

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 57709 United States
Email	marcus.christensen@mdu.com
Date	Jul 29, 2020
Name of excavator / facility operator:	Mossrock Landscaping
Phone	(605) 673-1021
Name or Company Name	Mossrock Landscaping
Street Address or PO Box	25160 LITTLE ITALY RD Custer, South Dakota 57730 United States
Email	MOSSROCKMAN@GMAIL.COM
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. 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 was starting to work on the landscaping around the building and was removing some topsoil with an excavator when they hit the service line. Gas was not blowing due to an EFV on the line. Contractor did not have a locate ticket under their name and where digging based off of another company's locate ticket.

Street Address / location of alleged violation:	1625 Lando Lane
City	Rapid City
State	SD
Date of alleged violation:	Jul 22, 2020
Time of alleged violation:	11:45 AM
Describe your allegation:	Contractor was starting to work on the landscaping around the building and was removing some topsoil with an excavator when they hit the service line. Gas was not blowing due to an EFV on the line. Contractor did not have a locate ticket under their name and was digging based off of another company's locate ticket.
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?	No
Explain	Contractor hit the service line to the building with the excavator bucket causing the damage.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	NA
Was the marking complete prior to the start time on the ticket?	NA
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?	NA
Type of facility involved:	0.75" Poly Service 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: 0.75" Poly service Line - \$800	
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 Customer, 2 Hours	
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?	No
If No, why not? MDU had to inform the contractor to call 811 to report the damage.	
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.