BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY MONTANA-DAKOTA UTILITIES CO., RAPID CITY, SOUTH DAKOTA, AGAINST SWIFTEC, RAPID CITY, SOUTH DAKOTA, FOR AN INCIDENT OCCURRING ON JUNE 24, 2013, IN RAPID CITY, SOUTH DAKOTA	)))))))))	**OC13-011** **ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION AND TO PURSUE COLLECTION ACTION IF NECESSARY**

On July 3, 2013, the South Dakota Public Utilities Commission received a complaint from Montana-Dakota Utilities Company, Rapid City, South Dakota against Swiftec of Rapid City, South Dakota. The complaint alleges that on or about June 24, 2013, Swiftec engaged excavation outside of the locate area on the locate ticket.

On July 30, 2013, pursuant to SDCL 49-7A-22 a panel of three One Call Board members (herein "Panel") convened. The Panel met to determine whether probable cause exists to believe a violation of SDCL Chapter 49-7A occurred. Specifically, the Panel found Swiftec dug outside of the locate area on their locate ticket in violation of SDCL 49-7A-5, resulting in damage to a gas line. 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 Swiftec on August 8, 2013.

At its scheduled meeting on October 10, 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 $250.00 is due within thirty days of the issuance of this Order.

The conditions of suspension of $250.00 of the penalty are as follows:

1) Swiftec shall make payment of the **$250.00 portion of the penalty which was not suspended** within thirty days of issuance of the final SD One Call Board Order.
2) Swiftec shall attend an excavating seminar in the spring of 2014.
3) Swiftec 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.

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 October 16, 2013

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Ft. Pierre, South Dakota
This 10TH day of October, 2013

Erin Hayes, Chairman