

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES CO., RAPID CITY, SD AGAINST CENTURY SITEWORK, RAPID CITY, SD, FOR AN INCIDENT OCCURRING ON OCTOBER 24, 2019 AT 2000 DEADWOOD AVENUE, RAPID CITY, SD.</p>	<p>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p>OC19-066</p>
--	--

On October 29, 2019, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein “MDU”), against Century Sitework, (herein “Respondent”) for an incident occurring on October 24, 2019 at 2000 Deadwood Avenue, Rapid City, SD. The Complaint alleges a violation of SDCL 49-7A-5 and 49-7A-8 when Respondent was digging a trench to install new sewer lines and cut the service line in half. MDU alleges gas was not blowing because of an Excess Flow Valve. MDU also alleges the Respondent did not have a valid locate ticket, 811 was called, and 911 was not called.

A copy of the Complaint was sent to Respondent on November 5, 2019 and was resent on November 22, 2019 due to returned mail. Respondent has not answered the complaint. Deadline to respond was December 13, 2019.

On January 30, 2020, the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. The Panel finds probable cause to believe that an unintentional violation of 49-7A-5 and 49-7A-8 occurred.

Based upon the evidence presented in the filings, the Panel recommends a penalty of \$2,000 with \$0 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 12 months of the final Board Order,
2. The penalty payment of **\$2,000** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the final Board Order,
3. Respondent must attend a Damage Prevention meeting in 2021,

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 30 days of the final Board Order.
5. Respondent will arrange a face-to-face meeting with MDU to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within 30 days of the final Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$0**) becomes immediately due and payable to **P.O. Box 187, Rapid City, SD 57709.**

On February 11, 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 May 18, 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 18th day of May 2020.

BY ORDER OF THE SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD:

DocuSigned by:

Fay Sandman

01AEC86AEFF0499...