

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

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IN THE MATTER OF THE COMPLAINT	)	ENFORCEMENT PANEL
FILED BY MONTANA-DAKOTA	)	RECOMMENDATION TO
UTILITIES CO., RAPID CITY, SOUTH	)	THE SD ONE CALL BOARD
DAKOTA, AGAINST CHAD ZANDSTRA	)	
CONSTRUCTION, RAPID CITY, SOUTH	)	OC14-001
DAKOTA, FOR AN INCIDENT	)	
OCCURRING ON JANUARY 10, 2014,	)	
AT 3714 PADRE DRIVE, RAPID CITY, S.D.	)	

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On February 27, 2014, the South Dakota Public Utilities Commission received a complaint from Montana-Dakota Utilities Co. (Montana-Dakota), Rapid City, South Dakota against Chad Zandstra Construction (Zandstra) of Rapid City, South Dakota. The complaint alleges that on or about January 1, 2014, Zandstra dug without a valid locate ticket.

A copy of the complaint was sent to Zandstra on March 3, 2014. Zandstra responded to the Complaint on March 25, 2014. In its response, Zandstra admits an employee of Zandstra did excavate without a valid locate ticket.

On April 10, 2014, 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 Zandstra failed to obtain a locate ticket prior to excavation, resulting in damage to a gas line operated by Montana-Dakota. The Panel did find the violation to be intentional.

The Panel found it proper to assess a \$750 penalty for this first time offense. However, the Panel found it proper to conditionally suspend \$500 of the penalty under the following conditions:

- (i) Zandstra shall make payment of the **\$250 unsuspended portion** of the penalty within 30 days of issuance of the final SD One Call Board Order.
- (ii) Zandstra shall attend an excavating seminar in the spring of 2015 and Zandstra shall sign the Record of Attendance form at that Spring Meeting.
- (iii) Zandstra 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) Zandstra must not be found to be in violation of a One Call law or rule within the 12 months following issuance of the final 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 4-10-2014

**REQUEST FOR A HEARING  
COMPLAINT OC14-001**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-001 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Chad Zandstra Construction**

\_\_\_\_\_  
**Date**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-001 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Montana-Dakota Utilities Co.**

\_\_\_\_\_  
**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.**