

Complaint filed on behalf of or by:	Montana Dakota Utilities
Contact Person:	Marcus Christensen
Phone	(605) 355-4000
Name or Company Name	Montana Dakota Utilities
Street Address or PO Box	Po Box 1060 Rapid City, South Dakota Rapid City United States
Email	marcus.christensen@mdu.com
Date	Jul 28, 2020
Name of excavator / facility operator:	Mike Diamond
Phone	(605) 209-5340
Name or Company Name	JMD Excavating
Street Address or PO Box	11720 QUAAL RD, STE. A Blackhawk, South Dakota 57718 United States
Email	JMDEX@LIVE.COM
Is this party aware of your allegations?	No

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-8. Location of underground facilities--Marking.

An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The response time shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later. The response time may be less than forty-eight hours for emergency or subsequent inquiries to the original locate request and may be longer than forty-eight hours for nonexcavation requests. 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 did have a valid locate ticket prior to the damage. From the investigation the damage possible could have been avoided if the line would have been pot holed prior to excavation beginning or avoiding the area and coming back later to work near the gas line. Respot of locates may have help in this case for a reminder to the contractor about the gas line in the area.

Street Address / location of alleged violation:	1301 Woodlawn
City	Rapid City
State	SD
Date of alleged violation:	Jul 15, 2020
Time of alleged violation:	11:00 AM

Describe your allegation:

Contractor did have a valid locate ticket prior to the damage. From the investigation the damage possible could have been avoided if the line would have been pot holed prior to excavation beginning or avoiding the area and coming back later to work near the gas line. Respot of locates may have help in this case for a reminder to the contractor about the gas line in the area.

Do you believe the alleged violation to be intentional?	No
Was a locate requested from SD One Call?	Yes
Locate ticket #:	2019357768
Start date on ticket:	Jul 15, 2020
Start time on ticket:	12:00 AM
Did the excavator wait until the start date / time on the ticket before commencing excavation?	Yes
Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?	No
Explain	While excavating in the road way the contractor struck a gas service line.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	Yes
Was the marking complete prior to the start time on the ticket?	Yes
Did the excavator pre-mark with white paint?	No
Was the facility marked accurately (within 18 inches)?	Yes
Did the excavator use reasonable care to maintain locate marks for the life of project?	No
Type of facility involved:	0.75 (P) Servcie Line
Operator of facility (if known):	Montana Dakota Utilities
Operator address (Street or PO Box):	PO Box 1060 Rapid City, South Dakota 57709 United States
Operator Phone	(605) 355-4000
Depth of Cover (If unsure put N/A)	~24"
Pressure: (If none, write none)	50psig

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 to a home, \$800	
Were damages on public right of way or private property?	Public
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, 1 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.	