

**BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**

---

**IN THE MATTER OF THE COMPLAINT  
FILED BY CENTURYLINK, RAPID  
CITY, SOUTH DAKOTA, AGAINST  
SPEARFISH FOREST PRODUCTS LLC,  
SPEARFISH, SOUTH DAKOTA, FOR AN  
INCIDENT OCCURRING ON  
SEPTEMBER 16, 2014, AT TINTON  
ROAD, 1 MILE NORTH OF BEAVER  
CREEK ROAD, SPEARFISH, S.D**

**OC14-021**

**ORDER ADOPTING  
ENFORCEMENT PANEL  
RECOMMENDATION AND  
DISMISSING COMPLAINT**

---

On September 16, 2014, the South Dakota Public Utilities Commission received a complaint from CenturyLink, Rapid City, South Dakota against Spearfish Forest Products LLC (Respondent) of Spearfish, South Dakota. The complaint alleges that on or about September 16, 2014, Respondent dug without a valid locate ticket.

On October 9, 2014, pursuant to SDCL 49-7A-22 a panel of five 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 that there was no violation based on the exception for road work per 49-7A1. The Panel, therefore, voted unanimously to recommend dismissal of the complaint, pursuant to 49-7A-21.

At its regularly scheduled meeting on November 6, 2014, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's recommendation.

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 the Complaint is dismissed as untimely filed.

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 November 14, 2014

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota  
This 11<sup>TH</sup> day of November, 2014

  
Erin Hayes, Chairman