

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT)
FILED BY MONTANA-DAKOTA)
UTILITIES CO., RAPID CITY, SOUTH)
DAKOTA, AGAINST LIND EXCO, RAPID)
CITY, SOUTH DAKOTA, FOR AN)
INCIDENT OCCURRING ON MARCH 27,)
2014, AT 1851 DISCOVERY CIRCLE,)
RAPID CITY, S.D.)**

OC14-007

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO
THE SD ONE CALL BOARD
AND TO PURSUE
COLLECTION ACTION IF
NECESSARY**

On April 9, 2014, the South Dakota Public Utilities Commission received a complaint from Montana-Dakota Utilities Co. (Montana-Dakota), Rapid City, South Dakota against Lind Exco (Lind) of Rapid City, South Dakota. The complaint alleges that on or about March 27, 2014, Lind dug using an expired locate ticket. Lind responded to the Complaint on April 28, 2014.

On May 20, 2014, pursuant to SDCL 49-7A-22 a panel of three 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 determined that probable cause did exist to believe a violation of SDCL 49-7A-5 occurred and found that the violation was intentional.

The Panel found it proper to assess a penalty of \$750.00 with \$750.00 suspended on the condition that Lind not be found to have committed an intentional violation of a One Call rule or regulation within the 12 months following the SD One Call Board Order. If the condition is not met, the entire \$750.00 Penalty will be immediately due and owing.

At its regularly scheduled meeting on August 27, 2014, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's procedure and approved its findings.

It is therefore:

ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

ORDERED, that if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; it is further

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

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 9-10-2014

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota
This 27th day of August, 2014


Erin Hayes, Chairman