

From: South Dakota One Call [mailto:info@aligningchange.com]

Sent: Monday, August 31, 2020 8:26 AM

To: SD811 Complaints <Complaints@sd811.com>; Larry Janes <exedir@sdonecall.com>; Codi Gregg <deputydirector@sd811.com>; kerry@aligningchange.com; roger@aligningchange.com

Subject: SOUTH DAKOTA ONE CALL COMPLAINT FORM [#106]

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

IMPORTANT: This form is provided only as assistance in preparing your South Dakota One Call Complaint. 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. You may include additional information as necessary.

Complaint filed on behalf of or by:	Montana Dakota Utilities
Contact Person:	Marcus Christensen
Phone	(605) 355-4035
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	Aug 31, 2020
Name of excavator / facility operator:	Mike Diamond
Phone	(605) 209-5340
Name or Company Name	JMD Excavting
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-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.

Other information to support your position:

Contractor was digging in an area where they didnt have a locate ticket. Contractor thought that there locate ticket covered the area where the damage occurred. Contractor has now called in a ticket for this area.

Street Address / location of alleged violation: 0 Downing St

City Rapid City

State SD

Date of alleged violation: Aug 12, 2020

Time of alleged violation: 10:30 AM

Describe your allegation:

Contractor was digging in an area where they didnt have a locate ticket. Contractor thought that there locate ticket covered the area where the damage occurred. Contractor has now called in a ticket for this area.

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 gas line with bucket of the backhoe.

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?	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?	NA
Type of facility involved:	3/4" (P) 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) 355-4035
Depth of Cover (If unsure put N/A)	~18"-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:	Plastic gas service line. \$700
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 for 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.