

AGENDA

South Dakota 811 Notification Board Enforcement Panel Conference Call

Location: Heavy Constructors
4101 Deadwood Avenue, North
Rapid City, South Dakota

Monday, May 22, 2017 – 2:00PM Central Time, 1:00PM Mountain Time

Conference Call Line: (605) 224-1125, Access Code: 0181200#

For assistance with the call-in phone number or problems accessing the call, please call
Katrina at 605-773-3011.

The Enforcement Panel of the South Dakota 811 Board will meet by conference call to consider the following South Dakota 811 Complaints:

OC16-011 – In the Matter of the Complaint filed by Northern Natural Gas (Northern), Omaha, Nebraska against Ernest Fryer (Fryer), Hartford, South Dakota for an incident occurring on November 5, 2016 at Minnehaha County – Aberdeen Mainline M471B at MP81.51.

On November 16, 2016 Northern filed a complaint against Fryer alleging that Fryer damaged a water line, while working with no locate request.

Fryer responded on April 15, 2017 that the work was completed as a favor to the landowner, and he was not a contractor for hire. Fryer further stated that the property had been located by the homeowner when new gas lines were installed. Fryer has paid \$2,134.45 to repair the damage to the waterline, per the response.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that Fryer violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC16-012 – In the Matter of the Complaint filed by David A Geyer, Esq, on behalf of Mr. and Mrs. Bartz (Geyer), Sisseton, South Dakota against Dakota Fence (Dakota), Fargo, North Dakota, for an incident occurring on October 3, 2016 at 12924 Zach Road, Browns Valley, Minnesota. This is considered in South Dakota.

On December 30, 2016 Geyer filed a complaint alleging Dakota damaged a buried line to a pole light.

Dakota responded by the May 1 deadline with proof of a locate ticket.

Geyer further responded in dismissing the complaint on April 28, 2017.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that Fryer violated any statute or rule under the justification of the Board, and if so shall a civil penalty be assessed?

OC17-001 – In the matter of the Complaint filed by Davison Rural Water (Davison), Mitchell, South Dakota against Drake Underground, LLC. (Drake), Fond du Lac, Wisconsin for an incident occurring December 3, 2016 at the intersection of 406th and 254th Avenue.

On January 31, 2017, Davison filed a complaint alleging Drake damaged water lines while boring under invalid locate tickets.

Drake did not respond to the complaint before the May 1 deadline.

Today, shall the Enforcement Panel of South Dakota 811 Notification Board find that is probable cause that Drake violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC17-002 In the matter of the Complaint filed by Larson Digging, Inc. (Larson) Iroquois, South Dakota against Spilde Electric (Spilde), Arlington, South Dakota, for an incident occurring April 3, 2017 at Highway 14 and 453rd Avenue in Arlington.

On April 5, 2017, Larson filed a complaint alleging Spilde failed to register privately owned utilities in a public ROW.

Spilde responded on May 1, 2017 that the wire buried in the ROW was not installed or buried by Spilde.

Today, shall the Enforcement Panel of South Dakota 811 Notification Board find that there is probable cause that Spilde violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC17-003 – In the matter of the Complaint filed by NorthWestern Energy (NorthWestern), Huron, South Dakota against Webster Scale, Inc. (Webster), Webster, South Dakota, for an incident occurring April 21, 2017 at the intersection of Hwy 12 and Hwy 37 in Groton.

On May 1, 2017, NorthWestern filed a complaint alleging Webster damaged a gas line while digging within 18” of the marks.

The response deadline for Webster is May 22, 2017.

Today, shall the Enforcement Panel of South Dakota 811 Notification Board find that there is probable cause Webster violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?