

<b>Complaint filed on behalf of or by:</b>	City of Mitchell
<b>Contact Person:</b>	Jon Vermeulen
<b>Phone</b>	(605) 933-0420
<b>Ext:</b>	N/A
<b>Name or Company Name</b>	Utilities Division
<b>Street Address or PO Box</b>	612 N Main Mitchell, South Dakota 57301 United States
<b>Email</b>	<a href="mailto:jvermeulen@cityofmitchell.org">jvermeulen@cityofmitchell.org</a>
<b>Date</b>	Mar 31, 2020
<b>Name of excavator / facility operator:</b>	Rose Electric/Mike Rose
<b>Phone</b>	(605) 770-7673
<b>Ext:</b>	N/A
<b>Name or Company Name</b>	Rose Electric
<b>Street Address or PO Box</b>	25805 E Enemy Creek Loop Mitchell, South Dakota 57301 United States
<b>Email</b>	<a href="mailto:MBTBROSE@GMAIL.COM">MBTBROSE@GMAIL.COM</a>
<b>Is this party aware of your allegations?</b>	No
<b>Provide detail including whom you spoke with:</b>	
Tylor Peterson with the City of Mitchell showed up to do locates at 8:41 AM on 03/31/2020 and Rose Electric had over half the excavation completed.	
Locate in not good until 04/01/2020 at 15:15.	
Contractor was not on site.	
<b>ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:</b>	
Excavating before locates were valid.	
49-7A-5. Notification of proposed excavation.	
<b>Other information to support your position:</b>	
Another contractor had locates for the job site, but his were not valid until 04/01/2020.	
<b>Street Address / location of alleged violation:</b>	2300 Quiett LN
<b>City</b>	Mitchell
<b>State</b>	SD
<b>Date of alleged violation:</b>	Mar 31, 2020
<b>Time of alleged violation:</b>	08:41 AM
<b>Describe your allegation:</b>	
Rose Electric is excavating with out a valid locate ticket.	

**Do you believe the alleged violation to be intentional?** Yes

**Why or why not?**

Rose Electric called in the locate on 03/30/2020 and was already digging before locate ticket was 04/01/2020 dig date.

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

**Locate ticket #:** 2009081345

**Start date on ticket:** Apr 01, 2020

**Start time on ticket:** 03:15 PM

**Did the excavator wait until the start date / time on the ticket before commencing excavation?** No

**If no or not sure, when did excavation begin (date)?** Mar 30, 2020

**Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?** NA

**Explain**

Locate was not complete until 04/01/2020

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

**Were facilities marked?** NA

**Was the marking complete prior to the start time on the ticket?** NA

**Did the excavator pre-mark with white paint?** NA

**Was the facility marked accurately (within 18 inches)?** NA

**Did the excavator use reasonable care to maintain locate marks for the life of project?** NA

**Type of facility involved:** Water and Sewer

**Operator of facility (if known):** City of Mitchell

**Operator address (Street or PO Box):** 612 N Main  
Mitchell, South Dakota 57301  
United States

**Operator Phone** (605) 933-0420

**Depth of Cover (If unsure put N/A)** N/A

**Pressure: (If none, write none)** None

<b>Voltage: (If none, write none)</b>	None
<b># of cable pairs: (If none, write none)</b>	None
<b>Was the facility damaged?</b>	No
<b>Were damages on public right of way or private property?</b>	Private
<b>Was anyone injured as a result of facility damage?</b>	No
<b>Were there fatalities?</b>	No
<b>Was operator service affected?</b>	No
<b>Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?</b>	No
<b>If No, why not?</b> There was no damage.	
<b>Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?</b>	No
<b>If No, why not?</b> No damage.	
<b>Was there an escape of any flammable, toxic, or corrosive gas or liquid?</b>	No
<b>Please provide a Fire Department or Emergency Services incident report, if available</b>	Not Available
<b>Attachment Information</b> File names should not include symbols. Example:( \$, &, *, %, . ) etc.	