

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

OC13-008

IN THE MATTER OF THE COMPLAINT )  
FILED BY SOUTHEASTERN ELECTRIC )  
COOPERATIVE, IN., ALCESTER, )  
SOUTH DAKOTA, AGAINST EMPIRE )  
CONSTRUCTION, SIOUX FALLS, )  
SOUTH DAKOTA, FOR AN INCIDENT )  
OCCURRING ON MARCH 21, 2013, AT )  
4604 S. TRIBBEY TRAIL, SIOUX FALLS, )  
SOUTH DAKOTA )

ORDER GRANTING  
WITHDRAWAL OF  
COMPLAINT

On June 12, 2013, the South Dakota Public Utilities Commission received a complaint from Southeastern Electric Cooperative (Southeastern), Sioux Falls, South Dakota against Empire Construction of Sioux Falls, South Dakota. The complaint alleges that on or about March 21, 2013, Empire Construction in directional drilling, rather than exposing facilities by hand, resulting in damage to an electric cable. On July 10, 2013, Southeastern filed a request to withdraw the complaint.

On July 30, 2013, pursuant to SDCL 49-7A-22 a panel of three One Call Board members (herein "Panel") convened. The Panel considered this matter. The Panel voted unanimously to recommend to the One Call Board that Southeastern's request to withdraw its complaint be granted.

At its regularly scheduled meeting on October 10, 2013, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's recommendation.

It is therefore:

ORDERED, that the request to withdraw the complaint is granted.

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 October 16, 2013

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Ft. Pierre, South Dakota  
This 10<sup>th</sup> day of October, 2013

  
Erin Hayes, Chairman