

COMPLAINT DOCKET NUMBER:	OC20-035
Reply filed on behalf of (company name):	Runge Enterprises
Contact Person:	Joe Runge
Phone	(605) 334-4833
Name or Company Name:	Runge Enterprises
Street Address or PO Box	4801 North Velocity Ave, PO Box 86490 Sioux Falls, South Dakota 57118 United States
Email	Joe@runge-enterprises.com
Date	Jul 14, 2020
Were you previously aware of these allegations?	Yes
Provide detail including whom you spoke with:	Joseph Muth called on 6/19 in the afternoon wondering about a damaged century link line in Harrisburg SD. I told him this was the first time I was hearing about it and he said that since we were digging in the area and had no locate ticket that a complaint will be filed against us.
Do you believe the statutes listed (if any) by the complainant were violated?	No
Why or why not?	I believe the statute 49-7A-5 as we did not have an active locate ticket. I do not believe in statute 49-7A-12 as myself nor the operator on site had any knowledge of the damaged line.
Do you dispute the alleged violation of SD One Call statute or rule occurred?	No
Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?	Yes
If yes, please explain:	In the complainant's statement he says "upon further inspection, they damaged the fiber while they were digging on 6/19 but hit our sheath during the grading process for which they did not have locates for either a few days prior. We were not notified of the hit on either occasion." These damages had to of happened at the same time. The grading process took place a couple weeks prior to 6/19 and I had also called in locates when the grading process took place. Therefore these statements were made out of assumptions and are not actually true.
Was a locate requested from SD One Call?	No
If no, please explain why no locate request was made:	My plan on 6/19 was to replace a lid on a fiber box that was already exposed. The job that we are doing also requires us to raise some manholes. The manholes got buried under some fill that we brought in. My intention was to find the top of the manhole so I knew how high it needed to be raised. Part of why the locate request was not made was forgetfulness and the thought that all the excavation should be taking place in fill that we brought in a couple weeks earlier.

Did excavation begin before the start date / time on the ticket?	NA
Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment?	NA
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
Was the excavation site pre-marked with white paint?	NA
Was the facility marked accurately (within 18 inches)?	NA
Was there reasonable care to maintain locate marks for the life of project?	NA
Did the complainant correctly describe the type of facility involved?	Yes
Provide detail: The complaint includes the description of the fiber that was hit. CTL 144 cont toll fiber.	
Did the complainant correctly describe the damages that resulted from the alleged violation?	Yes
Provide detail: Says the fiber was damaged while digging. Sheath was damaged too and I believe it would be from the same instance. There is no picture of the damaged line.	
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?	No
If No, why not? We did not have any knowledge that we damaged the fiber. We were digging to find the top of the manhole which would have been top of a existing ground. My operator on site said he never saw any damaged line, cable, or wire.	
Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?	No
If No, why not? We did not have any knowledge that we damaged the fiber. We were digging to find the top of the manhole which would have been top of a existing ground. My operator on site said he never saw any damaged line, cable, or wire.	
Was there an escape of any flammable, toxic, or corrosive gas or liquid?	No

Did the complainant correctly describe the damages that resulted from the alleged violation? Yes

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

Did complainant correctly describe how operator service was affected? Yes

Provide detail:
Outage in Harrisburg.

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:
My future plans and procedures are continuing our policies that we already have in place and added some training for our operators. It has always been Runge Enterprises policy to call in locates before excavation. I made the mistake and forgot to call in locates. Some procedures that will help keep that from happening again is that we have already went around and talked to our operators and employees on the rules for locates. The major one was to never dig if there are not locates and to never assume that there is not any underground facilities. This will help as a double check before we start digging. Other office personal are also helping in making sure we have locates on active jobs where crews will be working.

Has a complaint been filed against you in the past for SD One Call violations? No

Please provide any additional information to support your position:
I will be the first one to admit that I made a mistake. This is the first time that I have damaged a line when I did not have locates. The normal is that all locates are called in and up to date for all of my jobs. I have learned from this mistake and I will make sure that it does not happen again. I know the severity of not calling in locates, not only for the underground facilities but for my employees as well. I never would intentionally not call in locates and then start an excavation.

Attachment Information
File names should not include symbols. Example:(\$, &, *, %) etc.