

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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IN THE MATTER OF THE COMPLAINT	)	
FILED BY MAY CONSTRUCTION,	)	OC14-012
SIoux FALLS, SOUTH DAKOTA,	)	
AGAINST MIDAMERICAN ENERGY	)	ORDER ADOPTING
COMPANY, SIoux FALLS, SOUTH	)	ENFORCEMENT PANEL
DAKOTA, FOR AN INCIDENT	)	RECOMMENDATION AND
OCCURRING ON JUNE 10, 2014,	)	TO PURSUE COLLECTION
AT STATE AVE. AND E. 9TH ST., DELL	)	ACTION IF NECESSARY
RAPIDS, S.D.	)	

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On June 19, 2014, the South Dakota Public Utilities Commission received a complaint from May Construction, Sioux Falls, South Dakota against MidAmerican Energy Company (MEC) of Sioux Falls, South Dakota. The complaint alleges that on or about June 10, 2014, MEC failed to locate its facilities within the time required by South Dakota One Call law.

On July 30, 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 a violation of SDCL Chapter 49-7A occurred. Specifically, the Panel found MEC failed to locate its facilities in the proposed excavation area within 48 hours after receipt of notice in violation of SDCL 49-7A-8. The Panel did not find the violation to be intentional.

The Panel recommended a penalty of \$1,000.00 with \$250.00 of the penalty suspended on certain conditions.

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

**A total of \$750.00 is due within thirty days of the issuance of this Order.**

The conditions of suspension of \$250.00 of the penalty are as follows:

- 1) MEC shall make payment of the **\$750.00 portion of the penalty which was not suspended** within thirty days of issuance of the final SD One Call Board Order.
- 2) MEC attend an excavating seminar in the spring of 2015.
- 3) MEC 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.

- 4) MEC must not be found to have committed a violation of SDCL 49-7A or ARSD 20:25 within the next twelve months.

If any of the conditions are not met, the entire \$1,000.00 will be immediately due and owing.

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 8-10-2014

BY ORDER OF THE SD ONE-CALL BOARD:

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

  
Erin Hayes, Chairman