

South Dakota



**Know what's below.
Call before you dig.**

*This is the second delivery of these recommendations. South Dakota 811 was not able to verify the delivery of the first notification. The Board of Directors will review and approve at our June 27 Board Meeting.

June 5, 2023

Mr. Frank Luczak
NorthWestern Energy
400 S Capital
Mitchell, South Dakota 57301

Wagner Building Supply
39379 SD 46
Wagner, South Dakota 57380

Re: OC22-012 NorthWestern Energy vs. Wagner Building Supply

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on December 19, 2022 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC22-012. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the South Dakota One Call Notification Board and your right to hearing is waived.

If you choose to request a hearing you must return the signed and dated form prior to the close of business on June 26, 2023. As the requestor of the hearing, you need to provide in writing with the attached signature page stating reasoning for the hearing request. Non specific reasons will be insufficient.

South Dakota One Call Notification Board
PO Box 187
Rapid City, South Dakota 57709

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$10,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-863-0951 or by email at deputydirector@sd811.com . Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

Cody M. Gregg
Cody M. Gregg
Executive Director
South Dakota One Call

**REQUEST FOR A HEARING
COMPLAINT OC22-012**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC22-012 AND
REQUEST A HEARING.**

Signature – NorthWestern Energy

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC22-012 AND
REQUEST A HEARING.**

Signature – Wagner Building Supply

Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
PO BOX 187
RAPID CITY, SOUTH DAKOTA 57709**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's
Recommendation by the South Dakota One Call Board. The Board will then
Order the Recommendation as the final disposition of this Complaint.**