

December 23, 2020

Ms. Cody Greg
South Dakota 811
PO Box 187
Rapid City, South Dakota 57709

Re: OC20-067 Askland Ditching vs. Montana Dakota Utilities.

Ms. Greg,

The South Dakota One-Call Board Enforcement Panel recommended a penalty of \$1,500 dollars, with \$750 suspended if five conditions were met. MDU has submitted payment in the amount of \$750 and has met the conditions as noted below.

1. Respondent must not be found guilty of a One-Call violation within 12 months of the Board Order: **no response required**
2. The penalty payment of \$750 must be made to P.O. Box 187, Rapid City, SD 57709. **Payment has been submitted**
3. Respondent must attend a Damage Prevention meeting in 2021. **Montana-Dakota Utilities and its locating contractor, ELM, will attend Damage Prevention meeting in April 2021**
4. Respondent must conduct an in-house safety meeting to discuss South Dakota One Call laws. Detail of the discussion material, date, and length of the meeting along with printed and signed names of attendees will be submitted to the Executive Director of South Dakota One Call within thirty (30) days of the Board Order being issued. **A meeting was held between MDU and ELM, please see Exhibit A for documentation of that meeting.**
5. Respondent will arrange a face-to-face meeting with Claimant to review the damage, dangers while working around utilities, and safe practices. This meeting is to take place within thirty (30) days of the Board Order being issued. **MDU has attempted to contact the Claimant to review and discuss this incident on multiple occasions and is yet to have a response to our request.**

Although MDU's locator did not sufficiently mark the requested location we do feel that the one call system worked correctly in this case to avoid a potentially unsafe situation. MDU commend's Askland Construction for following On-Call laws including requesting a verification ticket, which MDU representative responded to appropriately. MDU will not be requesting a formal hearing on this matter.

Sincerely

Marcus Christensen
Field Operations Coordinator
Montana-Dakota Utilities Co.

cc: Toby Bordewyk – District Manager