

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	
FILED BY SOUTHEASTERN ELECTRIC)	
COOPERATIVE, IN., ALCESTER, SOUTH)	
DAKOTA, AGAINST EMPIRE)	ENFORCEMENT PANEL
CONSTRUCTION, SIOUX FALLS,)	RECOMMENDATION TO
SOUTH DAKOTA, FOR AN INCIDENT)	THE ONE CALL BOARD
OCCURRING ON MARCH 21, 2013, AT)	
4604 S. TRIBBEY TRAIL, SIOUX FALLS,)	OC13-008
SOUTH DAKOTA)	

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.

A copy of the complaint was sent to Empire Construction on June 13, 2013. Empire Construction did not respond to the Complaint.

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 recommends the South Dakota One Call Board grant the request by Southeastern to withdraw this complaint and further recommends this docket be dismissed and closed. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing you must reply within twenty days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.

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 1, 2013

**REQUEST FOR A HEARING
COMPLAINT OC13-008**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-008 AND
REQUEST A HEARING.**

Signature – Empire Construction

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-008 AND
REQUEST A HEARING.**

Signature – Southeastern Electric Cooperative, Inc.

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
500 E. CAPITOL AVE.
PIERRE, SD 57501-5070**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's
Recommendation by the South Dakota One Call Board. The Board will then
Order the Recommendation as the final disposition of this Complaint.**