

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD AGAINST PEDERSEN EXCAVATION, SPEARFISH, SD, FOR AN INCIDENT OCCURRING ON SEPTEMBER 23, 2020 AT 0 KATIE LANE AND PINE VIEW DRIVE, STURGIS, SD.</p>	<p><b>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</b></p> <p>OC20-074</p>
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On October 5, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein “Claimant”), against Pedersen Excavating, Inc. (herein “Respondent”), for an incident occurring on September 23, 2020, at 0 Katie Lane and Pine View Drive, Sturgis, SD. The Complaint alleges a violation SDCL 49-7A-8 when Respondent was grading the roadway with a dozer and hit a gas service line. Claimant alleges the Respondent did not pothole prior to work being done. Claimant also alleges Respondent had a valid locate ticket and the line was accurately located with those marks still visible. Gas was blowing, and 811 and 911 were both notified.

A copy of the Complaint was sent to Respondent on October 5, 2020. The deadline to respond was October 26, 2020. Respondent has answered the Complaint as of October 9, 2020 and does dispute that a violation of South Dakota One Call law occurred. Respondent alleges the gas line was potholed on the west side of the road and was 47” deep. Respondent alleges this was done prior to grading operations on the road and ditch.

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 a violation of SDCL 49-7A-8 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 24<sup>th</sup> day of February, 2021.

BY ORDER OF THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD:

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*Fay Sandreau*  
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