

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY UNION COUNTY ELECTRIC  
COOPERATIVE, ELK POINT, SD  
AGAINST SITEWORKS, SIOUX FALLS,  
SD FOR AN INCIDENT OCCURRING  
AUGUST 22, 2024 AT 0 ARNOLD  
PALMER LN IN ELK POINT, SD.

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

OC24-022

On August 29, 2024, the South Dakota One Call Notification Board received a Complaint filed by Union County Electric Cooperative (herein "Claimant") against Siteworks (herein "Respondent") for an incident occurring on August 22, 2024, at 0 Arnold Palmer Ln in Sioux Falls, SD. The Complaint alleges violations of SDCL 49-7A-10, ARSD 20:25:03:05.02, and ARSD 20:25:03:05.03 when Respondent called in a re-spot ticket on August 21 but began digging prior to the 24-hour cutoff, cutting a single phase primary electric line and causing an outage.

A copy of the Complaint was sent to Respondent on September 3, 2024, and was mailed a second notice on November 13, 2024. The deadline to respond was December 5, 2024. Respondent answered the Complaint on December 13, 2024. Respondent does not dispute that a violation of South Dakota One Call law occurred but does dispute the allegation of the intentional nature. Respondent alleges they would never intentionally dig through any utility out of concern for their own safety.

On December 17, 2024, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. The Panel does not find probable cause that a violation of SDCL 49-7A-10 occurred. Therefore, the Panel recommends that the Complaint in regard to SDCL 49-7A-10 be dismissed. The Panel does find probable cause that unintentional violations of ARSD 20:25:03:05.02 and 20:25:03:05.03 occurred.

Based upon the evidence presented in the filings, the Panel recommends a total penalty of **\$1,000.00** with **\$250.00** 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 twelve (12) months of the Board Order being issued.
2. The penalty payment of **\$750.00** must be made to the ***South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709*** within thirty (30) days of the Board Order being issued.
3. Respondent must attend a Damage Prevention meeting in **2025**.
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 thirty (30) days of the Board Order being issued.
5. Respondent will arrange a face-to-face meeting with Claimant to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within thirty (30) days of the Board Order being issued.

If any of the above conditions are not met, the suspended penalty (**\$250.00**) becomes immediately due and payable to **South Dakota One Call Notification Board, P.O. Box 187, Rapid City, SD 57709.**

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.

The South Dakota One Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A and ARSD 20:25.