

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT
FILED BY MONTANA-DAKOTA
UTILITIES COMPANY, RAPID CITY,
SOUTH DAKOTA, AGAINST
HIGHMARK, INC., BLACK HAWK,
SOUTH DAKOTA, FOR AN INCIDENT
OCCURRING ON APRIL 25, 2013, AT
THE INTERSECTION OF STURGIS RD.
AND NICHE RD., SUMMERSET, SOUTH
DAKOTA**)
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OC13-005

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO
THE SD ONE CALL BOARD
AND TO PURSUE
COLLECTION ACTION IF
NECESSARY**

O On May 6, 2013, the South Dakota Public Utilities Commission received a complaint from Montana-Dakota Utilities Company, Rapid City, South Dakota against Highmark, Inc. of Rapid City, South Dakota. The complaint alleges that on or about April 5, 2013, Highmark, Inc. engaged in directional drilling, rather than exposing facilities by hand, resulting in damage to a gas line.

The Panel found probable cause to believe a violation of SDCL 49-7A-8 occurred. Specifically, the Panel found Highmark, Inc. failed to expose facilities by hand. The Panel did find the violation to be intentional.

The Panel found it proper to assess a penalty of \$750 with \$500 suspended on certain conditions.

The recommended suspension conditions are as follows:

- 1) Highmark, Inc. shall attend a spring 2014 South Dakota One Call excavator meeting.
- 2) Highmark, Inc. shall conduct an in-house safety meeting for its employees to review the One Call laws. The meeting shall be held within 30 days of the final One Call Order. Documentation shall include the printed and signed names of meeting participants, details of the material discussed, and the date and length of the meeting. Documentation shall be submitted to the Executive Director of South Dakota One Call within that 30-day period.

If any of the conditions are not met, the entire Five Hundred Dollar Penalty (\$500) will be immediately due and owing.

On June 24, 2013, Highmark, Inc. made payment of the portion of the penalty which was not suspended, as well as documentation of an in-house safety meeting.

At its regularly scheduled meeting on August 7, 2013, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's procedure and approved its findings.

It is therefore:

ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

ORDERED, that if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; it is further

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 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, by facsimile by first class mail, or by other electronic means.

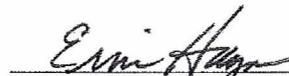


Larry L. Janes, Executive Director

Date August 14, 2013

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota
This 13th day of August, 2013


Erin Hayes, Chairman