

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ENFORCEMENT PANEL
FILED BY MIDAMERICAN ENERGY)	RECOMMENDATION TO
COMPANY, URBAN DALE, IOWA,)	THE SD ONE CALL BOARD
AGAINST ANKENY CONSTRUCTION,)	
YANKTON, SOUTH DAKOTA, FOR AN)	
INCIDENT OCCURRING ON JULY 12,)	OC13-024
2013, AT 3702 STACI LANE, YANKTON,)	
S.D.)	

On October 10, 2013, the South Dakota Public Utilities Commission received a complaint from MidAmerican Energy Company, Urbandale, Iowa against Ankeny Construction of Yankton, South Dakota. The complaint alleges that on or about July 12, 2013, Ankeny Construction dug without a valid locate ticket.

A copy of the complaint was sent to Ankeny Construction on October 11, 2013. Ankeny Construction responded to the Complaint on October 28, 2013. In its response, Ankeny Construction denies that it was required to obtain a locate ticket. Ankeny Construction asserts that it was merely driving a stake into the ground.

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 the complaint was not filed within ninety days of discovery of the violation, specifically, the complaint was filed ninety days and one hour and 58 minutes after discovery. The Panel, therefore, voted unanimously to recommend dismissal of the complaint, pursuant to 49-7A-21.

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