

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.**

OC15-007

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

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, Respondents engaged in excavation without first obtaining a locate ticket.

On June 1, 2015, 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, based upon an answer filed by Respondents, the Respondents were not the contractor involved in the excavation at issue. The Panel, therefore, voted unanimously to recommend dismissal of the complaint.

At its regularly scheduled meeting on August 19, 2015, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's recommendation.

It is therefore:

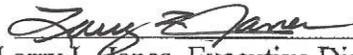
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

ORDERED, that the Complaint is dismissed.

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 August 28, 2015

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota
This 20th day of August, 2015


Dan Kaiser, Chairman