

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT )  
FILED BY CENTURYLINK, RAPID CITY, )  
SOUTH DAKOTA, AGAINST )  
SALZSIEDER CONSTRUCTION, )  
SPEARFISH, SOUTH DAKOTA, FOR AN )  
INCIDENT OCCURRING ON AUGUST 25, )  
2014, AT THE ALLEY BETWEEN OLIVER )  
AND AMES NORTH OF ST. JOE, )  
SPEARFISH, S.D. )

OC14-031

ORDER ADOPTING  
ENFORCEMENT PANEL  
RECOMMENDATION TO  
THE SD ONE CALL BOARD  
AND DISMISSING  
COMPLAINT

On September 19, 2014, the South Dakota Public Utilities Commission received a complaint from CenturyLink, Rapid City, South Dakota against Salzsieder Construction (Respondent) of Spearfish, South Dakota. The complaint alleges that on or about August 25, 2014, Respondent dug without obtaining a locate ticket. On October 26, 2014, CenturyLink requested the Complaint be withdrawn, stating it determined Respondent did have a locate ticket.

On November 25, 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 determined that probable cause did not exist to believe a violation of SDCL 49-7A-5. Therefore, the Panel recommended the Complaint be dismissed.

At its regularly scheduled meeting on May 14, 2015, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's procedure and approved its findings.

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.

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. Jones, Executive Director

Date June 12, 2015

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota  
This 14th day of May, 2015

  
Erin Hayes, Chairman