

Safe digging is no accident. Always call 811 before digging.



**Know what's below.  
Call before you dig.**



June 28, 2014

Mr. Jay Wright  
First Rate Excavate  
1509 E. 39th St. N.  
Sioux Falls, SD 57104

Ms. Angela Kroeger  
South Dakota Network dba SDN Communications  
2900 W. 10th St.  
Sioux Falls, SD 57104

Re: OC14-009 South Dakota Network dba SDN Communications against First Rate Excavate.

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on June 26, 2014 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC14-009. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the SD One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form, which must be received prior to the close of business on July 18, 2014:**

South Dakota One Call Notification Board  
c/o Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$5,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at

[exedir@sdonecall.com](mailto:exedir@sdonecall.com) . Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

A handwritten signature in blue ink, appearing to read "Larry L. Janes".

Larry L. Janes  
Executive Director  
South Dakota One Call