

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

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IN THE MATTER OF THE COMPLAINT	)	ENFORCEMENT PANEL
FILED BY LANDSCAPE GARDEN	)	RECOMMENDATION TO
CENTERS, SIOUX FALLS, SOUTH	)	THE SD ONE CALL BOARD
DAKOTA, AGAINST XCEL ENERGY,	)	
SIOUX FALLS, SOUTH DAKOTA FOR AN	)	OC13-021
INCIDENT OCCURRING ON SEPTEMBER	)	
30, 2013, AT 6505 AND 6509 S. VINTAGE	)	
PLACE, SIOUX FALLS, S.D.	)	

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On October 10, 2013, the South Dakota Public Utilities Commission received a complaint from Landscape Garden Centers (Landscape), Sioux Falls, South Dakota, against Xcel Energy (Xcel), Sioux Falls, South Dakota. The complaint alleges that Xcel installed an electric service line in an irrigation sleeve that had been installed for Landscape's use. The complaint further alleges that on or about September 30, 2013, an employee of Landscape was preparing to place piping in the sleeve and cut the aforementioned electric service line, causing a burn on the arm of Landscape's employee. Landscape argues that Xcel is in violation by placing the electric service line in the irrigation sleeve.

A copy of the complaint was sent to Xcel on October 2, 2013. Xcel responded to the Complaint on October 22, 2013. In its response, Xcel argues that it was not in violation of any One Call statute or administrative rule.

On November 8, 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 Xcel was not in violation of any One Call statute or administrative rule.

The Panel recommends the South Dakota One Call Board accept its findings and dismiss the complaint. 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 November 11, 2013