

**BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD**

IN THE MATTER OF THE COMPLAINT FILED BY)
THE CITY OF FORT PIERRE, SOUTH DAKOTA,)
AGAINST CENTRUYLINK OF SIOUX FALLS,)
SOUTH DAKOTA, FOR AN INCIDENT)
OCCURRING ON DECEMBER 07, 2015, AT THE)
INTERSECTION OF CASEY TIBBS ST AND E)
CEDAR AVE IN FORT PIERRE, SOUTH DAKOTA)

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

OC16-003

On February 18, 2016, the South Dakota Public Utilities Commission received a complaint from the city of Ft. Pierre against CenturyLink (Respondent). The complaint alleges that on or about December 7, 2015, Respondent failed to locate its facilities within the time required by South Dakota One Call law. A copy of the complaint was sent to Respondent on February 18, 2016, 2016. Respondent did respond to the Notice of Complaint by the March 9, 2016 deadline. Respondent filed an answer to the Complaint on March 4, 2016. In its answer, Respondent did not contest the alleged violation.

On May 31, 2016, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (Panel) convened. The Panel met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The Panel found sufficient evidence was presented to determine probable cause exists to believe a violation of SDCL 49-7A-8 ad 49-7A-9 and ARSD 20:25:03:10 occurred. The Panel did find the violation to be intentional.

The Panel found it proper to assess a penalty of \$2000.00 with \$0.00 suspended under the following condition.

The recommended suspension conditions are as follows:

- (i) Respondent shall make payment of the \$2,000.00 unsuspended portion of the penalty within thirty days of issuance of the final SD One Call Board Order.
- (ii) Payment shall be remitted to: South Dakota Public Utilities Commission, 500 E. Capitol Ave., Pierre, SD 57501.

At its regularly scheduled meeting on August 18, 2016, the South Dakota One Call Board, pursuant to 49-7A-27, reviewed the Panel's procedure and approved its findings.

It is therefore:

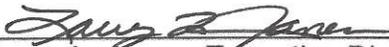
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein; it is further

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 49-7A-8, 49-7A-9 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

CERTIFICATE OF SERVICE

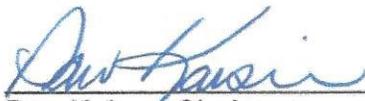
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile by first class mail, or by other electronic means.


Larry L. Janes, Executive Director

Date September 1, 2016

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Sioux Falls, South Dakota
This 31 day of August, 2016


Dan Kaiser, Chairman