

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

**IN THE MATTER OF THE COMPLAINT FILED BY)
SOUTHEASTERN ELECTRIC COOPERATIVE,)
INC., MARION, SOUTH DAKOTA, AGAINST DON)
RUNGE, SIOUX FALLS, SOUTH DAKOTA)
)
)
)**

**ORDER ADOPTING)
ENFORCEMENT PANEL)
RECOMMENDATION TO THE)
SD ONE CALL BOARD AND)
CLOSING DOCKET)**

OC11-007

On August 23, 2011, the South Dakota Public Utilities Commission received a complaint from Southeastern Electric Cooperative, Inc. (herein "Southeastern") against Don Runge (herein "Runge"). On October 11, 2011 a reply was filed by Runge's counsel. On October 28, 2011, pursuant to SDCL 49-7A-22 a panel of five One Call Board members (herein "Panel") convened. The Panel met to determine whether probable cause exists to believe the violation occurred as described in the complaint. The panel found two violations.

The Panel found probable cause exists to believe a violation of SDCL 49-7A-5 occurred. Specifically, after discussing the One Call tickets and reviewing a map of the excavation site the panel found excavation occurred without a proper One Call ticket.

The Panel found probable cause to believe a violation of SDCL 49-7A-8 occurred. Specifically, due to the damage that occurred, they found Runge failed to maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of mechanical equipment.

The Panel did not find either violation occurred intentionally. As such the Panel looked to SDCL 49-7A-18 and the factors in SDCL 49-7A-26 to determine proper penalties.

The Panel found it proper to assess a One Thousand Dollar (\$1,000) penalty for each violation with Five Hundred Dollars (\$500) suspended for each if a Five Hundred Dollar (\$500) payment is received for each violation within thirty days of issuance of this Order.

A total of One Thousand Dollars (\$1,000) is due within thirty days of issuance of this Order.

Additionally, the entire suspended portion (\$1,000) of the penalty becomes immediately due and payable should Runge be found guilty of a violation of SDCL 49-7A or ARSD 20:25 within the twelve months following the date of the issuance of this Order.

At its scheduled meeting of January 25, 2012, the South Dakota One Call Board, pursuant to SDCL 49-7A-27, reviewed the Panel's procedure and approved its findings.

THE ONE CALL BOARD OF SOUTH DAKOTA HEREBY ORDERS, the terms and conditions as recommended by the Panel as final resolution of this complaint. The Panel's findings are attached hereto and shall be considered and fully incorporated herein; and it is

FURTHER ORDERED this docket shall be dismissed and 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.

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 by first class mail, or by other electronic means.

Tina Douglas
Tina Douglas

Date 2-8-13

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,
This 8th day of February, 2013

Kurt Pfeifle
Kurt Pfeifle, Chairman

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ERRATA NOTICE

OC11-007

This notice of errata is made in regards to te above-captioned matter, to correct clerical error discovered in the ENFORCEMENT PANEL RECOMMENDATION TO THE SD ONE CALL BOARD, issued by the South Dakota One Call Notification Board and dated January 25, 2012. The title of the order that reads:

IN THE MATTER OF THE COMPLAINT FILED BY)
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RUNGE, SIOUX FALLS, SOUTH DAKOTA)

**ENFORCEMENT PANEL
RECOMMENDATION TO THE
SD ONE CALL BOARD**

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It is hereby corrected to read as follows:

IN THE MATTER OF THE COMPLAINT FILED BY)
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RUNGE, SIOUX FALLS, SOUTH DAKOTA)

**ENFORCEMENT PANEL
RECOMMENDATION TO THE
SD ONE CALL BOARD**

**ORDER ADOPTING
ENFORCEMENT PANEL
RECOMMENDATION TO THE
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OC11-007

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 by first class mail, or by other electronic means.

Tina Douglas
Tina Douglas

Date 2-8-13

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre South Dakota,

This 8th day of February, 2013

Kurt Pfeifle
Kurt Pfeifle, Chairman