

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ENFORCEMENT PANEL
FILED BY MONTANA-DAKOTA)	RECOMMENDATION TO
UTILITIES COMPANY, RAPID CITY,)	THE SD ONE CALL BOARD
SOUTH DAKOTA, AGAINST SWIFTEC,)	
RAPID CITY, SOUTH DAKOTA, FOR AN)	OC13-012
INCIDENT OCCURRING JUNE 25, 2013,)	
AT 4811 ST. MARTINS DR., RAPID CITY,)	
SOUTH DAKOTA)	
)	

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 25, 2013, Swiftec dug outside the locate area on the locate ticket.

A copy of the complaint was sent to Swiftec on July 3, 2013. Swiftec did not respond to 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 met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The Panel found sufficient evidence was presented to determine probable cause exists to believe a violation of SDCL 49-7A-5 occurred. Specifically, the Panel found Swiftec dug outside the locate area on the locate ticket, resulting in damage to a 30 psi gas line. The Panel did not find the violation to be intentional.

The Panel found it proper to assess a Five Hundred Dollars (\$500) penalty for this offense. However, the Panel found it proper to conditionally suspend Two Hundred Fifty Dollars (\$250) of the penalty under the following conditions:

- (i) Swiftec 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.
- (ii) Swiftec shall attend an excavating seminar in the spring of 2014.
- (iii) 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 within that 30 day period.
- (iv) Swiftec must not be found guilty of a One Call violation within the next 12 months.

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

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing a party 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 OC13-012**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-012 AND
REQUEST A HEARING.**

Signature – Swiftec

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-012 AND
REQUEST A HEARING.**

Signature – Montana-Dakota Utilities Co.

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.**