

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY MONTANA DAKOTA
UTILITIES CO., RAPID CITY, SD
AGAINST HIGH PLAINS
CONSTRUCTION, SPEARFISH, SD, FOR
AN INCIDENT OCCURRING ON
SEPTEMBER 25, 2019 AT 2126
TALISKER, SPEARFISH, SD.

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

OC19-056

On September 27, 2019 the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "MDU"), against High Plains Construction (herein "Respondent") for an incident occurring on September 25, 2019 at 2126 Talisker, Spearfish, SD. The Complaint alleges a violation of SDCL 49-7A-8 when Respondent pinched the gas line off themselves. MDU alleges the Respondent was informed not to do that in the future and that the tech on site had to make Respondent call 811. MDU alleges that Respondent was digging a basement when the ¾" gas line was hit. MDU alleges locates were within the 18" limit and alleges the Respondent did not pothole to locate utilities prior to digging.

A copy of the Complaint was sent to Respondent on October 1, 2019. Respondent answered the Complaint on October 3, 2019 and admits the allegation that it violated SD One Call law. Respondent alleges they did pothole around the utilities and also alleges the gas stub was more than 2 feet from the locate.

On November 21, 2019, the Enforcement Panel (herein "Panel") convened pursuant the authority present in SDCL 49-7A. The Panel does not find sufficient evidence to believe a violation of SD One Call law occurred. The Panel recommends the Complaint be dismissed.

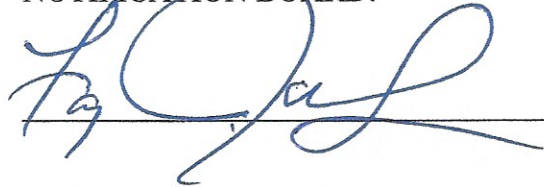
On January 7, 2020, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its February 20, 2020 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It 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.

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 20th day of February 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be the initials 'LQJ' followed by a surname.