

<b>Complaint filed on behalf of or by:</b>	Montana Dakota Utilities
<b>Contact Person:</b>	Marcus Christensen
<b>Phone</b>	(605) 355-4035
<b>Name or Company Name</b>	Montana Dakota Utilities
<b>Street Address or PO Box</b>	PO Box 1060 Rapid City, South Dakota 57709 United States
<b>Email</b>	<a href="mailto:marcus.christensen@mdu.com">marcus.christensen@mdu.com</a>
<b>Date</b>	Mar 16, 2020
<b>Name of excavator / facility operator:</b>	Underground Construction
<b>Phone</b>	(605) 842-6239
<b>Name or Company Name</b>	Underground Construction
<b>Street Address or PO Box</b>	2903 Grandview Dr Rapid City, South Dakota 57701 United States
<b>Is this party aware of your allegations?</b>	No

**ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:**

49-7A-12.....If the damage, dislocation, or disturbance results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator shall immediately report the escape to the authorities by calling the 911 emergency telephone number and notifying the one-call notification center and, if known, the operator of the facility.

49-7A-8. Location of underground facilities--Marking. An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The response time shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later. The response time may be less than forty-eight hours for emergency or subsequent inquiries to the original locate request and may be longer than forty-eight hours for nonexcavation requests. 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.

**Other information to support your position:**

Contractor entered the gas after hitting the gas line to bend the line over to stop the flow gas. They did not notify 911.

Contractor should have called in for re-spots prior to digging due to snow melt. If you look at locate pictures and damage pictures you can see the marks are all but gone. Flags along with paint should be requested with locate ticket.

**Street Address / location of alleged violation:** 609 Franklin St

**City** Rapid City

**State** SD

**Date of alleged violation:** Mar 05, 2020

**Time of alleged violation:** 09:45 AM

**Describe your allegation:**

Contractor was digging up a damage phone line when they hit the 2" Plastic main in the alley. Due to snow melt and previous excavation had eliminated the locate marks. Contractor should have called in for re-spots on the marks.

**Do you believe the alleged violation to be intentional?** No

**Why or why not?**

They had a valid locate ticket, but they should have called in another re-spot due to snow melt.

**Was a locate requested from SD One Call?** Yes

**Locate ticket #:** 2006272612

**Start date on ticket:** Mar 03, 2020

**Start time on ticket:** 08:00 AM

**Did the excavator wait until the start date / time on the ticket before commencing excavation?** Yes

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

**Explain**

Gas line was hit with and excavator bucket.

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

**Were facilities marked?** 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>	No
<b>Type of facility involved:</b>	2" Plastic Main
<b>Operator of facility (if known):</b>	Montana Dakota Utilities
<b>Operator address (Street or PO Box):</b>	Po Box 1060 Rapid City, South Dakota 57709 United States
<b>Operator Phone</b>	(605) 355-4035
<b>Depth of Cover (If unsure put N/A)</b>	18"-24"
<b>Pressure: (If none, write none)</b>	30psi
<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>	2" gas main damaged - \$600
<b>Were damages on public right of way or private property?</b>	Public
<b>Was anyone injured as a result of facility damage?</b>	No
<b>Were there fatalities?</b>	No
<b>Was operator service affected?</b>	Yes
<b>If yes, provide detail (how many customers for how long):</b>	1 customer for 2 hours

**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?** 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.