

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT )  
FILED BY NEBRASKA PUBLIC POWER )  
DISTRICT, CHADRON, NEBRASKA, )  
AGAINST DOUG O'BRYAN )  
CONTRACTING, INC., MARTIN, )  
SOUTH DAKOTA FOR AN INCIDENT )  
OCCURRING ON OCTOBER 31, 2014, )  
AT TWO MILES EAST OF PINE RIDGE )  
ON HIGHWAY 18 NORTH SIDE OF )  
HIGHWAY, PINE RIDGE, S.D. )

OC15-005

ORDER DISMISSING  
COMPLAINT FOR LACK  
OF JURISDICITON

On January 22, 2015, the South Dakota Public Utilities Commission received a complaint from Nebraska Public Power District, Chadron, Nebraska, against Doug O'Bryan Contracting, Inc. (Respondent) of Martin, South Dakota. The complaint alleges that on or about October 31, 2014, Respondent dug using an expired locate ticket.

Responded has provided the South Dakota One Call Board with documentation to show that Respondent is a business registered with the Oglala Lakota Sioux Tribe. The alleged incident took place on the Pine Ridge Indian Reservation. The South Dakota One Call Board lacks jurisdiction over complaints against tribal members involving incidents occurring in Indian Territory.

It is therefore:

ORDERED, that the Complaint is dismissed.

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 14<sup>th</sup> day of May, 2015

  
Erin Hayes, Chairman