

BEFORE THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT  
FILED BY MONTANA DAKOTA  
UTILITIES, RAPID CITY, SD AGAINST  
ROBINSON BUILDERS, SPEARFISH, SD,  
FOR AN INCIDENT OCCURRING ON  
OCTOBER 6, 2020 AT 1710 ST JOSEPH  
STREET, SPEARFISH, SD.

**ORDER ADOPTING OFFER OF  
RESOLUTION TO THE SOUTH  
DAKOTA ONE CALL BOARD**

OC20-078

On October 20, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein "Claimant"), against Robinson Builders, Inc., (herein "Respondent") for an incident occurring on October 13, 2020, at Whitewood Valley Road, Whitewood, SD. The Complaint alleges violations of SDCL 49-7A-5 and 49-7A-8 when Respondent was digging a drainage trench and hit the 3/4-inch service line to the home. Claimant alleges Respondent did not have a valid locate for this site. Gas was not blowing; 811 was notified of the damage, 911 was not notified.

On October 21, 2020, the Notice of Complaint and Offer of Complaint Resolution was sent to the Respondent of this action with the following conditions:

1. The penalty payment of **\$250** must be made to **P.O. Box 187, Rapid City, SD 57709**, within 30 days of the Board Order,
2. Respondent must attend a Damage Prevention meeting in 2021,
3. 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 30 days of the Board Order.
4. 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 30 days of the Board Order being issued.

South Dakota One Call received the accepted Offer of Complaint Resolution on November 10, 2020. The Board reviewed the acceptance of the Offer of Complaint Resolution

at its November 17, 2020 meeting pursuant to SDCL 49-7A-27. The Offer of Complaint Resolution was approved by the Board. It is now, therefore:

**ORDERED**, that the South Dakota One Call Board adopts the Offer of Complaint Resolution as a final resolution of this Complaint; and it is now, therefore

**ORDERED**, that if the resolution is not paid within thirty (30) days of this order, that the Board shall pursue any rights it has under the law regarding collections.

The South Dakota One Call Notification Board has jurisdiction over this matter pursuant to SDCL 1-26 and 49-7A and ARSD Article 20:25, specifically SDCL 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, and 49-7A-26.

Dated this 10<sup>th</sup> day of December 2020.

BY ORDER OF THE SOUTH DAKOTA  
ONE CALL NOTIFICATION BOARD:

DocuSigned by:  
*Fay Sandrea*  
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