

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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| IN THE MATTER OF THE COMPLAINT |) | ENFORCEMENT PANEL |
| FILED BY NORTHERN NATURAL GAS |) | RECOMMENDATION TO |
| COMPANY, OMAHA, NEBRASKA |) | THE SD ONE CALL BOARD |
| AGAINST R&R CONCRETE, HARTFORD, |) | |
| SOUTH DAKOTA FOR AN INCIDENT |) | OC13-023 |
| OCCURRING ON SEPTEMBER 30, 2013, |) | |
| ON WESTERN AVENUE, SIOUX FALLS, |) | |
| SOUTH DAKOTA |) | |

On October 3, 2013, the South Dakota Public Utilities Commission received a complaint from Northern Natural Gas Company, Crooks, South Dakota against R&R Concrete of Renner, South Dakota. The complaint alleges that on or about September 30, 2013, R&R Concrete dug without a valid locate ticket.

A copy of the complaint was sent to R&R Concrete on October 2, 2013. R&R Concrete responded to the Complaint on October 17, 2013. In the response, R&R Concrete disputed the claim, stating that the work was for sediment removal 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 did not find sufficient evidence to determine probable cause exists to believe a violation South Dakota statutes occurred based on the information filed in the docket and recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. 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