South Dakota 811

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Call before you dig.

November 17, 2015

Mr. Chris Krueger
Krueger Excavating Inc.
2400 N. Fourth Ave.
Sioux Falls, SD 57104

Enclosed is a copy of the South Dakota One Call Board Order issued for Complaint Docket OC15-002. 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.** 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,

Larry L. Janes

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

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BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY CITY OF BRANDON, BRANDON, SOUTH DAKOTA, AGAINST KRUEGER EXCAVATING, SIOUX FALLS, SOUTH DAKOTA, FOR AN INCIDENT OCCURRING ON JANUARY 16, 2015, AT 120 E. PONDEROSA CIRCLE, BRANDON, S.D.	)	**OC15-002** **ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SD ONE CALL BOARD AND TO PURSUE COLLECTION ACTION IF NECESSARY**

On January 26, 2015, the South Dakota Public Utilities Commission received a complaint from the City of Brandon, South Dakota against Krueger Excavating, Inc. (Respondent) of Sioux Falls, South Dakota. The complaint alleges that on or about January 16, 2015, Respondent dug without waiting for the start time listed on the locate ticket. Respondent did not file an answer to the Complaint.

On March 27, 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 determined that probable cause did exist to believe a violation of SDCL 49-7A-5 occurred and found that the violation was intentional.

The Panel found it proper to assess a penalty of $1,500.00 with $500.00 suspended on certain conditions as listed below.

The recommended suspension conditions are as follows:

(i) Respondent shall make payment of the $1,000.00 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 2016.

(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 $1,500.00 Penalty will be immediately due and owing.

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.

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 if the penalty is not paid, the Board shall pursue any rights it has under the law regarding collection; it is further

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 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