

MINUTES

South Dakota One Call Notification Board Enforcement Panel Conference Call

Location: Midcontinent Communications
3901 N Louise Ave, Sioux Falls SD

Tuesday, May 31, 2016 - 10:00 AM Central Time, 9:00 AM Mountain Time

The Enforcement Panel of the South Dakota One Call Board met to consider the following South Dakota One Call Complaint:

Roll Call:

Enforcement Panel Members in attendance: John Ward; Doug Larson; Erin Hayes. Also attending: Adam de Hueck, Legal Counsel; Executive Director, Larry Janes.

Other attendees:

There were no additional attendees on this call.

OC16-003 - In the Matter of the Complaint Filed by the City of Fort Pierre, SD against CenturyLink, for an incident occurring on December 07, 2015, at the Intersection of Casey Tibbs St. and E. Cedar Ave. in Fort Pierre, SD.

On February 18, 2016 the City of Fort Pierre, SD filed a complaint against CenturyLink alleging that CenturyLink failed to respond to an emergency locate on December 07, 2015.

CenturyLink responded on March 12, 2016 by stating their contractor did not fulfill its expectations.

CenturyLink had two similar Complaints filed against it earlier this year.

Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that CenturyLink violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

Probable Cause Discussion:

Doug Larson made a motion that there is probable cause that a violations of SDCL 49-7A-8 and SDCL 49-7A-9 occurred. John Ward seconded the motion. **Motion carried unanimously upon a roll call vote.**

Discussion of Intent:

John Ward made a motion that this was an intentional violation. Doug Larson seconded the motion. John Ward stated the subcontractor ignored its responsibilities. Erin Hayes stated that this has now occurred on three occasions. **Motion carried unanimously upon a roll call vote.**

Penalty Discussion:

John Ward asked if, because of this violation, the suspended penalty amounts for previous complaints were now due. Adam de Hueck stated that this latest complaint, OC16-003, was filed before the Board had issued the Orders on OC16-001 and OC16-002, so the suspended amounts on them would not apply because of this. John made a motion to assess a penalty amount of \$2,000 with \$0.00 suspended. Erin seconded the motion. **Motion carried unanimously upon a roll call vote.**

There being no further business Larry Janes asked for a motion to adjourn. John Ward so moved. Doug Larson seconded the motion. **Motion carried unanimously on a Roll Call Vote.**

Meeting Adjourned.

Please note: This was a legal proceeding and only the written information provided by the Complainant and the written response from the Defendant were considered per SDCL 49-7A-25. No comments from the parties involved in the complaints were taken during this call.