

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT)
FILED BY MIDAMERICAN ENERGY)
COMPANY, URBANDALE, IOWA,)
AGAINST STERLING LONE STAR,)
LINCOLN, NEBRASKA, FOR AN)
INCIDENT OCCURRING ON APRIL 8,)
2013, IN VALLEY SPRINGS, SOUTH)
DAKOTA)**

OC13-013

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION**

On July 10, 2013, the South Dakota Public Utilities Commission received a complaint from MidAmerican Energy Company, Urbandale, Iowa, against Sterling Lone Star of Lincoln, Nebraska. The complaint alleges that on or about April 8, 2013, Sterling Lone Star dug without a valid locate ticket.

On August 29, 2013, pursuant to SDCL 49-7A-22 a panel of five 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 that the complaint was not filed within ninety days of discovery of the violation, specifically, the complaint was filed on the ninety-third day. The Panel, therefore, voted unanimously to recommend dismissal of the complaint, pursuant to 49-7A-21.

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:

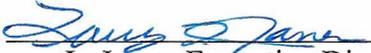
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

ORDERED, that the Complaint is dismissed as untimely filed.

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