

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED BY)
NORTHWESTERN ENERGY, HURON, SOUTH)
DAKOTA, AGAINST CENTURYLINK, SIOUX)
FALLS, SOUTH DAKOTA FOR AN INCIDENT)
OCCURRING ON JULY 17, 2013, AT 1123 S.)
ANDERSON ST., MITCHELL, S.D., FOR LOCATE)
TICKET 131960200**

**ORDER DISMISSING REQUEST
TO BRING CIVIL ACTION**

OC13-016

On July 23, 2013, NorthWestern Energy filed a complaint against CenturyLink alleging that CenturyLink did not locate within the time period required by South Dakota law. CenturyLink responded to the complaint, admitting that the locate request was not satisfied on time. The One Call Enforcement Panel met on August 29, 2013, and determined that probable cause existed to believe that a violation did occur. The Panel recommended a penalty of \$2,000.00, with \$1,000.00 suspended based upon certain conditions. CenturyLink did not contest the recommendation. On October 10, 2013, the One Call Board issued an Order Adopting Enforcement Panel Recommendation and to Pursue Collection Action if Necessary. CenturyLink failed to satisfy the conditions of the suspended portion of the fine or to make payment of any portion of the fine. In accordance with SDCL § 49-7A-34, a demand letter for payment of the penalty was sent to CenturyLink on December 4, 2013.

On January 3, 2013, the Public Utilities Commission received payment in full from CenturyLink's contractor.

The Commission has jurisdiction over this matter pursuant to SDCL 49-7A-28. At its regular meeting on January 7, 2014, the Commission voted unanimously to dismiss this docket, as the requirements of the One Call Board's Order had been satisfied in full. It is therefore

ORDERED, that this docket is dismissed.

Dated at Pierre, South Dakota, this 13th day of January, 2014.

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, electronically.	
By:	<u>Joy Lashley</u>
Date:	<u>01-13-14</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Chris Nelson
CHRIS NELSON, Commissioner

Kristie Fiegen
KRISTIE FIEGEN, Commissioner