

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY LL & SONS INC,
WATERTOWN, SD AGAINST
MIDCONTINENT COMMUNICATIONS,
SIOUX FALLS, SD FOR AN INCIDENT
OCCURRING ON OCTOBER 19, 2023 AT
1096 S LAKE DRIVE IN WATERTOWN,
SD.

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

OC24-004

On January 15, 2024, the South Dakota One Call Notification Board received a Complaint filed by LL & Sons, Inc., (herein “Claimant”) against Midcontinent Communications (herein “Respondent”) for an incident occurring on October 19, 2023, at 1096 S Lake Drive in Watertown, SD. The Complaint alleges a violation of SDCL 49-7A-8 when Respondent marked line 30” away from actual line. Claimant alleges ground was hard and rocky, and they spent most of the day looking for the locate. Claimant also alleges that Respondent’s employees were very hostile and hard to work with when they called for assistance in locating.

A copy of the Complaint was sent to Respondent on March 28, 2024. The deadline to respond was April 22, 2024. Respondent answered the Complaint on April 3, 2024. Respondent does dispute that a violation of South Dakota One Call law occurred and the unintentional nature of the allegation. Respondent alleges Claimant’s photos do not show Respondent’s markings inaccurate and that they measure the vertical distance rather than horizontal distance.

On May 21, 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-8 occurred. Therefore, the Panel recommends the Complaint be dismissed pursuant to SDCL 49-7A-13.

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.