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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 30, 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-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 Admitted fault on site. They assumed they knew where the gas was located and the depth of it. The contractor painted where they thought the lines were located. They told the locator they didn't need to located the road crossing since they knew where the utilities where located because they dug the joint trench.

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| Street Address / location of alleged violation: | Anderson Rd and Mondo St |
| City | Rapid City |
| State | SD |
| Date of alleged violation: | Mar 23, 2020 |
| Time of alleged violation: | 03:00 PM |
| Describe your allegation: | Contractor Admitted fault on site. They assumed they knew where the gas was located and the depth of it. The |

contractor painted where they thought the lines were located. They told the locator they didn't need to located the road crossing since they knew where the utilities where located because they dug the joint trench.

Do you believe the alleged violation to be intentional? Yes

Why or why not?
this is the contractor second time hit the gas line on the same road in 2 weeks

Was a locate requested from SD One Call? Yes

Locate ticket #: 2007174980

Start date on ticket: Mar 11, 2020

Start time on ticket: 10:45 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
Hit the gas line with motor grader

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? Yes

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: 3/4" Gas Stub

Operator of facility (if known): Montana Dakota Utilities

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) 50psig

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:

Gas Stub Road Crossing \$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.