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| 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 | Apr 15, 2020 |
| Name of excavator / facility operator: | Zandstra Construction |
| Phone | (605) 348-9300 |
| Name or Company Name | Zandstra Construction |
| Street Address or PO Box | 3840 Cambell St 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-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:

Contractor was digging with an expired locate ticket by 11 days. The contractor should not have been digging until a new locate ticket was called in.

The contractor did not maintain horizontal clearance of 18 inches from the gas service line. The contractor was not using a less invasive way of finding the gas line since they hit the line with an excavator.

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| Street Address / location of alleged violation: | 4514 Pahlmeyer Dr |
| City | Rapid City |
| State | South Dakota |
| Date of alleged violation: | Mar 04, 2020 |
| Time of alleged violation: | 06:15 PM |

Describe your allegation:

Contractor was digging a trench for the ELEC for a new build home. It appears they had to cross the gas service

line for the home next door when they hit the gas line with the bucket of the excavator. Gas was not blowing since the line was protected with an EFV.

Do you believe the alleged violation to be intentional? Yes

Why or why not?
Digging with an expired locate ticket and not using a non invasive means of locating the gas line. This is not the there first incident.

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
The contractor hit a gas service line with the bucket the excavator they where using to do the digging.

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)? NA

Did the excavator use reasonable care to maintain locate marks for the life of project? No

Type of facility involved: 3/4" Plastic Natural Gas Line

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:

Gas service line - \$750 may be more since this was an after hours call.

Were damages on public right of way or private property? Private

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Was operator service affected? Yes

If yes, provide detail (how many customers for how long):

1 Home - 2 hours downtime

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.

Attachment [4514 Pahlomar Chad Zandstra MDU .75 Plastic Service.pdf](#)