

South Dakota

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May 12, 2021

Montana Dakota Utilities
401 Main Street
Mobridge, South Dakota 57401
Attn: Don Bohle

Dear Mr. Bohle:

RE: [OC21-004 - In the Matter of the Complaint Filed by Montana Dakota Utilities, Mobridge, SD against R & W Construction, Pierre, SD, for an incident occurring on May 3, 2021 at 610 W Sioux Avenue, Fort Pierre, SD.](#)

In reviewing the submitted information, South Dakota One Call has determined this complaint does not meet filing requirements due to the following:

- **As stated on the Complaint, Specific Statutes and Administrative Rules must be stated. The Enforcement Panel does not have the authority to assign violations.**

The information filed in a complaint must contain accurate information, including the correct company name, address and statute(s) violated. It must also contain accurate statements and must not be inconsistent with any attached documentation. South Dakota One Call reserves the right to vet and close a complaint, if any information is found to be incomplete, incorrect, or inconsistent with supporting materials. In reviewing the submitted information, South Dakota One Call has determined it does not meet these requirements to move forward. South Dakota One Call considers this docket closed. No further action will be taken by the Board of Directors in this matter. If you so choose, you may resubmit this complaint.

Per 49-7A-21. Complaint and order prerequisites for penalty--Time limit. No penalty may be imposed pursuant to §§ 49-7A-18 and 49-7A-19 except by order following a complaint pursuant to § 49-7A-17. A complaint alleging a violation of any statute, except § 49-7A-12, or alleging a violation of any rule of the Statewide One-Call Notification Board shall be brought not later than ninety days after the discovery of the alleged violation, but in no case may the complaint be brought more than one year after the date of the alleged violation. Any complaint alleging a violation of § 49-7A-12 shall be brought within one year of discovery of the alleged violation.

Please email Larry Janes at exedir@sdonecall.com or Codi Gregg at deputydirector@sd811.com with any written questions.

Respectfully,
Larry L. Janes
Executive Director
South Dakota One Call Notification Board