

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD, AGAINST CENTURY SITEWORK, RAPID CITY, SD FOR AN INCIDENT OCCURING ON JULY 12, 2019 AT 0 CREEK DRIVE, RAPID CITY, SD.	ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC19-021
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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.

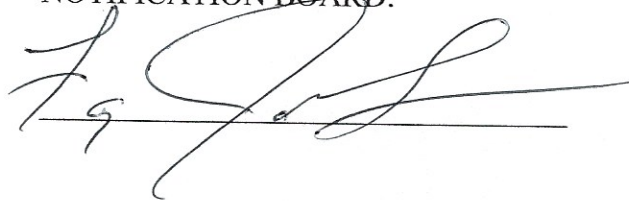
On August 19, 2019 the Panel’s recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel’s recommendations at its November 19, 2019 meeting pursuant to SDCL 49-7A-27. The Panel’s recommendation was approved by the Board. It 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; it is further

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 19th day of November 2019.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

A handwritten signature in black ink, appearing to be "L. S. S.", written over a horizontal line. The signature is stylized and cursive.