

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

OC13-023

IN THE MATTER OF THE COMPLAINT)
FILED BY NORTHERN NATURAL GAS)
COMPANY, OMAHA, NEBRASKA,)
AGAINST R&R CONCRETE,)
HARTFORD, SOUTH DAKOTA, FOR AN)
INCIDENT OCCURRING ON)
SEPTEMBER 30, 2013, AT WESTERN)
AVE., SIOUX FALLS, S.D)

ORDER GRANTING
ENFORCEMENT PANEL
RECOMMENDATION TO
DISMISS COMPLAINT

On October 3, 2013, the South Dakota Public Utilities Commission received a complaint from Northern Natural Gas Company, Omaha, Nebraska, against R&R Concrete (R&R), Hartford, South Dakota. The complaint alleges that R&R dug without a valid locate ticket. R&R responded contending it did not engage in excavation, rather it was removing sediment from a concrete fore bay.

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 R&R was not in violation of any One Call statute or administrative rule. Specifically, the Panel determined that, in this instance, the activities did not fall within the definition of excavation. The Panel, therefore, recommended that the complaint be dismissed.

At its regularly scheduled meeting on February 19, 2014, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's recommendation.

It is therefore:

ORDERED, that the complaint is dismissed.

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 March 3, 2014

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota
This 21 day of February, 2014


Dan Kaiser, Vice Chairman