

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.

**ORDER ADOPTING 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 did not respond to the complaint. 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.


On September 23, 2024, the Panel's recommendation was sent to the parties to this action. The parties did not request an evidentiary hearing. The Board reviewed the Panel's recommendations at its October 17, 2024 meeting pursuant to SDCL 49-7A-27. The Panel's recommendation was approved by the Board. It is now, therefore:

**ORDERED**, that the South Dakota One Call Board adopts the recommendations of the Panel as a final resolution of this Complaint. The Panel's findings are attached hereto and shall be considered fully incorporated herein.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 22<sup>nd</sup> day of November, 2024.

BY ORDER OF THE SOUTH DAKOTA ONE  
CALL NOTIFICATION BOARD:

  
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Mark Meier, Chairman