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| Complaint filed on behalf of or by: | Montana Dakota Utilities |
| Contact Person: | Marcus Christensen |
| Phone | (605) 355-4035 |
| Name or Company Name | Montana Dakota Utilities |
| Street Address or PO Box | Po Box 1060 Rapid City, South Dakota 57709 United States |
| Email | marcus.christensen@mdu.com |
| Date | Mar 16, 2020 |
| Name of excavator / facility operator: | Lind EXCO |
| Phone | (605) 348-6115 |
| Name or Company Name | Lind EXCO |
| Street Address or PO Box | 1641 Deadwood Ave Rapid City, South Dakota 57702 United States |
| Is this party aware of your allegations? | No |

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

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.

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

Other information to support your position:

New Locate ticket should have been called in to make the new gas line. Instead of digging next to the curb box potholing would have been the preferred method.

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| Street Address / location of alleged violation: | Anderson Rd and Mondo |
| City | Rapid City |

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| State | SD |
| Date of alleged violation: | Mar 03, 2020 |
| Time of alleged violation: | 12:30 PM |
| Describe your allegation: | Contractor had dug a joint utility trench about 3 weeks prior to damage. |
| 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 was digging next to the curb box the straighten it when they hit the 2" plastic gas main. |
| 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? | NA |
| Did the excavator pre-mark with white paint? | No |
| Was the facility marked accurately (within 18 inches)? | NA |
| Did the excavator use reasonable care to maintain locate marks for the life of project? | No |
| Type of facility involved: | 2" Plastic Main |
| Operator of facility (if known): | Montana Dakota Utilities |

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| Operator address (Street or PO Box): | Po Box 1060 Rapid City, South Dakota 57709 United States |
| Operator Phone | (605) 355-4035 |
| Depth of Cover (If unsure put N/A) | ~18" |
| Pressure: (If none, write none) | 50 psi |
| 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: | 2" Plastic Main \$500 |
| 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. | |