

# AGENDA

## South Dakota One Call Notification Board Enforcement Panel Conference Call

Thursday, January 8, 2026 10AM CT (9:00AM MT)

This meeting will be hosted via Teams, please email Kimberly Patrick at [Kimberly.Patrick@state.sd.us](mailto:Kimberly.Patrick@state.sd.us) 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:

**OC25-006** In the matter of the complaint filed by Watertown Municipal Utilities, Watertown, against Limited Concrete, LLC, Lake Norden, for an incident occurring June 30, 2025 at 1727 36<sup>th</sup> Street SW in Watertown.

Original deadline to respond was July 28, with second notice of complaint to verify delivery  
Second deadline to respond is December 16, 2025. No response has been received as of December 14, 2025.

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

**OC25-017** In the matter of the complaint filed by RCS Construction, Inc. Rapid City, SD against Midco, Rapid City, SD for an incident occurring October 6, 2025 at 601 W Sunnydale Road in Box Elder.

Deadline to respond was November 5, 2025. Response was received on October 27, 2025.

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

**OC25-019** In the matter of the complaint filed by Northwestern Energy, Mitchell, SD against TelCom Construction, Sioux Falls, SD for an incident occurring October 20, 2025 at 840 E Kay Avenue in Mitchell.

Deadline to respond was November 14, 2025. No response has been received as of December 14, 2025.

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

**OC25-020** In the matter of the complaint filed by RCS Construction, Inc. Rapid City, SD against CenturyLink Lumen, Rapid City, SD for an incident occurring October 6, 2025 at 601 W Sunnydale Road in Box Elder.

Deadline to respond was November 26, 2025. No response has been received as of December 14, 2025.

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?

**OC25-021** In the matter of the complaint filed by RCS Construction, Inc., Rapid City, SD against Black Hills Energy, Rapid City, for an incident occurring October 17, 2025 at the intersection of Wonderland Drive and Ponderosa Trail in Rapid City.

Deadline to respond was November 18, 2025. Response was received on November 18, 2025.

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

**OC25-022** In the matter of the complaint filed by ATV Holdings, LLC, dba. Mitchell Telecomm, Mitchell against H & W Contracting, LLC., Sioux Falls for an incident occurring August 4, 2025 at 612 North Main Street in Mitchell.

Deadline to respond was December 8, 2025. Response was received on December 9, 2025. Delay was noted and approved as there was an issue with uploading documents.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board find that there is probable cause that H & W Contracting, LLC violated any statute of rule under the jurisdiction of the Board, and if so, shall a civil penalty by 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.