

AGENDA

South Dakota One Call Notification Board Enforcement Panel Conference Call

Thursday, October 1, 2026 2:00 PM CT (1:00PM MT)

This meeting will be hosted via Teams, please email Kimberly Patrick at 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:

OC26-007 In the matter of the complaint filed by Santel Communications, Woonsocket, SD against Coyote Underground LLC., Darien, Wisconsin for an incident occurring July 23, 2026 at Hwy 281 in Lane.

Deadline to respond was adjusted due to mailing being returned. Original deadline was September 4, 2026. Complaint was re-mailed on September 8 with a deadline to respond of September 29. Response was received on July 15, 2026. Response was received on July 6, 2026. There is no history for consideration.

Santel has requested to withdraw the complaint.

Today, shall the Enforcement Panel of South Dakota One Call Notification Board consider the motion to withdraw the complaint as requested by Santel or does the Board find that there is probable cause that Coyote Underground, LLC violated any statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?

OC26-008 In the matter of the complaint filed by Montana Dakota Utilities, Rapid City, SD against Canyon Falls Tree Works, LLC, Rapid City, SD for an incident occurring August 21, 2026 at 4611 Marcia Court in Rapid City.

Deadline to respond was September 4, 2026. Response was received on September 22, 2026. Conflict of Interest forms were obtained on this complaint. There is no history for consideration.

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

OC26-009 In the matter of the complaint filed by MidAmerican Energy, Iowa City, Iowa against SiteWork, Inc., Sioux Falls, SD for an incident occurring August 6, 2026 at East Ironwood Street in Brandon.

Deadline to respond was September 22, 2026. Response was received on July 7, 2026. Conflict of Interest forms were obtained on this complaint. There is no history for consideration.

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

Please note: This is 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.