

South Dakota

**Know what's below.
Call before you dig.**



March 7, 2016

Mr. Jeremy Nehl
Decorative Concrete Design
22306 Lucky Lane
Rapid City, SD 57701

On May 14, 2015 the South Dakota One Call Notification Board issued an Order, Complaint Docket OC14-027, for five hundred dollars (\$500.00) with two hundred fifty dollars (\$250.00) suspended, if the payment of two hundred fifty dollars (\$250.00) was received within 30 days of issuance of the Order, and if additional requirements specified in the Order were met. The Order was mailed to Decorative Concrete Design on June 12, 2015, and again on November 17, 2015 (see enclosed). According to US Postal records delivery of this second notice was made on December 17, 2015, due to an address change by Decorative Concrete and Design. On December 12, 2015, you and I discussed this, and that time you stated it was not necessary to resend the letter, that payment would be made.

As of March 4, 2016 payment has not been received and the requirements in the Order have not been met. Because of this, the entire amount of the Order, five hundred dollars (\$500.00) is now due.

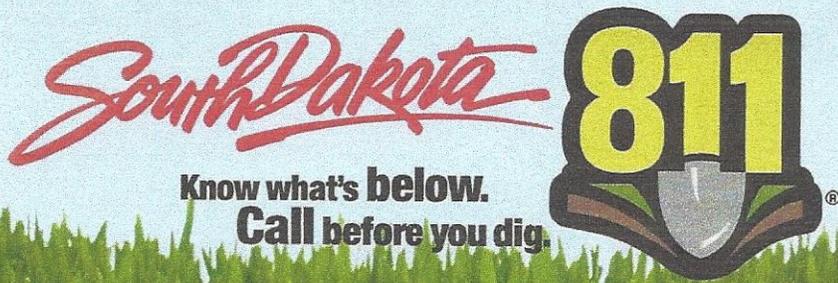
Please be advised that if the total payment of five hundred dollars (\$500.00) is not received by the end of business day, April 7, 2016, collection activity will be brought by the South Dakota Public Utilities Commission.

Remit payment:

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

A handwritten signature in blue ink that reads 'Larry L. Janes'.

Larry L. Janes
Executive Director
South Dakota One Call Board



November 17, 2015

Mr. Jeremy Nehl
Decorative Concrete Design
3407 Elm Ave.
Rapid City, SD 57701

Enclosed is a copy of the South Dakota One Call Board Order issued for Complaint Docket OC14-027. US Post Office records do not indicate the Order was delivered. Because of this, the Certificate of Service date has been changed to the date above, and **the penalty payment is now due by the end of business on December 17, 2015.** Because Decorative Concrete Design did not attend a 2015 Spring Damage Prevention Meeting, it is now required to attend a Spring Damage Prevention Meeting in 2016 in order to avoid paying the suspended dollar amount outlined in the Order. Also, please note the additional conditions outlined in the Order.

Please remit payment to:

South Dakota One Call
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Janes".

Larry L. Janes

Larry L. Janes
Executive Director
South Dakota One Call/South Dakota 811
Tel #/Cell # (605) 339-0529
exedir@sdonecall.com



BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)
FILED BY MONTANA-DAKOTA)
UTILITIES CO., RAPID CITY, SOUTH)
DAKOTA, AGAINST DECORATIVE)
CONCRETE DESIGN, RAPID CITY,)
SOUTH DAKOTA, FOR AN INCIDENT)
OCCURRING ON SEPTEMBER 4, 2014,)
AT 612 ZIEBACH ST., RAPID CITY, S.D.)

OC14-027

ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO
THE SD ONE CALL BOARD
AND TO PURSUE
COLLECTION ACTION IF
NECESSARY

On September 19, 2014, the South Dakota Public Utilities Commission received a complaint from Montana-Dakota Utilities Co., Rapid City, South Dakota against Decorative Concrete Design (Respondent) of Rapid City, South Dakota. The complaint alleges that on or about September 4, 2014, Respondent dug without obtaining a locate ticket. Respondent filed an answer to the Complaint on October 9, 2014.

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 exist to believe a violation of SDCL 49-7A-5 occurred and found that the violation was not intentional.

The Panel found it proper to assess a penalty of \$500.00 with \$250.00 suspended on certain conditions as listed below.

The recommended suspension conditions are as follows:

- (i) Respondent shall make payment of the \$250.00 portion of the penalty which was not suspended within 30 days of issuance of this Order.
- (ii) Respondent shall attend a damage prevention seminar hosted by the One Call Board in the spring of 2015.
- (iii) Respondent shall conduct an in-house safety meeting for its employees to review the One Call laws. The meeting shall be held within 30 days of the final One Call Order. Documentation shall include the printed and signed names of meeting participants, details of the material discussed, and the date and length of the meeting. Documentation shall be submitted to the Executive Director of South Dakota One Call within that 30 day period.
- (iv) Respondent must not be found to have committed a One Call violation within the next 12 months.

If any of the conditions are not met, the entire \$500.00 Penalty will be immediately due and owing.