



August 5, 2016

Mr. Jim Meier  
Jim Meyer Construction  
PO Box 366  
Rapid City, South Dakota 57709

Mr. Ron Blum  
Monatana-Dakota Utilities Co.  
PO Box 1060  
Rapid City, South Dakota, 57709

**Re: OC16-005 Montana-Dakota Utilities Co. against Jim Meyer Construction.**

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on July 29, 2016 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC16-005. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the SD One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form prior to the close of business on August 25, 2016:**

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

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$5,000 for each subsequent violation that occurs within twelve months of the initial violation. If you

have procedural questions relative to this complaint, please contact me at 605-339-0529 or by email at [exedir@sdonecall.com](mailto:exedir@sdonecall.com) . Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

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

Larry L. Janes  
Executive Director  
South Dakota One Call

**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 JIM MEYER )  
CONSTRUCTION, RAPID CITY, SOUTH )  
DAKOTA, FOR AN INCIDENT OCCURRING ON )  
FEB 16, 2016, AT 1530 SAMCO RD. RAPID CITY, )  
S.D. )**

**ENFORCEMENT PANEL  
RECOMMENDATION TO THE SD  
ONE CALL BOARD**

**OC16-005**

On May 12, 2016, the South Dakota Public Utilities Commission received a complaint from Montana Dakota Utilities against Jim Meyer (Respondent). The complaint alleges that on or about February 16, 2016, Respondent engaged in excavation without making a locate request.

A copy of the complaint was sent to Respondent on May 23, 2016. Respondent did respond to the Notice of Complaint by the June 13, 2016 deadline.

On July 29, 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-5 occurred. Specifically, the Panel found Respondent performed excavation without a valid locate ticket. The Panel did not find the violation to be intentional.

The Panel found it proper to assess a \$750.00 penalty for this offense. The Panel found it proper to suspend \$500.00 of the penalty under the following conditions:

- i. Respondent shall make payment of the \$250.00 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.
- iii. Respondent shall attend a damage prevention seminar in the spring of 2017.
- iv. Respondent shall conduct an in-house safety meeting with its subcontractor to review the One Call laws. The meeting shall be held within 30 days of the final One Call Order, unless such meeting has occurred prior to the issuance of the Order, but subsequent to the violation. 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.
- v. Respondent must not be found to have committed another violation of a One Call rule or regulation within the 12 months of the SD One Call Board Order.

If any of the conditions are not met, the entire \$750.00 Penalty will be immediately due and owing.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing a party must reply within twenty days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.

**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 8-5-2016

**REQUEST FOR A HEARING  
COMPLAINT OC16-005**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC16-005 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Jim Meyer Construction**

\_\_\_\_\_  
**Date**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC16-005 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
**Signature – Montana-Dakota Utilities Co**

\_\_\_\_\_  
**Date**

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER  
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD  
C/O SOUTH DAKOTA PUBLIC UTILITIES COMMISSION  
500 E. CAPITOL AVE.  
PIERRE, SD 57501-5070**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's  
Recommendation by the South Dakota One Call Board. The Board will then  
Order the Recommendation as the final disposition of this Complaint.**