

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED)
BY MONTANA-DAKOTA UTILITIES CO.,)
RAPID CITY, SOUTH DAKOTA, AGAINST)
TEUPEL CONSTRUCTION, SPEARFISH,)
SOUTH DAKOTA, FOR AN INCIDENT)
OCCURRING ON MAY 11, 2013, IN)
SPEARFISH, SOUTH DAKOTA)**

**ORDER GRANTING
WITHDRAWAL OF REQUEST
TO BRING CIVIL ACTION**

OC13-009

On May 27, 2013, Montana-Dakota Utilities Co. filed a complaint against Teupel Construction (Teupel) alleging that Teupel engaged in excavation without a valid locate ticket. Teupel responded to the complaint, admitting that the violation occurred. The One Call Enforcement Panel met on July 30, 2013, and determined that probable cause existed to believe that a violation did occur. The Panel recommended a penalty of \$500.00 with \$250.00 suspended based upon certain conditions. Teupel did not contest the recommendation. On October 10, 2013, the One Call Board issued an Order Adopting Enforcement Panel Recommendation and to Pursue Collection Action if Necessary (Order). Teupel made payment of \$250.00 but failed to satisfy at least one of the conditions of the Order suspending half of the penalty. In accordance with SDCL § 49-7A-34, a demand letter for payment of the penalty was sent to Teupel on December 4, 2013. The Commission's staff (Staff) brought this matter before the South Dakota Public Utilities Commission (Commission) to determine whether to initiate a civil action against Teupel pursuant to SDCL § 49-7A-28 to collect the unpaid penalty as requested in the Order. On March 3, 2014, the Commission received payment in full from Teupel.

At its regular meeting on March 4, 2014, the Commission considered the Order's request. Commissioner Nelson recused himself from participation due to his perception of a conflict of interest. Based on Teupel's payment in full, Staff requested to withdraw the Order's request to bring an action against Teupel in the name of the State of South Dakota. The Commission voted unanimously, with Commissioner Nelson abstaining, to grant Staff's request to withdraw the Order's request to pursue a collection action and to close the docket, since the requirements of the Order have been satisfied in full. It is therefore

ORDERED, that Staff's request to withdraw the Order's request to bring an action against Teupel in the name of the State of South Dakota pursuant to SDCL § 49-7A-28 for collection of penalties is granted, and the docket is closed.

Dated at Pierre, South Dakota, this 6th day of March, 2014.

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, electronically.

By: Joy Lashley
Date: 3.6.14

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

CHRIS NELSON, Commissioner (abstaining)

Kristie Fiegen
KRISTIE FIEGEN, Commissioner