



Larry Englerth
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February 1, 2008

Doug Stoner
Solid Fence Company
27087 Katie Rd. Suite 3
Tea, SD 57064

Ginny Beck
City of Crooks
P O Box 785
Crooks, SD 57020

The Enforcement Committee recommendation to resolve Complaint OC07-007 has been accepted by both parties involved in the complaint. The order closing this Complaint is attached.

This order will close all action on this complaint with the exception that the suspended portion of the penalty would be applicable should a further violation occur prior to January 30, 2009 or payment of the penalty is not received prior to March 3, 2008. Payment should be mailed to the following address:

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

Sincerely,

s/s Larry Englerth

Larry L. Englerth
Executive Director

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: s/s Larry Englerth

Larry Englerth, Executive Director

Date February 1, 2008

BY ORDER OF THE SD ONE-CALL BOARD:

s/s Jerry Schroeder

JERRY SCHROEDER, Chairman

s/s Larry Englerth

Under the Authority and on Behalf of the
Chairman

LARRY ENGLERTH, Executive Director

ENFORCEMENT COMMITTEE ACTION

OC07-007

City of Crooks vs. Solid Fence Company

FINDINGS: **OC07-007**

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

Allegation is made by City of Crooks that Solid Fence Company commenced excavation at 405 South Susan Avenue in Crooks, South Dakota, without providing prior notification to the South Dakota One Call System as required by SDCL 49-7A-5. Allegation is that excavation occurred prior to the start date and time on Locate Request 073090341.

Solid Fence Company did not dispute the allegation that excavation activity had commenced without providing advance notification to the South Dakota One Call System. The response did not indicate that Solid Fence Company understood the seriousness of the complaint and potential for damage to property and injury to employees or the general public.

In reviewing the complaint filed by City of Crooks and the response from Solid Fence Company, the committee determined the following:

Solid Fence Company had violated SDCL 49-7A-5 by commencing excavation at 405 South Susan Avenue in Crooks, South Dakota on locate number 073090341 prior to the start date of November 8, 2007.

Based on information provided, the Committee found there is probable cause to find Solid Fence Company violated SDCL 49-7A-5 by commencing excavation at 405 South Susan Avenue in Crooks, South Dakota on locate number 073090341 prior to the start date of November 7, 2007

RECOMMENDATION **OC07-007**

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

The Committee found there was probable cause that Solid Fence Company had violated SDCL 49-7A-5 by commencing excavation at 405 South Susan Avenue in Crooks, South Dakota on locate number 073090341 prior to the start date of November 7, 2007.

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

The committee recommends a penalty of five hundred dollars (\$500.00) with three hundred dollars (\$300.00) suspended on the following conditions:

- Solid Fence Company fully complies with SDCL 49-7A and ARSD Article 20:25 for twelve months following acceptance of resolution of Complaint OC07-007 by both parties.
- Solid Fence Company fully complies with the resolution of Complaint OC07-007 by making payment of the two hundred dollars (\$200) within thirty (30) days of the issuance of the Order to close Complaint OC07-007.
- Solid Fence Company should be aware that any future violation of SDCL 49-7A or ARSD 20:25 within twelve months from the date of the final order are be subject to additional penalties up to a maximum of \$5000 under SDCL 49-7A-18.