

Complaint filed on behalf of or by:	Montana Dakota Utilities Co.
Contact Person:	Marcus Christensen
Phone	(605) 355-3035
Name or Company Name	Montana Dakota Utilities Co.
Street Address or PO Box	PO Box 1060 Rapid City, South Dakota 57709 United States
Email	marcus.christensen@mdu.com
Date	Feb 07, 2020
Name of excavator / facility operator:	Dennis Turman
Phone	(605) 484-3624
Name or Company Name	Dream Construction
Street Address or PO Box	520 Kansas City Street Rapid City, South Dakota 57701 United States
Is this party aware of your allegations?	No

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-8..... Excavators shall maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment. If excavation is required within eighteen inches, horizontally, the excavator shall expose the facility with hand tools or noninvasive methods approved pursuant to rule and shall protect and support the facility prior to further excavation with mechanical equipment.

49-7A-5. Notification of proposed excavation. No excavator may begin any excavation without first notifying the one-call notification center of the proposed excavation. The excavator shall give notice by telephone or by other methods approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state. The board may promulgate rules to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

Other information to support your position:

The contractor was digging under a ticket of another contractor. Where the damage occurred is even outside of where the locate ticket is describing.

Street Address / location of alleged violation:	North Creek Dr and Valley Dr
City	Rapid City
State	SD
Date of alleged violation:	Jan 28, 2020
Time of alleged violation:	11:45 AM
Describe your allegation:	Contractor didnt have valid Locate ticket under there name or for the described dig area.
Do you believe the alleged violation to be intentional?	No

Was a locate requested from SD One Call?	No
Did the excavator wait until the start date / time on the ticket before commencing excavation?	No
Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?	No
Explain Contractor puncture a 4" Plastic gas main with the bucket of a mini excavator.	
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	No
Was the marking complete prior to the start time on the ticket?	No
Did the excavator pre-mark with white paint?	No
Was the facility marked accurately (within 18 inches)?	No
Did the excavator use reasonable care to maintain locate marks for the life of project?	No
Type of facility involved:	4" Plastic Natural Gas Main
Operator of facility (if known):	Montana Dakota Utilities Co.
Operator address (Street or PO Box):	PO Box 1060 Rapid City, South Dakota 57709 United States
Operator Phone	(605) 355-3035
Depth of Cover (If unsure put N/A)	~24"
Pressure: (If none, write none)	30 psig
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: \$600	
Were damages on public right of way or private property?	Public
Was anyone injured as a result of facility damage?	No
Were there fatalities?	No

Was operator service affected? No

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance? Yes

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? Yes and 911 was called

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

Attachment Information

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