



June 6, 2022

Mr. Matt Askland
Askland Construction
PO Box 9511
Rapid City, South Dakota 57709

Damage Prevention Office
Black Hills Electric Coop
25191 Cooperative Way
Custer, South Dakota 57730

Re: OC22-001 Askland Construction vs. Black Hills Electric Coop

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on May 10, 2022 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC22-001. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the South Dakota One Call Notification Board and your right to hearing is waived.

If you choose to request a hearing you must return the signed and dated form prior to the close of business on June 27, 2022.

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$10,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-863-0951 or by email at exedir@sdonecall.com. Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

Cody M. Gregg

Cody M. Gregg
Deputy Director
South Dakota One Call

**REQUEST FOR A HEARING
COMPLAINT OC22-001**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC22-001 AND
REQUEST A HEARING.**

Signature – Askland Construction

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC22-001 AND
REQUEST A HEARING.**

Signature – Black Hills Electric Coop

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
PO BOX 187
RAPID CITY, SOUTH DAKOTA 57709**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's
Recommendation by the South Dakota One Call Board. The Board will then
Order the Recommendation as the final disposition of this Complaint.**

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY ASKLAND DITCHING
AGAINST BLACK HILLS ELECTRIC
COOP FOR AN INCIDENT OCCURRING
ON MARCH 4, 2022 AT 8007 KATRINA
CT, RAPID CITY, SD.

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

OC22-001

On March 4, 2022, the South Dakota One Call Notification Board received a Complaint filed by Askland Ditching (herein “Claimant”) against Black Hills Electric Coop (herein “Respondent”) for an incident occurring on March 4, 2022, at 8007 Katrina Ct, Rapid City, SD. The Complaint alleges a violation of SDCL 49-7A-9 when Respondent failed to provide location markings before the start time on emergency ticket.

A copy of the Complaint was sent to Respondent on March 4, 2022. The deadline to respond was March 25, 2022. Respondent answered the Complaint on March 17, 2022. Respondent does not dispute that a violation of South Dakota One Call law occurred. Respondent alleges locate was due at 7:00 a.m. on March 4, 2022 and was not on site until 8:00 a.m. on March 4, 2022.

On May 10, 2022, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel does find probable cause that an unintentional violation of SDCL 49-7A-9 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$1,000 with \$250 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 twelve (12) months of the Board Order being issued.
2. The penalty payment of **\$750** must be made to the ***South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709*** within thirty (30) days of the Board Order being issued.

3. Respondent must attend a Damage Prevention meeting in 2023.
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 (**\$250**) becomes immediately due and payable to **South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709.**

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.