

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT
FILED BY DAVE'S CONSTRUCTION,
SIOUX FALLS, SD AGAINST USIC
INDIANAPOLIS, IN FOR AN INCIDENT
OCCURRING JUNE 6, 2024, AT 4100 E
49TH ST IN SIOUX FALLS.

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

OC24-019

On June 17, 2024, the South Dakota One Call Notification Board received a Complaint filed by Dave's Construction (herein "Claimant") against USIC (herein "Respondent") for an incident occurring June 6, 2024, at 4100 E 49th St, Sioux Falls. The Complaint alleges a violation of SDCL 49-7A-8 when Respondent did not respond to an Emergency Damage ticket in the allowed period of time to respond.

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 without prejudice and with the ability to refile the complaint within thirty (30) days.

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.