BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY KENNETH J. ERICKSON, RAPID CITY, SOUTH DAKOTA, AGAINST JOE MUTH AND JEREMY MUTH, RAPID CITY, SOUTH DAKOTA, FOR AN INCIDENT OCCURRING ON APRIL 10, 2015, AT 4660 COAL BANK DR., RAPID CITY, S.D.	)))))))	ENFORCEMENT PANEL RECOMMENDATION TO THE SD ONE CALL BOARD OC15-007

On April 20, 2015, the South Dakota Public Utilities Commission received a complaint from Kenneth J. Erickson of Rapid City, South Dakota against Joe Muth and Jeremy Muth (Respondents) of Rapid City, South Dakota. The complaint alleges that on or about April, 2015, Respondent engaged in excavation without first obtaining a locate ticket.

A copy of the complaint was sent to Respondent on April 20, 2015. Respondents filed an answer to the complaint on April 27, 2015, stating that Respondents were not the contractor involved in the excavation at issue.

On June 1, 2015, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel determined that there was not probably cause to believe that Respondent violated a One Call law or rule, as the complaint was filed against the wrong party. Therefore, the Panel recommends the complaint be dismissed.

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 June 1, 2015