

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, MOBRIDGE, SD AGAINST ANDERSON CONTRACTORS, INC., PIERRE, SD FOR AN INCIDENT OCCURRING ON JUNE 8, 2021 AT 500 PLEASANT IN PIERRE, SD.</p>	<p>ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p>OC21-008</p>
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On June 24, 2021, the South Dakota One Call Notification Board received a Complaint filed by Montana-Dakota Utilities Co. (herein “Claimant”), against Anderson Contractors, Inc. (herein “Respondent”), for an incident occurring on June 8, 2021, at 500 Pleasant in Pierre, SD. The Complaint alleges a violation of South Dakota One Call law when Respondent drove a concrete stake through the pipeline after exposing the line in three places.

A copy of the Complaint was sent to Respondent on June 28, 2021. The deadline to respond was July 20, 2021. Respondent has not answered the Complaint as of July 22, 2021.

On July 22, 2021, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel recommends the Complaint be dismissed, allowing MDU to refile the Complaint with statute violations included under 49-7A-21. If the Complaint is refiled, it will not be considered a second offense and considered new.

The Panel recommends the South Dakota One Call Notification 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.

The South Dakota One Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.