

AGENDA

South Dakota One Call Notification Board Enforcement Panel Conference Call

Thursday, April 24, 2025 2PM CT (1:00PM MT)

This meeting will be hosted via Teams, please email Codi Gregg at codi@sd811.com for access.

A brief description of the Enforcement Panel process: This is a legal proceeding, and no comments will be taken by any of the parties involved in the Complaints during this call. A probable cause determination will be made based only on the written documentation received from the parties involved in the complaints. All parties will be given the opportunity to request a hearing before the full South Dakota One Call Notification Board, if there is disagreement with the recommendation of the Panel. If a hearing is requested, each party must be represented by legal counsel at the hearing. If a hearing is not requested, the Enforcement Panel recommendation will be presented to the South Dakota One Call Board of Directors for acceptance at the next Board Meeting. A Board Order will be mailed to each party after that Board Meeting. Please note, no payment is due until the final order is issued.

Factors to be considered in determining the amount of the penalty, if assessed shall be:

1. The amount of damage, degree of threat to public safety and the inconvenience caused.
2. The respondent's plan and procedures to ensure future compliance with statutes and rules.
3. Any history of previous violations.
4. Other matters as justice requires.

49-7A-18. Penalties. Except as provided in § 49-7A-19 and in addition to all other penalties provided by law, any person who violates or who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 **may be assessed a penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**

49-7A-19. Penalties for intentional violations. In addition to all other penalties provided by law, any person who intentionally violates or who intentionally procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 **may be assessed a penalty of up to five thousand dollars for the first violation and up to ten thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.**

49-7A-20. Each violation as separate offense. **Each violation of any statute or rule of the Statewide One-Call Notification Board constitutes a separate offense. In the case of a continuing violation, each day that the violation continues constitutes a separate violation.**

The Enforcement Panel of the South Dakota One Call Notification Board is meeting to consider the following South Dakota One Call Complaints:

OC24-025 In the matter of the complaint filed by Dave's Construction, Sioux Falls, SD against Century Link/Lumen, Sioux Falls, SD for an incident occurring June 6, 2024 at 4100 E 49th St in Sioux Falls.

Deadline to Respond was December 13, 2024. Response was received on December 18, 2024.

There is no history with CenturyLink to be considered.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that CenturyLink violated any statute or rule under the jurisdiction of the Board, and if so, shall a civil penalty be assessed?

OC24-031 In the matter of the complaint filed by MidAmerican Energy Co., Iowa City, IA against D & G Concrete, Sioux Falls, SD for an incident occurring on August 1, 2024 at S Perry Lane and E Willow Street in Harrisburg.

Deadline to Respond was February 7, 2025. Response was received on January 24, 2025.

There is no history with D & G Concrete to be considered.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that D & G Concrete violated any statute or rule under the jurisdiction of the Board, and if so, shall a civil penalty be assessed?

OC24-033 In the matter of the complaint filed by City of Rapid City, SD against Black Hills Energy, Rapid City, SD for an incident occurring December 13, 2024 at East St Patrick Street and Cambell Street in Rapid City.

Deadline to Respond was February 7, 2025. An extension was requested and granted to Black Hills Energy. Response was received March 18, 2025.

There is no history with Black Hills Energy to be considered.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that Mr. Steve Simunek violated any statute or rule under the jurisdiction of the Board, and if so, shall a civil penalty be assessed?

OC25-002 In the matter of the complaint filed by NorthWestern Energy, Mitchell, SD against Underground Solutions, Sioux Falls, SD for an incident occurring on March 24, 2025 at 27274 Kenworth Place in Sioux Falls, SD.

Deadline to Respond was April 22, 2025. Response was received on April 3, 2025.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause the Underground Solutions violated any statute or rule under the jurisdiction of the Board, and if so, shall a civil penalty be assessed?

Please note: This was a legal proceeding and only written information provided by the Complainants and the written response from the Defendants was considered per SDCL 49-7A-25. No comments from the parties involved in the complaints will be taken during this call.