

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MAGELLAN MIDSTREAM  
PARTNERS, LP, TULSA, OK AGAINST  
MR. TOY LITZEL, EDGEMONT, SD FOR  
AN INCIDENT OCCURRING ON JUNE 8,  
2022 AT LITZEL FARMLAND,  
EDGEMONT, SD.

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

OC22-007

On June 14, 2022, the South Dakota One Call Notification Board received a Complaint filed by Magellan Midstream Partners, LP (herein "Claimant") against Mr. Toy Litzel (herein "Respondent") for an incident occurring on June 8, 2022, at Litzel Farmland, Edgemont, SD. The Complaint alleges a violation of 49-7A-1, specifically (3) and (4) when Respondent did not submit a One Call request.

A copy of the Complaint was sent to Respondent on June 15, 2022. The deadline to respond was July 8, 2022. Respondent answered the Complaint on July 7, 2022. Respondent does not dispute that a violation of South Dakota One Call law occurred. Respondent alleges no request to dig was made to One Call.

On August 16, 2022, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. The Panel needs more information from the Claimant in regard to specific statute(s) that were violated. It is the responsibility of the Claimant to name specific statute(s) for the Panel and Board to review, and SDCL 49-7A-1 is available only as to definitions and cannot be violated. Therefore, the Panel recommends the Complaint be dismissed and that Claimant have an opportunity to submit a new Complaint with more specific statute(s) listed.

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.

On September 27, 2022, 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 10, 2022 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.

**ORDERED**, that if the penalty is not paid, that the Board shall pursue any rights it has under the law regarding collections.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this \_\_\_\_ day of November, 2022.

**BY ORDER OF THE SOUTH DAKOTA ONE  
CALL NOTIFICATION BOARD:**

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Fay Jandreau, Chairman