

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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IN THE MATTER OF THE COMPLAINT	)	
FILED BY CITY OF VOLGA, VOLGA,	)	OC13-007
SOUTH DAKOTA, AGAINST MEYER	)	
DRAINAGE AND EXCAVATING,	)	ORDER ADOPTING
VOLGA, SOUTH DAKOTA, FOR AN	)	ENFORCEMENT PANEL
INCIDENT OCCURRING ON MAY 16,	)	RECOMMENDATION AND
2013, IN VOLGA, SOUTH DAKOTA	)	TO PURSUE COLLECTION
	)	ACTION IF NECESSARY
	)	

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On May 17, 2013, the South Dakota Public Utilities Commission received a complaint from the City of Volga against Meyer Drainage and Excavating ("Meyer"), Volga, South Dakota. The complaint alleges that on or about May 16, 2013, Meyer performed excavation directly above located facilities using a backhoe, resulting in damage to a high voltage cable.

On July 24, 2013, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel concluded probable cause exists to believe a violation occurred. Specifically, the Panel found Meyer excavated directly above located facilities using a backhoe, rather than hand tools or noninvasive methods, in violation of SDCL 49-7A-8. The Panel did not find the violation to be intentional.

The Panel recommended a penalty of \$500.00 with \$250.00 of the penalty suspended on certain conditions. The recommendation was forwarded to Meyer on July 2, 2013.

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

**A total of Two Hundred Fifty Dollars (\$250) is due within thirty days of the issuance of this Order.**

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The suspension conditions are as follows.

- 1) Meyer shall make payment of the **Two Hundred Fifty Dollar (\$250) unsuspended portion** of the penalty within thirty days of issuance of the final SD One Call Board Order.
- 2) Meyer shall attend an excavating seminar in the spring of 2014.
- 3) Meyer 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.

- 4) Meyer must not be found to have committed a violation of SDCL 49-7A or ARSD 20:25 within the next twelve months.

If any of the conditions are not met, the entire \$500.00 will be immediately due and owing.

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**

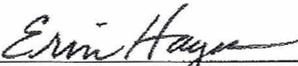
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.

  
Larry L. Janes, Executive Director

Date August 14, 2013

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota  
This 13<sup>TH</sup> day of August, 2013

  
Erin Hayes, Chairman