

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MONTANA DAKOTA  
UTILITIES, RAPID CITY, SD AGAINST  
WILD WEST CONSTRUCTION, LLC,  
GLENROCK, WY, FOR AN INCIDENT  
OCCURRING ON SEPTEMBER 21, 2020  
AT 317 GOLD STREET, LEAD, SD.

**ENFORCEMENT PANEL  
RECOMMENDATION TO THE SOUTH  
DAKOTA ONE CALL BOARD**

OC20-072

On October 2, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein “Claimant”), against Wild West Construction, LLC (herein “Respondent”), for an incident occurring on September 21, 2020, at 317 Gold Street, Lead, SD. The Complaint alleges violations of SDCL 49-7A-5 and 49-7A-12 when Respondent was digging under a locate ticket under the homeowner’s name. Claimant alleges Respondent did not have a valid locate ticket in their own name. Claimant alleges while Respondent was removing the old waterline to the house, the old water line snagged the gas line causing the gas line to break. Claimant alleges gas was blowing, and the Respondent bent the gas line over to stop the flow of gas. Claimant also alleges 811 was notified, but 911 was not notified.

A copy of the Complaint and an Offer of Complaint Resolution (herein “Offer”) was sent to Respondent on October 5, 2020. The deadline to respond to the Complaint or accept the Offer was October 26, 2020. Respondent did not accept the Offer. Respondent has answered the Complaint as of October 26, 2020 and does not dispute that a violation of South Dakota One Call law occurred. Respondent alleges that, to their understanding, all of the regulations were followed.

On November 12, 2020, the Enforcement Panel (herein “Panel”) convened pursuant the authority present in SDCL 49-7A. The Panel does not find probable cause that violations of SDCL 49-7A-5 and 49-7A-12 occurred. Therefore, the Panel recommends the Complaint be dismissed.

The Panel recommends the South Dakota One Call Board accept its findings and recommendations herein. If either party to this Complaint disagrees or objects to the recommendations or findings herein, a hearing may be requested. To request a hearing, a party

must reply within twenty (20) days from the date of service of this notice. Failure to request a hearing is considered acceptance of the recommendations and findings herein.

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.