

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MONTANA DAKOTA
UTILITIES, RAPID CITY, SD AGAINST
WILD WEST CONSTRUCTION, LLC,
GLENROCK, WY, FOR AN INCIDENT
OCCURRING ON SEPTEMBER 21, 2020
AT 317 GOLD STREET, LEAD, SD.

**ORDER ADOPTING ENFORCEMENT
PANEL RECOMMENDATION TO THE
SOUTH DAKOTA ONE CALL BOARD**

OC20-072

On October 2, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against Wild West Construction, LLC (herein "Respondent"), for an incident occurring on September 21, 2020, at 317 Gold Street, Lead, SD. The Complaint alleges violations of SDCL 49-7A-5 and 49-7A-12 when Respondent was digging under a locate ticket under the homeowner's name. Claimant alleges Respondent did not have a valid locate ticket in their own name. Claimant alleges while Respondent was removing the old waterline to the house, the old water line snagged the gas line causing the gas line to break. Claimant alleges gas was blowing, and the Respondent bent the gas line over to stop the flow of gas. Claimant also alleges 811 was notified, but 911 was not notified.

A copy of the Complaint and an Offer of Complaint Resolution (herein "Offer") was sent to Respondent on October 5, 2020. The deadline to respond to the Complaint or accept the Offer was October 26, 2020. Respondent did not accept the Offer. Respondent has answered the Complaint as of October 26, 2020 and does not dispute that a violation of South Dakota One Call law occurred. Respondent alleges that, to their understanding, all of the regulations were followed.

On November 12, 2020, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel does not find probable cause that violations of SDCL 49-7A-5 and 49-7A-12 occurred. Therefore, the Panel recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing, a party

must reply within twenty (20) days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

On December 14, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its February 19, 2021 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 24th day of February, 2021.

BY ORDER OF THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD:

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