

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



September 18, 2013

Fink Excavation
37064 171st St.
Zell, SD 57469

Please find attached, a copy of the South Dakota One Call Enforcement Panel conference call Agenda scheduled for Friday, September 27, 2013 at 2:00 pm Central Time, 1:00 pm Mountain Time. I would encourage you to join the call, but as the Agenda states no comments will be taken from either party at this time. Only the written documentation provided by the complainant and the defendant will be considered, per SDCL 49-7A-25.

If you have any procedural questions, please feel free to contact me.

Thank you.

A handwritten signature in blue ink, appearing to read "Larry L. Janes".

Larry L. Janes
Executive Director
South Dakota One Call
(605) 339-0529
exedir@sdonecall.com

cc: Mr. Scott Gross, via email

AGENDA

**South Dakota One Call Notification Board
Enforcement Panel Conference Call
Friday, September 27, 2013
2:00 PM Central Time, 1:00 PM Mountain Time**

The Enforcement Panel of the South Dakota One Call Board will meet to consider the following South Dakota One Call Complaints:

OC13-019 – In the Matter of the Complaint Filed by Sioux Valley Energy (Sioux Valley), Colman, South Dakota, Against Midwest Excavation (Midwest), Sioux Falls, South Dakota for an Incident Occurring on July 5, 2013, at 6804 E. Limestone Circle, Sioux Falls, S.D.

On August 19, 2013 Sioux Valley filed a complaint against Midwest, alleging that Midwest damaged a primary electrical line when digging without a locate ticket. Sioux Valley further alleges that Midwest did not notify Sioux Valley of the damage. Midwest did not respond to the complaint. There have been no previous South Dakota One Call Complaints filed against Midwest Excavation.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Midwest Excavation violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC13-020 – In the Matter of the Complaint Filed by Mid-Dakota Rural Water System, Inc. (Mid-Dakota), Miller, South Dakota, Against Fink Excavation (Fink), Zell, South Dakota for an Incident Occurring on August 23, 2013, at 18576 375th Ave., Tulare, S.D.

On August 23, 2013 Mid-Dakota filed a complaint against Fink, alleging that Fink dug without requesting a locate ticket. Mid-Dakota provided pictures of the incident. On August 26, 2013 Mid-Dakota requested the complaint be withdrawn due to an agreement/understanding with Fink. There have been no previous South Dakota One Call Complaints filed against Fink Excavation.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board accept Mid-Dakota Rural Water System, Inc.'s request to withdraw Complaint Docket OC13-020, or Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Fink Excavation violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

Only the written information provided by the Complainants and the written response from the defendants will be considered per SDCL 49-7A-25. No comments from either party involved in the complaint will be taken during this call.

Note: Please call (605) 339-0529 at least 10 minutes prior to the call for call-in instructions. We have limited ports available on the conference bridge, so if you do plan to call in, please conference in on one line.

Larry L. Janes
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