

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

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.

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

OC21-008

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.

On October 12, 2021, 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 November 17, 2021 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

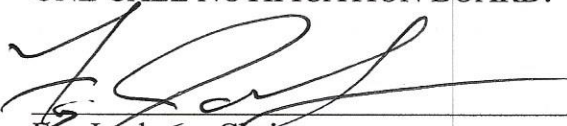
ORDERED, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

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 17th day of November, 2021.

BY ORDER OF THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD:



Kay Jandreau, Chairman