

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

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IN THE MATTER OF THE COMPLAINT )	ENFORCEMENT PANEL
FILED BY MIDAMERICAN ENERGY )	RECOMMENDATION TO
COMPANY, URBANDALE, IOWA, )	THE SD ONE CALL BOARD
AGAINST AARON GEORGE, TEA, SOUTH )	
DAKOTA, FOR AN INCIDENT )	OC13-026
OCCURRING ON JULY 24, 2013, AT 313 N. )	
MINNESOTA AVE., SIOUX FALLS, S.D )	

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On October 11, 2013, the South Dakota Public Utilities Commission received a complaint from MidAmerican Energy Company (MidAmerican), Urbandale, Iowa against Aaron George of Tea, South Dakota. The complaint alleges that on or about August 13, 2013, Mr. George dug without a valid locate ticket.

A copy of the complaint was sent to Aaron George on October 11, 2013. A response was received from Robert L. Meadors, attorney for Aaron George, on July 23, 2013, asserting that no excavation as defined by my statutes or rules occurred, as Mr. George was engaged in surface grading for seeding purposes, and MidAmerican's gas line was unreasonably close to the surface.

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 sufficient evidence was presented to determine probable cause exists to believe a violation of SDCL 49-7A-5 occurred. Specifically, the Panel found Aaron George failed to obtain a locate ticket prior to excavation, resulting in damage to a gas line operated by MidAmerican. The Panel determined that excavation as defined by SDCL 49-7A-1(4) did occur. The Panel did not find the violation to be intentional.

The Panel found it proper to assess a \$500 penalty for this first time offense. However, the Panel found it proper to conditionally suspend \$250 of the penalty under the following conditions:

- (i) Aaron George shall make payment of the **\$250 unsuspending portion** of the penalty within 30 days of issuance of the final SD One Call Board Order.
- (ii) Aaron George must not be found to have violated any One Call statute or rule within the next 12 months.

If any of the conditions are not met, the entire \$500 will be immediately due and owing.

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