

BEFORE THE SOUTH DAKOTA
ONE CALL NOTIFICATION BOARD

<p>IN THE MATTER OF THE COMPLAINT FILED BY MONTANA DAKOTA UTILITIES, RAPID CITY, SD AGAINST RCS CONSTRUCTION, RAPID CITY, SD, FOR AN INCIDENT OCCURRING ON OCTOBER 28, 2020 AT 30 ADAMS STREET, DEADWOOD, SD.</p>	<p style="text-align:center">ENFORCEMENT PANEL RECOMMENDATION TO THE SOUTH DAKOTA ONE CALL BOARD</p> <p style="text-align:center">OC20-085</p>
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On November 6, 2020, the South Dakota One Call Board received a Complaint filed by Montana Dakota Utilities Co. (herein “Claimant”), against R.C.S. Construction, Inc. (herein “Respondent”), for an incident occurring on October 28, 2020, at 30 Adams Street, Deadwood, SD. The Complaint alleges a violation SDCL 49-7A-8 when Respondent was digging a trench with a mini excavator and hit a 2” gas main. Claimant alleges Respondent did not have a valid locate ticket at the time of the damage. Claimant also alleges the marks appear to have been covered up by the spoil pile from the trench. Pot holing to verify the location of the gas line would have aided in preventing the damage. Gas was blowing; 811 and 911 were both notified.

A copy of the Complaint was sent to Respondent on November 10, 2020. The deadline to respond was December 2, 2020. Respondent had answered the Complaint as of November 25, 2020 and does dispute that a violation of South Dakota One Call law occurred. Respondent acknowledges they hit the 2” poly gas line. Respondent alleges that after exposing the steel gas line by hand, they thought they were clear. Respondent alleges that it is uncommon to find 2” poly lines inside steel lines in the area. Respondent alleges information about the steel line being abandoned and a new poly line being installed had not been shared with them.

On December 17, 2020, the Enforcement Panel (herein “Panel”) convened pursuant to the authority present in SDCL 49-7A. The Panel does not find probable cause that a violation of SDCL 49-7A-8 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.