

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MONTANA DAKOTA  
UTILITIES, MOBRIDGE, SD AGAINST  
BLACKBURN FOUNDATION REPAIR,  
PIERRE, SD FOR AN INCIDENT  
OCCURRING OCTOBER 4, 2023 AT 110 E  
SCRANTON STREET IN SELBY, SD.

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

OC23-012

On October 20, 2024, the South Dakota One Call Notification Board received a Complaint filed by Montana Dakota Utilities (herein “Claimant”) against Blackburn Foundation Repair (herein “Respondent”) for an incident occurring on October 4, 2023, at 110 E Scranton Street in Selby, SD. The Complaint alleges a violation of SD One Call law when Respondent did not pothole to verify locate marks prior to excavation.

A copy of the Complaint was sent to Respondent on November 20, 2023. The deadline to respond was December 7, 2023. Respondent answered the Complaint on December 7, 2023. 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 have a new excavator operator and that because there was no mark, they thought they were in the clear.

On May 21, 2024, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel recommends the Complaint be dismissed for failure to specify a violation.

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.