

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT)	ORDER ADOPTING ENFORCEMENT
BY NORTHWESTERN ENERGY AGAINST)	PANEL RECOMMENDATIONS AND
SCOTT OLSON DIGGING, INC.)	CLOSING DOCKET
)	OC10-006

On September 13, 2010, the South Dakota Public Utilities Commission received a complaint from NorthWestern Energy against Scott Olson Digging, Inc. The Complaint alleges Scott Olson Digging, Inc. damaged NorthWestern Energy facilities while excavating yet did not notify the utility as required by SDCL 49-7A-12. In its October 27, 2010 reply, Scott Olson Digging, Inc. stated the line was to be relocated by NorthWestern Energy and that it was in contact with a third party regarding the relocation.

On October 28, 2010, pursuant to SDCL 49-7A-22 a panel was appointed to make a recommendation to the South Dakota One Call Board regarding whether probable cause exists to believe the violation occurred as described in the Complaint (herein the Panel). The Panel met and determined probable cause exists to find a violation of SDCL 49-7A-12 occurred.

In addition, and also pursuant to SDCL 49-7A-22 the Panel recommended one-thousand dollar (\$1,000) penalty. In making its recommendation the Panel considered all factors in SDCL 49-7A-26.

Neither party requested a hearing in this matter and pursuant to SDCL 49-7A-27 the Panel's recommendation is considered accepted by both.

At its scheduled meeting of February 16, 2011, 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 that complete payment of said penalty be made within thirty days of issuance of this Order; and it is

FURTHER ORDERED this docket shall be 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.



Larry L. Janes, Executive Director

Date 2-18-2011

BY ORDER OF THE SD ONE-CALL BOARD:

Dated at Pierre, South Dakota,

this 16th day of February, 2011



Bleau LaFave
Chairman