

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY RW CONTRACTING,  
BROOKINGS, SD AGAINST BROOKINGS  
MUNICIPAL UTILITIES, BROOKINGS,  
SD FOR AN INCIDENT OCCURRING  
JULY 16, 2024 AT 1910 ORIOLE TRAIL IN  
BROOKINGS, SD.

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

OC24-027

On October 15, 2024, the South Dakota One Call Notification Board received a Complaint filed by RW Contracting (herein “Claimant”) against Brookings Municipal Utilities (herein “Respondent”) for an incident occurring on July 16, 2024, at 1910 Oriole Trail in Brookings, SD. The Complaint alleges a violation of unspecified South Dakota One Call statute or rule when Respondent did not locate their utility lines and put the Claimant’s excavator in danger multiple times.

A copy of the Complaint was sent to Respondent on November 22, 2024. The deadline to respond was December 13, 2024. Respondent answered the Complaint on December 13, 2024. Respondent does/does not dispute that a violation of South Dakota One Call law occurred and the allegation of the intentional/unintentional nature. Respondent alleges they were not the operator of the utility line as it was a private service and the homeowner’s responsibility.

On December 19, 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 South Dakota One Call statute or rule occurred, and states that they are unable to apply a statute or rule to a complaint, as it is the responsibility of the Claimant. Therefore, the Panel recommends the Complaint be dismissed.

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.