

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

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IN THE MATTER OF THE	)	ORDER
COMPLAINT AGAINST OLSON	)	OC05-006
DIGGING SERVICE	)	

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On July 22, 2005, the South Dakota Public Utilities Commission received a complaint from Crooks Municipal Utilities against Olson Digging Service. Olson Digging Service did not dispute the allegation in the complaint that they had excavated without providing advance notice to the South Dakota One Call System but did provide background information on how the violation occurred and their previous history of utilizing the South Dakota One Call System.

On August 19, 2005 the Enforcement Committee of the South Dakota One Call Notification Board met and determined that probable cause exists in Docket OC05-006 in regards to the allegation that Olson Digging Service has violated SDCL 49-7A-5. The Enforcement Committee recommended a \$300.00 penalty with \$300.00 suspended on the grounds that Olson Digging Service fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of Olson Digging Service signing the Enforcement Committee Action Agreement.

All interested parties agreed with the recommendations of the Enforcement Committee. By September 12, 2005, all interested parties had signed the Enforcement Committee Action Agreement.

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 15th day of September, 2005.


**CERTIFICATE OF SERVICE**

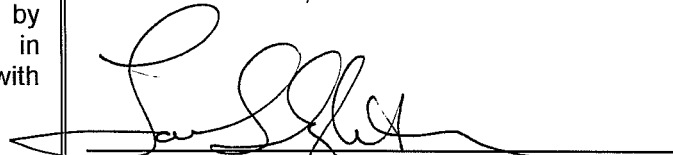
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By:   
Larry Englerth, Executive Director

Date: Sept 15, 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

# **ENFORCEMENT COMMITTEE ACTION**

## **OC05-006**

### **Crooks Municipal Utilities vs. Olson Digging Service**

#### **FINDINGS:**

##### **OC05-006**

#### **Alleged Violation of SDCL 49-7A-5 Notification of Proposed Excavation**

Allegation is made by Crooks Municipal Utilities that Olson Digging Service commenced excavation at 101 South Eric Avenue, Crooks, SD, without providing prior notification to the South Dakota One Call System as required by SDCL 49-7A-5.

The response received from Olson Digging Service did not dispute the allegation that excavation activity had commenced without providing advance notification to the South Dakota One Call System. The response did provide the reasoning for the failure to provide advance notification but the conditions cited are not excluded by SDCL 49-7A.

In reviewing the complaint filed by Crooks Municipal Utilities and the response from Olson Digging Service, the committee determined the following:

Olson Digging Service had commenced excavation without providing advanced notification to the South Dakota One Call System.

Based on the information noted above, the Committee found that there was probable cause that Olson Digging Service had violated SDCL 49-7A-5 without providing advance notice to the South Dakota One Call System.

#### **RECOMMENDATION**

##### **OC05-006**

#### **VIOLATION OF SOUTH DAKOTA SDCL 49-7A-5:**

The Committee found there was probably cause that Olson Digging Service had violated SDCL 49-7A-5 by commencing excavation at 101 South Eric Avenue, Crooks, SD, without providing advance notification to the South Dakota One Call System as required by statute.

#### **PROPOSED PENALTY FOR THIS VIOLATION AUTHORIZED UNDER SDCL 49-7A-18:**

The committee recommends a penalty of three hundred dollars (\$300.00) with three hundred dollars (\$300.00) suspended on the following condition:

Olson Digging Service fully complies with SDCL 49-7A and ARSD Article 20:25 for twelve months following acceptance of resolution of Complaint OC05-006 by both parties.

#### **COMMENTS:**

The committee verified that Olsen Excavating had a pattern of calling in locate requests during this calendar year and accepted the fact that this was a communication breakdown.