

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY NORTHERN NATURAL GAS, OMAHA, NE AGAINST UGK COMMUNICATION, HOUSTON, TX FOR AN INCIDENT OCCURRING ON AUGUST 9, 2022 AT 10 ALUMNI STREET IN VERMILLION, SD.</p>	<p>ORDER ADOPTING ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p>OC23-001</p>
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On January 18, 2023, the South Dakota One Call Notification Board received a Complaint filed by Northern Natural Gas (herein "Claimant") against UGK Communications (herein "Respondent") for an incident occurring on August 9, 2022, at 10 Alumni Street, Vermillion, South Dakota. The Complaint alleges a violation of ARSD 20:25:03:10.02 when Respondent excavated within 25 feet of a high-profile underground facility.

A copy of the Complaint was sent to Respondent on February 3, 2023 and November 13, 2023. The deadline to respond to the Complaint for the first notice was February 23, 2023, and the deadline to respond to the second notice was December 6, 2023. Respondent has not answered the Complaint as of December 19, 2023.

On December 19, 2023, the Enforcement Panel (herein "Panel") convened pursuant to the authority present in SDCL 49-7A. The Panel finds that the complaint does not comply with the requirements of SDCL 49-7A-21, and therefore, the Panel recommends the Complaint be dismissed.

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.

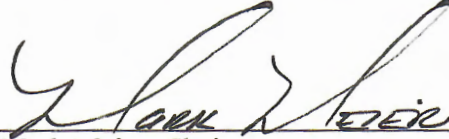
On January 10, 2024, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its April 23, 2024 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It 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 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 23rd day of April, 2024.

BY ORDER OF THE SOUTH DAKOTA ONE
CALL NOTIFICATION BOARD:

A handwritten signature in black ink, appearing to read "Mark Meier", written over a horizontal line.

Mark Meier, Chairman