

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT) FILED BY MIDAMERICAN ENERGY) COMPANY, URBANDALE, IOWA,) AGAINST STONE HILL CONSTRUCTION,) INC., SIOUX FALLS, SOUTH DAKOTA,) FOR AN INCIDENT OCCURRING ON) AUGUST 6, 2013, AT 304 W. 3RD ST.,) WORTHING, S.D.)	ENFORCEMENT PANEL RECOMMENDATION TO THE SD ONE CALL BOARD OC13-028
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On November 4, 2013, the South Dakota Public Utilities Commission received a complaint from MidAmerican Energy Company, Urbandale, Iowa against Stone Hill Construction, Inc. (Stone Hill) of Sioux Falls, South Dakota. The complaint alleges that on or about August 6, 2013, Stone Hill dug with an expired locate ticket.

A copy of the complaint was sent to Stone Hill on October 22, 2013. Stone Hill did not respond to the Complaint.

On December 18, 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 Stone Hill preformed excavation on August 6, 2013, while relying on a locate ticket that had expired on July 29, 2013, resulting in damage to a gas line operated by MidAmerican Energy Company. The Panel did not find the violation to be intentional.

The Panel found it proper to assess a \$750 penalty for this first time offense. Based, however, on Stone Hill's safe excavation history, the Panel found it proper to suspend \$250 of the penalty under the following conditions:

- (i) Stone Hill shall make payment of the **\$500 unsuspending portion** of the penalty within 30 days of issuance of the final SD One Call Board Order.
- (ii) Stone Hill shall attend an excavating seminar in the spring of 2014.
- (iii) Stone Hill shall conduct an in-house safety meeting for its employees to review the One Call laws. The meeting shall be held within 30 days of the final One Call Order. Documentation shall include the printed and signed names of meeting participants, details of the material discussed, and the date and length of the meeting. Documentation shall be submitted to the Executive Director of South Dakota One Call within that 30 day period.
- (iv) Stone Hill must not be found to have committed another violation of a One Call rule or regulation within the 12 months of the SD One Call Board Order.

If any of the conditions are not met, the entire \$750 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 12-18-2013

**REQUEST FOR A HEARING
COMPLAINT OC13-028**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-028 AND
REQUEST A HEARING.**

Signature – Stone Hill Construction, Inc.

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC13-028 AND
REQUEST A HEARING.**

Signature – MidAmerican Energy Company

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
500 E. CAPITOL AVE.
PIERRE, SD 57501-5070**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's
Recommendation by the South Dakota One Call Board. The Board will then
Order the Recommendation as the final disposition of this Complaint.**