BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY NORTHWESTERN ENERGY, MITCHELL, SD AGAINST ALLIANCE CONSTRUCTION, SIOUX FALLS, SD FOR AN INCIDENT OCCURRING ON JUNE 9, 2021 AT 27220 472ND AVENUE IN HARRISBURG, SD.	**ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD** OC21-010

On June 29, 2021, the South Dakota One Call Notification Board received a Complaint filed by NorthWestern Energy (herein "Claimant"), against Alliance Construction, LLC (herein "Respondent"), for an incident occurring on June 9, 2021, at 27220 472nd Avenue, Harrisburg, South Dakota. The Complaint alleges violations of ARSD 20:25:03:05.03 and ARSD 20:25:03:10.02 when Respondent did not notify Claimant prior to excavation and did not expose the facilities prior to excavation with a large excavator.

A copy of the Complaint was sent to Respondent on July 1, 2021. The deadline to respond to the Complaint was July 23, 2021. Respondent has answered the Complaint as of July 20, 2021. Respondent does not dispute that violations of South Dakota One Call law occurred. Respondent alleges there was miscommunication and no damage had occurred.

On November 4, 2021, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. The Panel does not find probable cause that violations of ARSD 20:25:03:05.03 and ARSD 20:25:03:10.02 occurred. Therefore, the Panel recommends the Complaint be dismissed.

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.