

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT FILED BY ACCURATE LOCATING SERVICE AGAINST CABLE COMMUNICATIONS SERVICES FOR AN INCIDENT OCCURRING ON JULY 24, 2023, AT HWY 1416 ON PHILLIPS AVENUE IN SIOUX FALLS, SD.	ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD OC23-007
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On August 25, 2023, the South Dakota One Call Notification Board received a Complaint filed by Accurate Locating Services (herein “Claimant”) against Cable Communications Services (herein “Respondent”) for an incident occurring on August 25, 2023, at Highway 1416 on Phillips Avenue in Sioux Falls, South Dakota. The Complaint alleges a violation of ARSD 20:25:03:05.02 when Respondent failed to maintain markings or walk the entire route to avoid underground facilities.

A copy of the Complaint was sent to Respondent on October 13, 2023. The deadline to respond was November 4, 2023. Respondent answered the Complaint on November 1, 2023. Respondent does dispute that a violation of South Dakota One Call law occurred. Respondent alleges they were no marks and they were unaware of any damage.

On December 19, 2023, 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 20:25:05:02 occurred. 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.

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.