

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 27, 2020
Name of excavator / facility operator:	Collin Billy
Phone	(605) 939-9865
Name or Company Name	Elite Custom Homes
Street Address or PO Box	429 Stumer Road 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:

While pounding in concrete stakes the contractor hit the gas service line. Was not blowing (EFV protected) and 811 and MDU where notified. Contractor did not have a locate ticket.

Street Address / location of alleged violation:	3620 Remington Rd
City	Rapid City
State	SD
Date of alleged violation:	Apr 23, 2020
Time of alleged violation:	11:00 AM
Describe your allegation:	While pounding in concrete stakes the contractor hit the gas service line. Gas Was not blowing (EFV protected) and 811 and MDU where notified. Contractor did not have a locate ticket. The law states that driving a stake in the ground in considers excavation.

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?	NA
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)?	No
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)	40 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:	0.75" Plastic Gas Service Line - \$500
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 House - 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.

Attachment [3620 Remington Rd Rapid City 0.75 MDU.pdf](#)