

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 ST IN SELBY.

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

OC24-018

On May 24, 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 October 4, 2023, at 110 E Scranton St, Selby. The Complaint alleges a violation of SDCL 49-7A-8 when Respondent did not verify locate marks by potholing, did not call for a re-spot, did not maintain clearance, and did carelessly excavate around a gas line.

A copy of the Complaint was sent to Respondent on June 14, 2024. The deadline to respond was July 3, 2024. Respondent requested response from previous complaint, OC23-012 be used as the response. The Panel did approve this request.

On August 29, 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.