

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ENFORCEMENT PANEL
FILED BY SOUTH DAKOTA NETWORK)	RECOMMENDATION TO
DBA SDN COMMUNICATIONS, SIOUX)	THE SD ONE CALL BOARD
FALLS, SOUTH DAKOTA, AGAINST Q3)	
CONTRACTING, INC., SIOUX FALLS,)	OC14-018
SOUTH DAKOTA, FOR AN INCIDENT)	
OCCURRING ON MAY 30, 2014, AT)	
NORTH SIDE OF A AVE. &)	
BLACKHAWK, SIOUX FALLS, S.D.)	

On August 29, 2014, the South Dakota Public Utilities Commission received a complaint from South Dakota Network dba SDN Communications (SDN), Sioux Falls, SD, against Q3 Contracting, Inc. (Respondent) of Sioux Falls, SD. The complaint alleges that on or about May 30, 2014, Respondent dug without a valid locate ticket.

A copy of the complaint was sent to Respondent on August 29, 2014. Respondent filed an answer to the Complaint on September 22, 2014. In its answer, Respondent disputes the violation.

On October 9, 2014, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel found that the complaint was not filed within ninety days of discovery of the violation, specifically, the complaint was filed on the ninety-first day. The Panel, therefore, voted unanimously to recommend dismissal of the complaint, pursuant to 49-7A-21.

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 10-10-2014

**REQUEST FOR A HEARING
COMPLAINT OC14-018**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-018 AND
REQUEST A HEARING.**

Signature – Q3 Contracting Inc.

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC14-018 AND
REQUEST A HEARING.**

Signature – SDN Communications

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.**