

South Dakota

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



June 28, 2024

Mr. Toby Bordewyk
Montana Dakota Utilities
718 Steele Avenue
Rapid City, South Dakota 57701

Mr. Corey Osborn
Underground Construction
22418 Dyess Avenue
Rapid City, South Dakota 57701

Re: OC23-008 Montana Dakota Utilities vs. Underground Construction

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on May 21, 2024 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC23-008. 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.

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 July 18, 2024. Please note all corporations or LLC's must be represented by counsel at the hearing.

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 codi@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.

Codi M. Gregg

Codi M. Gregg
Executive Director
South Dakota One Call

**REQUEST FOR A HEARING
COMPLAINT OC23-008**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC23-008 AND
REQUEST A HEARING.**

Signature – Montana Dakota Utilities

Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC23-008 AND
REQUEST A HEARING.**

Signature – Underground Construction

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.**