

**BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**

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IN THE MATTER OF THE COMPLAINT	)	ENFORCEMENT PANEL
FILED BY MIDAMERICAN ENERGY	)	RECOMMENDATION TO
COMPANY, URBANDALE, IOWA,	)	THE SD ONE CALL BOARD
AGAINST STERLING LONE STAR,	)	
LINCOLN, NEBRASKA, FOR AN	)	OC13-013
INCIDENT OCCURRING ON APRIL 8,	)	
2013, IN VALLEY SPRINGS, SOUTH	)	
DAKOTA	)	
	)	

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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.

A copy of the complaint was sent to Sterling Lone Star on July 10, 2013. An amended Notice of Complaint was sent on July 30, 2013. Sterling Lone Star responded to the Complaint on July 30, 2013. In its response, Sterling Lone Star admits the incident occurred.

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.

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 29, 2013