

**South Dakota One Call Notification Board
PO Box 187
Rapid City, SD 57709**

IMPORTANT: This form is provided only as assistance in preparing responses to South Dakota One Call Complaints. Although it is not required, we encourage you to use this form. Please be as thorough as possible to assist the Enforcement Panel in making its determination.

**COMPLAINT DOCKET
NUMBER:**

OC20-051

**Reply filed on behalf of
(company name):**

Toby Karn

Contact Person:

Toby Karn

Phone

(605) 939-9332

Name or Company Name:

Toby Karn

Street Address or PO Box

2128 Harney Drive
Rapid City, South Dakota Rapid City
United States

Email

tobin1118@gmail.com

Date

Sep 22, 2020

**Were you previously aware
of these allegations?**

No

**Do you believe the statutes
listed (if any) by the
complainant were violated?**

Yes

Why or why not?

I was made aware of this action yesterday upon receiving the agenda via email. I immediately called and was told that a notice was sent on August 12, 2020. I checked my email and all folders within said email and I was unable to locate such notice. Obviously I am now fully aware of the complaint and will respond accordingly. I did not purposely ignore this action.

I must apologize for not being fully aware of the one call procedure in that I did not know that someone else other than the homeowner needs to call for locates, that I am guilty of. I am friends of the homeowners and was doing the work for them at their request. I rented a small trencher and performed the trenching for a sprinkler line. If I had known that it was me that needed to call for locates, I would have done so.

**Do you dispute the alleged
violation of SD One Call
statute or rule occurred?**

Yes

If yes, what specifically do you dispute?

I performed the trenching according to the MDU flags that were placed in the yard. According to the before photos, there are no flags but rather, spray paint. None of the before pictures show the MDU flags that are

clearly there in the after pictures. I am afraid of natural gas and respect its danger and will steer clear of it. I believed I was far enough away from the flags and that is why I trenched where I did. There was other colors of paint on the property marking other utilities but there was not a yellow line upon my arrival to the property.

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation? No

Was a locate requested from SD One Call? Yes

If yes, please provide the ticket number and a copy of the locate ticket
The homeowner requested the locates. I apologize for not having the ticket number.

Did excavation begin before the start date / time on the ticket? No

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? Yes

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

Was the excavation site pre-marked with white paint? No

Was the facility marked accurately (within 18 inches)? No

Was there reasonable care to maintain locate marks for the life of project? Yes

Did the complainant correctly describe the type of facility involved? Yes

Provide detail:

I had gone to the property 2 to 3 weeks prior to performing the work and placed blue flags where I was going to run the sprinkler line and position the heads. If there would have been yellow paint on the ground, I definitely would not have placed my sprinkler line directly on top of a gas line. I strictly relied on the yellow MDU flags. There was not yellow paint present on the ground at anytime while I was on the property.

Did the complainant correctly describe the damages that resulted from the alleged violation? No

Provide detail:

I hit the line in 2 to 3 areas within a 6 foot length of the line. I agree that I damaged the line but not to the tune of \$1,000 to \$1,300. A 6 foot section of pipe and a couple of couplers were installed in under 2 hours. It was on a Sunday afternoon so I guess it is considered after hours for them. I also hand dug around the pipe in order to help the MDU tech and I apologized numerous times to him and the One Call employee who both had to work on a Sunday.

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance? Yes

Please provide a copy of the Damage Ticket

I called One Call immediately and also notified the next door neighbor. I also helped hand dig around the line to expose it for the MDU employee who came to the site. The MDU employee was great by the way.

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

Did the complainant correctly describe the damages that resulted from the alleged violation? Yes

Were damages on public right of way or private property? Private

Did complainant correctly describe how operator service was affected? Yes

Provide detail:
The homeowner was without gas for about 2 hours.

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Other information regarding injuries or damages:
Just the damage to my ego.

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:
I have read the entirety of the chapter relating to this complaint and will strictly adhere to the procedures set forth therein if the opportunity should ever arise in the future which is very unlikely.

Has a complaint been filed against you in the past for SD One Call violations? No

Please provide any additional information to support your position:
I truly apologize for being in front of this board. None of my actions were intentional. I was unaware that the locates should have been called in by me and I know that isn't an excuse but if I would have known, I would have followed the proper procedures. I am not trying to make light of this infraction in any way as it could have been much worse. I promise you my name will not come across your desks again.

Attachment Information
File names should not include symbols. Example:(\$, &, *, %) etc.