

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ENFORCEMENT PANEL
FILED BY MAY CONSTRUCTION, SIOUX)	RECOMMENDATION TO
FALLS, S.D., AGAINST)	THE SD ONE CALL BOARD
MIDAMERICAN ENERGY COMPANY)	
(MEC), SIOUX FALLS, S.D. FOR AN)	OC14-012
INCIDENT OCCURRING ON JUNE 10,)	
2014, AT STATE AVE. AND E. 9 TH ST.,)	
DELL RAPIDS, S.D.)	

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.

A copy of the complaint was sent to MEC on June 20, 2014. MEC responded to the Complaint on or about July 10, 2014. In its response, MEC admits the violation occurred.

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 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-8 occurred. Specifically, the Panel found MEC failed to locate its facilities in the proposed excavation area within 48 hours after receipt of the notice. The Panel did not find the violation to be intentional.

The Panel found it proper to assess a \$1,000.00 penalty for this offense. However, the Panel found it proper to conditionally suspend \$250 of the penalty under the following conditions:

- (i) MEC shall make payment of the \$750.00 unsuspended portion of the penalty within thirty days of issuance of the final SD One Call Board Order.
- (ii) MEC shall attend an excavating seminar in Huron, South Dakota in the spring of 2014.
- (iii) MEC shall conduct an in-house safety meeting with its subcontractor to review the One Call laws. The meeting shall be held within 30 days of the final One Call Order, unless such meeting has occurred prior to the issuance of the Order, but subsequent to the violation. 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) MEC must not be found guilty of a One Call violation within the next 12 months, excluding currently pending violations.

If any of the conditions are not met, the entire \$1,000.00 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 8-6-2014

**REQUEST FOR A HEARING
COMPLAINT OC14-012**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-012 AND
REQUEST A HEARING.**

Signature – MidAmerican Energy Company

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-012 AND
REQUEST A HEARING.**

Signature – May Construction

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.**