

COMPLAINT DOCKET NUMBER: OC20-007

Reply filed on behalf of (company name): SodBusters, Inc.

Contact Person: Michael Brown

Phone (605) 498-1066

Name or Company Name: SodBusters, Inc.

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Date Feb 18, 2020

Were you previously aware of these allegations? No

Do you believe the statutes listed (if any) by the complainant were violated? No

Why or why not?

We have abided by the SDOneCall Regulations and we don't ever have any issues with any other utility company, other than Midco. This is because Midco only installs the cables a few inches below ground. Even though we DO hand dig, these lines are so close to the surface, that they are being hit by the shovels....as they should be well below the dig area. Underground Solutions should not be able to install drops in Sioux Falls, due to installation method. We have found the drops from 2 to 6 inches for the majority of the time, and at this depth, they are easily damaged. All other providers install at 12 to 16 inches in depth. This is also a liability to the homeowners as well. They are the 1st ones to install, so this shouldn't be an issue.

Do you dispute the alleged violation of SD One Call statute or rule occurred? Yes

If yes, what specifically do you dispute?

As stated above, we DO hand dig, but these lines are so close to the surface that they are being hit by the shovels....as they should be well below the dig area.

Do you dispute the complainant's statements regarding the intentional No

or unintentional nature of the alleged violation?

Was a locate requested from SD One Call? Yes

If yes, please provide the ticket number and a copy of the locate ticket
Unknown. I cannot find the locate ticket and your website is down to get that information.

Did excavation begin before the start date / time on the ticket? No

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? NA

Were buried facilities exposed by hand or non-invasive equipment prior to excavation? NA

Were facilities marked? Yes

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

Was the excavation site pre-marked with white paint? NA

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

Was there reasonable care to maintain locate marks for the life of project? Yes

Did the complainant correctly describe the type of facility involved? Yes

Provide detail:
Internet Cable

Did the complainant correctly describe the damages that resulted from the alleged violation? Yes

Provide detail:
Internet Cable

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

If No, why not?

The homeowner was immediately notified that the line was cut.

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance? Yes

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

Did the complainant correctly describe the damages that resulted from the alleged violation? Yes

Were damages on public right of way or private property? Private

Did complainant correctly describe how operator service was affected? Yes

Provide detail:

As states, this was unintentional, but also unavoidable, as the lines were only buried a few inches below the surface.

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:
One Call needs to require proper depths for the Midco and other cable installers lines.

Has a complaint been filed against you in the past for SD One Call violations? Yes, I don't recall the date