

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.cm
Date	Jul 29, 2020
Name of excavator / facility operator:	Rapid Construction LLC
Phone	(605) 343-5162
Name or Company Name	Rapid Construction LLC
Street Address or PO Box	2738 Plant St Rapid City, South Dakota 57702 United States
Email	brucerconst@rushmore.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.

49-7A-12. Notification of damage to underground facility--Repairs--Flammable, toxic, or corrosive gas or liquid.

If any underground facility is damaged, dislocated, or disturbed in advance of or during excavation work, the excavator shall immediately notify the one-call notification center and, if known, the operator of the facility of the damage, dislocation, or disturbance. No excavator may conceal or attempt to conceal any damage, dislocation, or disturbance, nor may that excavator attempt to make any repair to the facility unless authorized by the operator of the facility. If the damage, dislocation, or disturbance results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator shall immediately report the escape to the authorities by calling the 911 emergency telephone number and notifying the one-call notification center and, if known, the operator of the facility.

Other information to support your position:

Contractor was working on doing some water line improvements when the hit the gas service line the crossed there water line ditch. Contractor had a valid located ticket at the time of damage and the line was accurately located. Gas was blowing until the contractor enter the gas kink the line and tape to stop the flow of gas.

Street Address / location of alleged violation:	5500 Elm St
City	Blackhawk
State	SD
Date of alleged violation:	Jul 20, 2020
Time of alleged violation:	07:30 AM
Describe your allegation:	Contractor was working on doing some water line improvements when the hit the gas service line the crossed there water line ditch. Contractor had a valid located ticket at the time of damage and the line was accurately located.
Do you believe the alleged violation to be intentional?	No
Was a locate requested from SD One Call?	Yes
Locate ticket #:	2019760274
Start date on ticket:	Jul 17, 2020
Start time on ticket:	08:45 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 using the excavator to dig the trench for the water line they damaged the service line for 5500 Elm Street.
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" Gas 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" Service Line, \$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 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?	Yes and 911 was not called
If Yes, but if 911 was not called, or if you don't know, explain why. Gas was blowing until the contractor enter the gas to kink and tape the line to stop the flow of gas.	
Please provide a Fire Department or Emergency Services incident report, if available	Not Available
Attachment Information File names should not include symbols. Example:(\$, &, *, %, .) etc.	