

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT)
FILED BY MIDAMERICAN ENERGY)
COMPANY, URBANDALE, IOWA,)
AGAINST SELECT BUILDERS,)
HARRISBURG, SOUTH DAKOTA FOR)
AN INCIDENT OCCURRING ON APRIL)
18, 2013, IN SIOUX FALLS, SOUTH)
DAKOTA)**

OC13-014

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION AND
TO PURSUE COLLECTION
ACTION IF NECESSARY**

On July 10, 2013, the South Dakota Public Utilities Commission received a complaint from MidAmerican Energy Company, Urbandale, Iowa, against Select Builders of Harrisburg, South Dakota. The complaint alleges that on or about April 18, 2013, Select Builders 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 a violation of SDCL Chapter 49-7A occurred. Specifically, the Panel found Select Builders performed excavation without valid locates in violation of SDCL 49-7A-5. 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 Select Builders on August 30, 2013. Select Builders made payment to the One Call Board in the amount of \$250.00 and provided proof of an in-house safety meeting on or about September 19, 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.

The conditions of suspension of \$250.00 of the penalty are as follows.

- 1) Select Builders 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. This condition has been satisfied.
- 2) Select Builders shall attend an excavating seminar in the spring of 2014.
- 3) Select Builders 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. This condition has been satisfied.

- 4) Select Builders must not be found to have committed a violation of SDCL 49-7A or ARSD 20:25 within the next twelve months.

If any of the conditions are not met, the remaining \$250.00 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