

## AGENDA

### South Dakota One Call Notification Board Enforcement Panel Conference Call

Location: Heavy Constructors

4101 Deadwood Avenue, North

Rapid City, South Dakota

Friday, June 16, 2017 at 9:00AM Central Time (8:00AM Mountain)

The Enforcement Panel of the South Dakota One Call Notification Board will meet by conference call to consider the following South Dakota One Call 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 Geyer 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 406<sup>th</sup> Avenue and 254<sup>th</sup> Street in Letcher.

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 One Call 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 453<sup>rd</sup> 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 One Call 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.

Webster responded by the May 22, 2017 deadline.

Today, shall the Enforcement Panel of South Dakota One Call 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?

**OC17-004** – In the matter of the Complaint filed by Watertown Municipal Utilities (Watertown), Watertown, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1301 3<sup>rd</sup> Street NE in Watertown.

On May 17, 2017, Watertown filed a complaint alleging Underground dug prior to the 48-hour notice, not hand excavating within 18 inches of a marked facility and not providing a precise description of the specific excavation area.

The response deadline for Underground is June 8, 2017.

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

**OC17-005** – In the matter of the Complaint filed by Watertown Municipal Utilities (Watertown), Watertown, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1313 17<sup>th</sup> Street NE in Watertown.

On May 17, 2017, Watertown filed a complaint alleging Underground dug prior to the 48-hour notice, not hand excavating within 18 inches of a marked facility and not providing a precise description of the specific excavation area.

The response deadline for Underground is June 8, 2017.

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

**OC17-006** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 151 18<sup>th</sup> Avenue SW in Watertown.

On May 23, 2017, Midco filed a complaint alleging Underground dug prior to the 48-hour notice.

The response deadline for Underground is June 13, 2017.

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

**OC17-007** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 517 C Avenue NE in Watertown.

On May 24, 2017, Midco filed a complaint alleging Underground dug prior to the 48-hour notice.

The response deadline for Underground is June 13, 2017.

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

**OC17-008** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 1913 10<sup>th</sup> Avenue SW in Watertown.

On May 24, 2017, Midco filed a complaint alleging Underground dug prior to the 48-hour notice.

The response deadline for Underground is June 13, 2017.

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

**OC17-009** – In the matter of the Complaint filed by Midco (Midco), Sioux Falls, South Dakota against Underground Communications (Underground), Waupaca, Wisconsin, for an incident occurring May 16, 2017 at 3425 13<sup>th</sup> Avenue SW in Watertown.

On May 24, 2017, Midco filed a complaint alleging Underground dug prior to the 48-hour notice.

The response deadline for Underground is June 13, 2017.

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

**Please note:** This is a legal proceeding and only written information provided by the Complainants and the written response from the Defendants will be considered per SDCL 49-7A-25. No comments from the parties involved in the complaints will be taken during this call.

**Note: Please call (605) 863-0951 at least 10 minutes prior to the call for call-in instructions. We have limited ports available on the conference bridge, so if you do plan to call in, we ask that you conference in on one line.**