

*South Dakota*



Know what's below.  
Call before you dig.

January 4, 2021

Mr. RC Scull  
RCS Construction  
PO Box 9337  
Rapid City, South Dakota 57709

Mr. Marcus Christensen  
Montana Dakota Utilities  
PO Box 1060  
Rapid City, South Dakota 57709

**Re: OC20-089 RCS Construction vs. Montana Dakota Utilities**

Under the authority granted by SDCL-49-7A-22, the Enforcement Panel of the South Dakota One Call Notification Board met on December 17, 2020 to determine whether there is probable cause to believe a One Call violation occurred in Complaint Docket OC20-089. The Enforcement Panel's findings are enclosed. You may request a hearing according to SDCL-49-7A-27, if you disagree with the Enforcement Panel findings. If you do request a hearing you must be represented by legal counsel at the time you present your case to the One Call Board.

**Failure to respond to this notice or request a hearing is considered acceptance of the Enforcement Panel Recommendation. In that case, the Recommendation will be Ordered by the South Dakota One Call Notification Board and your right to hearing is waived.**

**If you choose to request a hearing you must return the signed and dated form prior to the close of business on January 25, 2021.**

South Dakota One Call Notification Board  
PO Box 187  
Rapid City, South Dakota 57709

Be aware, any future violations of any One Call statute or rule may be subject to additional penalties up to \$10,000 for each subsequent violation that occurs within twelve months of the initial violation. If you have procedural questions relative to this complaint, please contact me at 605-863-0951 or by email at [deputydirector@sd811.com](mailto:deputydirector@sd811.com). Do Not Contact any members of the South Dakota One Call Notification Board to discuss this complaint since members may be involved in a hearing if one is requested.

*Cody M. Gregg*

Cody M. Gregg  
Deputy Director  
South Dakota One Call

**REQUEST FOR A HEARING  
COMPLAINT OC20-089**

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC20-089 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
Signature – RCS Construction

\_\_\_\_\_  
Date

**I REJECT THE PANEL RESOLUTION TO COMPLAINT OC20-089 AND  
REQUEST A HEARING.**

\_\_\_\_\_  
Signature – Montana Dakota Utilities

\_\_\_\_\_  
Date

**YOUR REQUEST FOR A HEARING MUST BE SENT TO ALL OTHER  
PARTIES INCLUDING:**

**SOUTH DAKOTA ONE CALL NOTIFICATION BOARD  
PO BOX 187  
RAPID CITY, SOUTH DAKOTA 57709**

**Failure to request a hearing will result in acceptance of the Enforcement Panel's  
Recommendation by the South Dakota One Call Board. The Board will then  
Order the Recommendation as the final disposition of this Complaint.**