

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD, AGAINST CENTURY SITEWORK, RAPID CITY, SD FOR AN INCIDENT OCCURRING ON JULY 12, 2019 AT 0 CREEK DRIVE, RAPID CITY, SD.</p>	<p style="text-align:center"><b>ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</b></p> <p style="text-align:center">OC19-021</p>
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On July 16, 2019 the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities (herein “MDU”), against Century Sitework, Rapid City, SD (herein “Respondent”) for an incident occurring on July 12, 2019 at 0 Creek Drive, Rapid City, SD. The Complaint alleges that the Respondent violated SDCL 47-7A-8 when it excavated on a ticket that was 3 months old and failed to maintain current locates during construction. A gas line was hit and was blowing gas.

A copy of the Complaint was sent to Respondent on July 17, 2019. Respondent did not answer the Complaint.

On August 12, 2019 the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. The Panel did not find probable cause of a violation of SDCL 49-7A-8. The statute cited by MDU (49-7A-8) requires excavators maintain a minimum horizontal clearance between facilities and the cutting edge of equipment. The provided facts do not demonstrate a violation of 49-7A-8. No decision is made as to potential violation of any other statute or administrative rule.

Based upon the evidence presented in the filings, the Panel recommends the Complaint be dismissed without prejudice. If MDU chooses, it can refile this Complaint pursuant to SDCL 49-7A-21

The Panel recommends the South Dakota One Call 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 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.