

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



June 24, 2013

Mr. Doy Ousley
CenturyLink
1627 Creek Dr.
Rapid City, SD 57703

Mr. Daene Boomsma
Professional Excavating
5340 Pine Tree Dr.
Rapid City, SD 57702

Re: OC13-004 CenturyLink against Professional Excavating

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on June 4, 2013 to determine whether there was probable cause to believe a One Call violation occurred in the One Call Complaint Docket. The Enforcement Panel found that probable cause did exist that Professional Excavating violated SDCL 49-7A-5 and made a Recommendation to the South Dakota One Call Board to assess a \$500 penalty and conditionally suspended that penalty amount, if certain requirements were met. Both the Recommendation and a Request for Hearing form were forwarded to Mr. Doy Ousley, CenturyLink and to Mr. Daene Boomsma, Professional Excavating, on June 5, 2013. On June 24, 2013, the South Dakota Public Utilities Commission received a signed Rejection of the Panel's Recommendation and Request for Hearing from Mr. Dane Boomsma.

The hearing is a legal process to be conducted pursuant to SDCL Chapter 1-26, whereby South Dakota law requires that each party be represented by legal counsel. At the time of the hearing, the full South Dakota One Call Board will hear arguments from both sides and make a final determination. Both parties may bring witnesses and other evidence to support their side. Witnesses are subject to cross-examination.

Please have your legal counsel contact South Dakota Public Utilities Commission Staff Attorney, Ms. Kristen Edwards, at kristen.edwards@state.sd.us by July 15, 2013 to arrange a date and location for the hearing. They may also call her directly at (605) 773-8182. All documents must be filed through the E-Filings system found on the Public Utilities Commission's homepage, www.puc.sd.gov.

Larry L. Janes, Executive Director
South Dakota One Call Notification Board