

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD AGAINST GEIDEL EXCAVATION, RAPID CITY, SD, FOR AN INCIDENT OCCURRING ON SEPTEMBER 17, 2020 AT 3682 REMINGTON ROAD, RAPID CITY, SD.</p>	<p>ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p>OC20-070</p>
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On September 28, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Company (herein “Claimant”), against Geidel Excavation, LLC (herein “Respondent”), for an incident occurring on September 17, 2020, at 3682 Remington Road, Rapid City, SD. The Complaint alleges violations of SDCL 49-7A-5 and 49-7A-8 when Respondent was doing some digging on Remington Road and struck the 3/4" gas line. Claimant alleges Respondent did not have a valid locate ticket in their name at the time of damage at this location. Gas was not blowing due to an Excess Flow Valve. Claimant alleges 811 was notified and 911 was not notified.

A copy of the Complaint was sent to Respondent on September 29, 2020. The deadline to respond was October 22, 2020. Respondent has answered the Complaint as of September 30, 2020 and does dispute that a violation of South Dakota One Call law occurred. Respondent alleges they were not the contractor that rented the equipment that damaged the line nor were they the contractor in charge. Respondent alleges Wood Builders was in charge and had a valid locate ticket number 2025399096 and that Claimant was aware of that fact.

On October 8, 2020, the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. The Panel finds that as this complaint is under question, South Dakota One Call will ask both parties to supply further information to the panel. Therefore, the Panel found good cause to continue this matter for a later date.

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.