

6-30-2020

Complainant

Roger French

1213 Laurel Lane

Brookings SD 57006

507-221-0258

Complaint Against:

Prunty Construction

3307 Prince Drive

Brookings SD 57006

605-692-1544

Complaint

This event happened at the junction of 4<sup>th</sup> ave and South Roberts Street in Humboldt SD.

I started working on the following issues by first contacting Nick Ritter of Prunty construction last August 30th in 2019. He prolonged our communication beyond the ninety day requirement to file the complaint, unknow to me at that time. He did not turn the claim into his insurance company until sometime mid January of this year. I thought Nick and I was working on sort of a gentleman's agreement to work out something fair for my daughter's loss of income due to his company's actions. Prunty Construction is the general contractor. I specifically told him I would prefer to work it out with him because I preferred not to turn his company or Zacharias construction into South

Dakota one call. He eventually filed a claim with his insurance without my knowledge nor my daughter's knowledge. His insurance company is United Fire and Casualty out of Iowa. This company then also turned the claim into Zacharias insurance company named Bidco Insurance, also out of Iowa. Again this was all done without my knowledge nor Tammy's knowledge. To this day we do not know what was said in his claim. We have since been trying to work with each of their insurance companies. We have been working to resolve this issue for the past ten months.

Tammy is a work at home single parent. She relies on the internet to make her living. Because of the street construction in Humboldt SD her internet was disrupted four different times. Once by Prunty Construction and three times by Zacharias Construction. Totaling a downtime of 20.25 hours with a loss of income and bonuses of \$3,289.70.

On 8-22-2019 Prunty Construction Company hit Midco's internet line with their excavator. I will send a picture of the excavators at the site of this cutting.

We have had little luck with Prunty's insurance company adjuster. We have supplied much evidence to them proving that Prunty's is at fault. Prunty's defence has always been that they hit the line because Midco's line marking was off more than the eighteen inch tolerance. The first meeting I had with Nick Prunty he stated it was off three feet. Rather than go through everything with just my viewpoint and evidence, I am sending correspondence I and my daughter have had with Ann Landerfield of United Fire and Casualty. In this correspondence they do admit that Prunty construction company did hit the line. Ann



Landerfield and Beth Saylor both say in one of her denial letters that Prunty pothole dug on both side of the mark 18 inches. Then Prunty continued to dig with their backhoe and this is when they hit the line. When Prunty did not find the line by their alleged pothole digging 18 inches on each side of the marked line they now become liable for cutting the line because they did not call for a relocate. They are required to call in for a relocate, this they choose not to do. According to Beth Saylor they did not call for a relocate because "that would take 48 hours". Beth Saylor also told Ann Landerfield that Prunty construction does pothole dig to locate lines. After we found out about this Tammy and I called her on a phone conference call between Tammy, myself and Beth Saylor and she said they did not have a pothole machine in Humboldt. She stated that their pothole digging consists of loosening the soil with a shovel and then scraping with the backhoe. It is a state law that makes it illegal to use mechanical equipment within 18 inches of a marking of an internet line in order to find that line. Back in September of 2019 I talked with Beth Saylor. At that time she told me that Prunty construction does not do any hand digging to locate lines. She also said at that time she did not know if Prunty Construction was in compliance at the time the line was hit. So either Beth Saylor was not on site when the line was hit or she was not telling the truth back in September of 2019 or was not truthful with Ann. I feel she is not a creditable witness, however United Fire is basing their denial on her verbal statement. In any case, Prunty construction did hit the line with their backhoe.

Back on 9-13-2019 I talked with Julie D from Midco. She did clarify outages on 8-22-2019. The outage was called into them by a customer, not by Prunty Construction.

I am also enclosing an email from Richard Ferguson who I had asked to check for calls into him for hits to lines on these dates. In it he states

that no incidents on these dates were reported to SD811 and USIC was not informed thus they could not do a damage investigation.

Prunty Construction have seven violations;

1. They do not do required hand digging to locate this line.
2. They used mechanical equipment within the 18 inches of the marking.
3. They failed to notify Midco of the hit line.
4. They failed to notify SD811 of the hit.
5. They failed to protect the internet line. (they knew very well that the internet cable would cross the road at some point ( Digging at least 4 feet deep putting in storm sewer drain lines). They were digging north to south and the cable runs under the road west to east.
6. Failed to call USIC making it impossible for them to do a damage investigation.
7. They failed to call for a relocate, This would have saved the line being cut. And this covered up any chance for USIC to prove that their mark was correctly placed.

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