

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

IN THE MATTER OF THE)	ORDER
COMPLAINT AGAINST ACTION)	OC05-001
ELECTRIC)	

On January 31, 2005 the South Dakota Public Utilities Commission received a complaint from Kanab Pipe Line against Action Electric. Action Electric did not dispute the core allegation in the complaint but did acknowledge the violation was an oversight and corrective action had been implemented.

On March 11, 2005 the Enforcement Committee of the South Dakota One-Call Notification Board met and determined that probable cause exists in Docket OC05-001 in regards to the allegation that Action Electric has violated SDCL 49-7A-5. The Enforcement Committee recommended a \$500.00 penalty with \$500.00 suspended on the grounds that Action Electric fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of Action Electric signing the Enforcement Committee Action Agreement.

All interested parties agreed with the recommendations of the Enforcement Committee. By March 28, 2005, all interested parties had signed the Enforcement Committee Action Agreement. It is therefore,

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is


FURTHER ORDERED that the docket in this matter shall be closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Dated at Sioux Falls, South Dakota, this 4th day of April, 2005.


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 or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: 
Larry Englerth, Executive Director

Date: April 4, 2005

BY ORDER OF THE SD ONE-CALL BOARD:


KEVIN KOUBA, Chairman


Under the Authority and on Behalf of the
Chairman

LARRY ENGLERTH, Executive Director