAL UTILITIES AGAINST
STROMSETH CONSTRUCTION FOR AN INCIDENT
OCCURRING ON JULY 28, 2012 IN WATERTOWN,
SOUTH DAKOTA**

**ORDER TO BRING
CIVIL ACTION**

OC12-012

On July 31, 2012, the South Dakota One Call Board (Board) received a Complaint from Watertown Municipal Utilities (Watertown). A copy of the complaint was sent to Stromseth Construction (Stromseth) on August 2, 2012. Stromseth did not answer the Complaint. On August 29, 2012, pursuant to SDCL 49-7A-22 a panel of five Board members (Panel) convened. Stromseth was given notice of the Panel meeting by letter dated August 22, 2012. The Panel found that two separate violations of SDCL 49-7A-5 and one violation of ARDS 20:25:03:05.03 occurred. The Panel assessed a Five Thousand Dollar (\$5,000) penalty for each of the three violations and suspended Two Thousand Five Hundred Dollars (\$2,500) of the penalty for the first violation of SDCL 49-7A-5 if specific conditions were met, including the condition that the unsuspended \$12,500 portion of the penalty be paid within 30 days following receipt of the Board's Order in the matter and Stromseth conduct an in-house safety meeting within thirty days of the receipt of the Board's Order. At its scheduled meeting on October 3, 2012, the Board, pursuant to SDCL 49-7A-27, issued its Order adopting the terms and conditions recommended by the Panel and requesting the Public Utilities Commission (Commission) pursue collection activity if necessary, pursuant to SDCL 49-7A-28. Stromseth violated the terms and conditions of the Order and the suspension when it failed to make payment and conduct an in-house safety meeting. Stromseth made payment of only \$2,500. The full \$12,500 is now due, and Stromseth is out of compliance with the Board's Order. On November 9, 2012, a demand letter was sent to Stromseth pursuant to SDCL 49-7A-33.

The Commission has jurisdiction over this matter pursuant to SDCL 49-7A-28. At its regular meeting on January 15, 2013, the Commission voted unanimously to bring an action to recover the penalty of \$12,500 as ordered by the Board. It is therefore

ORDERED, that action be brought in the name of the State of South Dakota to recover the One Call penalty of Twelve Thousand Five Hundred Dollars (\$12,500) as ordered by the Board.

Dated at Pierre, South Dakota, this 30th day of January, 2013.

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, electronically.

By: [Signature]

Date: 1-31-13

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

[Signature]
GARY HANSON, Chairman

[Signature]
CHRIS NELSON, Commissioner

[Signature]
KRISTIE FIEGEN, Commissioner