

<b>Complaint filed on behalf of or by:</b>	Midcontinent Communications
<b>Contact Person:</b>	Patrick J. Mastel
<b>Phone</b>	(605) 271-0594
<b>Name or Company Name</b>	Midcontinent Communications
<b>Street Address or PO Box</b>	3901 North Louise Avenue Sioux Falls, South Dakota 57107 United States
<b>Email</b>	<a href="mailto:pat.mastel@midco.com">pat.mastel@midco.com</a>
<b>Date</b>	Jan 22, 2020
<b>Name of excavator / facility operator:</b>	Sod Busters Inc. and B Green
<b>Phone</b>	(605) 498-1066
<b>Name or Company Name</b>	Sod Busters Inc. and B Green
<b>Street Address or PO Box</b>	46919 Cody Trail Tea, South Dakota 57064 United States
<b>Is this party aware of your allegations?</b>	Yes
<b>Provide detail including whom you spoke with:</b>	Unknown
<b>ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:</b>	Violation of 49-7A et. seq., 49-7A-8 – Location of underground facilities; and 49-7A-12 - Notification of damaging facilities.
<b>Other information to support your position:</b>	Sod Busters did not do any hand digging and did not contact Midco after cables were cut.
<b>Street Address / location of alleged violation:</b>	3912 E. Brewster St
<b>City</b>	Sioux Falls
<b>State</b>	SD
<b>Date of alleged violation:</b>	Jul 09, 2018
<b>Time of alleged violation:</b>	12:00 PM
<b>Describe your allegation:</b>	Sod Busters did perform the locates but did not expose Midco's cable with hand tools or noninvasive methods. Also, Sod Busters did not notify Midco of the damage.
<b>Do you believe the alleged violation to be intentional?</b>	Not Sure
<b>Why or why not?</b>	Midco does not believe the violation was intentional but negligent in that there was no hand digging as required. Sod Busters and B Green did not contact Midco after they damaged Midco's cable and did not properly expose the cable by hand digging.
<b>Was a locate requested from SD One Call?</b>	Yes

<b>Locate ticket #:</b>	Unknown
<b>Did the excavator wait until the start date / time on the ticket before commencing excavation?</b>	Not Sure
<b>Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?</b>	No
<b>Explain</b> No hand digging was done.	
<b>Were buried facilities exposed by hand or non-invasive equipment prior to excavation?</b>	No
<b>Were facilities marked?</b>	Yes
<b>Was the marking complete prior to the start time on the ticket?</b>	Yes
<b>Did the excavator pre-mark with white paint?</b>	No
<b>Was the facility marked accurately (within 18 inches)?</b>	Yes
<b>Did the excavator use reasonable care to maintain locate marks for the life of project?</b>	NA
<b>Type of facility involved:</b>	internet cable
<b>Operator of facility (if known):</b>	Midcontinent Communications
<b>Operator address (Street or PO Box):</b>	3901 North Louise Avenue Sioux Falls, South Dakota 57107 United States
<b>Operator Phone</b>	(605) 271-0594
<b>Depth of Cover (If unsure put N/A)</b>	N/A
<b>Pressure: (If none, write none)</b>	None
<b>Voltage: (If none, write none)</b>	None
<b># of cable pairs: (If none, write none)</b>	None
<b>Was the facility damaged?</b>	Yes
<b>If yes, provide detail and an estimate of damage:</b> Midco's cable was cut. Damage amount was \$372.75.	
<b>Were damages on public right of way or private property?</b>	Private
<b>Was anyone injured as a result of facility damage?</b>	No
<b>Were there fatalities?</b>	No

**Was operator service affected?** Yes

**If yes, provide detail (how many customers for how long):**

One customer for 12-24 hours.

**Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?** No

**If No, why not?**

Unknown.

**Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?** No

**If No, why not?**

Unknown.

**Was there an escape of any flammable, toxic, or corrosive gas or liquid?** No

**Please provide a Fire Department or Emergency Services incident report, if available** Not Available

**Attachment Information**

File names should not include symbols. Example:( \$, &, \*, %, . ) etc.