

# MAY ADAM

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December 17, 2021

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VIA CERTIFIED MAIL:

Cable Specialists Inc.  
Attn: Jacob Hoffman, President  
7905 W Lancaster Street  
Sioux Falls, South Dakota 57106

On July 12, 2021, the South Dakota One Call Notification Board issued an Order, Complaint Docket OC20-090, for payment of a total penalty of Five Thousand Dollars (\$5,000) with Three Thousand Two Hundred Dollars (\$3,200) suspended if all requirements of the Order were met. Cable Specialists Inc. (hereinafter "CSI") was to hold an in-house safety meeting discussing South Dakota One Call laws, attend a Damage Prevention Meeting held in 2021 in Rapid City, conduct a face-to-face meeting with Montana Dakota Utilities, and submit the unsuspended penalty payment (\$1,800) within thirty (30) days of the Order. CSI has not met any of the requirements. Therefore, the full penalty payment is due.

Be advised this is a thirty-day demand for payment letter per SDCL 49-7A-33. If payment of Five Thousand Dollars (\$5,000) is not received by January 17, 2022, collection activity will be brought by the South Dakota One Call Notification Board.

**Remit payment:**

**South Dakota One Call Notification Board  
P.O. Box 187  
Rapid City, South Dakota 57709**

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP



CODY L. HONEYWELL

CLH | jrw

Enclosure: OC20-090 Board Order

CC/enc: Executive and Deputy Director of SD One Call Notification Board

MAY, ADAM, GERDES & THOMPSON LLP  
503 SOUTH PIERRE STREET • P.O. BOX 160  
PIERRE, SOUTH DAKOTA 57501-0160

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MONTANA DAKOTA  
UTILITIES, RAPID CITY, SD AGAINST  
CSI, SIOUX FALLS, SD, FOR AN  
INCIDENT OCCURRING ON NOVEMBER  
17, 2020 AT 23590 WILDERNESS  
CANYON, RAPID CITY, SD.

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

OC20-090

On December 1, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against Cable Specialists Inc. (herein "Respondent"), for an incident occurring on November 17, 2020, at 23590 Wilderness Canyon, Rapid City, SD. The Complaint alleges a violation SDCL 49-7A-5 when Respondent did not have a valid locate ticket while installing cable TV in the area and subsequently hit a gas line. Claimant alleges gas was blowing, and 911 and 811 were notified.

A copy of the Complaint was sent to Respondent on December 2, 2020. The deadline to respond to the Complaint was December 22, 2020. Respondent had not answered the Complaint as of January 29, 2021.

On January 29, 2021, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel does find probable cause that an intentional violation of SDCL 49-7A-5 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$5,000 with \$3,200 suspended upon the conditions listed below. The conditions for the suspended penalty are as follows:

1. Respondent must not be found guilty of a One-Call violation within 12 months of the Board Order,
2. The penalty payment of **\$1,800** must be made to **South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709.**
3. Respondent must attend a Damage Prevention meeting in 2021.
4. Respondent must conduct an in-house safety meeting to discuss South Dakota One Call laws. Detail of the discussion material, date, and length of the meeting along with

printed and signed names of attendees will be submitted to the Executive Director of South Dakota One Call within thirty (30) days of the Board Order being issued.

5. Respondent will arrange a face-to-face meeting with Claimant to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within thirty (30) days of the Board Order being issued.

If any of the above conditions are not met, the suspended penalty (\$3,200) becomes immediately due and payable to South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709.

On February 11, 2021, the Panel's recommendation was sent to the parties in this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its May 11, 2021 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

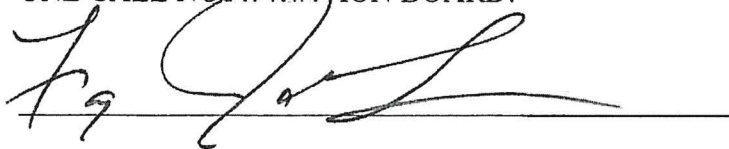
**ORDERED**, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

**ORDERED**, that if the penalty is not paid, that the Board shall pursue any rights it has under the law regarding collections.

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 12th day of July, 2021.

BY ORDER OF THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD:



A handwritten signature in black ink, appearing to be 'T. J. [unclear]', is written over a horizontal line. The signature is cursive and somewhat stylized.