

Complaint filed on behalf of or by:	Midcontinent Communications
Contact Person:	Patrick J. Mastel
Phone	(605) 271-0594
Name or Company Name	Midcontinent Communications
Street Address or PO Box	3901 North Louise Avenue Sioux Falls, South Dakota 57107 United States
Email	pat.mastel@midco.com
Date	Jan 22, 2020
Name of excavator / facility operator:	Sod Busters Inc. and B Green
Phone	(605) 498-1066
Name or Company Name	Sod Busters Inc. and B Green
Street Address or PO Box	46919 Cody Trail Tea, South Dakota 57064 United States
Is this party aware of your allegations?	Yes
Provide detail including whom you spoke with:	Unknown
ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:	
Violation of 49-7A et. seq., 49-7A-8 – Location of underground facilities; and 49-7A-12 - Notification of damaging facilities.	
Other information to support your position:	
Sod Busters did not do any hand digging and did not contact Midco after cables were cut.	
Street Address / location of alleged violation:	5901 S. Bounty Pl.
City	Sioux Falls
State	SD

Date of alleged violation: Jul 13, 2019

Time of alleged violation: 12:00 PM

Describe your allegation:

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.

Do you believe the alleged violation to be intentional? Not Sure

Why or why not?

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.

Was a locate requested from SD One Call? Yes

Locate ticket #: Unknown

Did the excavator wait until the start date / time on the ticket before commencing excavation? Not Sure

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment? No

Were buried facilities exposed by hand or non-invasive equipment prior to excavation? No

Were facilities marked? Yes

Was the marking complete prior to the start time on the ticket? Yes

Did the excavator pre-mark with white paint? No

Was the facility marked accurately (within 18 inches)? Yes

Did the excavator use reasonable care to maintain locate marks for the life of project? NA

Type of facility involved:	internet cable
Operator of facility (if known):	Midcontinent Communications
Operator address (Street or PO Box):	3901 North Louise Avenue Sioux Falls, South Dakota 57107 United States
Operator Phone	(605) 271-0594
Depth of Cover (If unsure put N/A)	N/A
Pressure: (If none, write none)	None
Voltage: (If none, write none)	None
# of cable pairs: (If none, write none)	None
Was the facility damaged?	Yes
If yes, provide detail and an estimate of damage: Midco's cable was cut. Damage estimate is \$372.75.	
Were damages on public right of way or private property?	Private
Was anyone injured as a result of facility damage?	No
Were there fatalities?	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.