

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 BoxPo Box 1060
Rapid City, South Dakota 57709
United States**Email**marcus.christensen@mdu.com**Date**

Aug 05, 2020

Name of excavator / facility operator:

Toby Karn

Phone

(605) 939-9332

Name or Company Name

Toby Karn

Street Address or PO BoxPo Box 9547
Rapid City, South Dakota 57709
United States**Email**TOBIN1118@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 working on installing a sprinkler system for a home owner. The contractor was installing the sprinkler system off of the home owners locate ticket which was expired at the time of the damage. So the contractor didn't have there own ticket. Contractor also while using there trencher had hit the gas service line in multiply spots while trenching directly on top of the gas line. Gas was not blowing due to EFV

Street Address / location of alleged violation:	3117 Conservation Way
City	Rapid City
State	SD
Date of alleged violation:	Aug 02, 2020
Time of alleged violation:	12:58 AM
Describe your allegation:	Contractor was working on installing a sprinkler system for a home owner. The contractor was installing the sprinkler system off of the home owners locate ticket which was expired at the time of the damage. So the contractor didn't have there own ticket. Contractor also while using there trencher had hit the gas service line in multiply spots while trenching directly on top of the gas line. Gas was not blowing due to EFV.
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 was trenching over the top of the gas service line while installingi a sprinkler system. The trenching equipment had hit the gas line multiple times for a damage was reported.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	No

Was the marking complete prior to the start time on the ticket?	NA
Did the excavator pre-mark with white paint?	NA
Was the facility marked accurately (within 18 inches)?	NA
Did the excavator use reasonable care to maintain locate marks for the life of project?	No
Type of facility involved:	0.75" gas 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)	~18"
Pressure: (If none, write none)	50 PSIG
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" gas Service Line, after hours repair \$1000-\$1300
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?

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.