

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	Sep 18, 2020
Name of excavator / facility operator:	LEROY STUEN
Phone	(605) 641-1930
Name or Company Name	STUEN CONSTRUCTION
Street Address or PO Box	PO BOX 217 Deadwood, South Dakota 57732 United States
Email	LEROYSTUEN@YAHOO.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.

Other information to support your position:

Contractor was using an excavator to dig when they hit the gas service line to the home. The line was clearly marked and the locates are accurate. Contractor should have potholed the gas line with prior to digging in the area of the service line. Gas was not blowing, 811 was called.

Street Address / location of alleged violation: 14 McMaster St

City Lead

State SD

Date of alleged violation: Sep 10, 2020

Time of alleged violation: 11:45 PM

Describe your allegation:

Contractor was using an excavator to dig when they hit the gas service line to the home. The line was clearly marked and the locates are accurate. Contractor should have potholed the gas line with prior to digging in the area of the service line. Gas was not blowing, 811 was called.

Do you believe the alleged violation to be intentional? No

Was a locate requested from SD One Call? Yes

Locate ticket #: 2024292087

Start date on ticket: Sep 02, 2020

Start time on ticket: 12:00 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

Contractor hit the gas line with there excavator causing the damage.

Were buried facilities exposed by hand or non- No

invasive equipment prior to excavation?

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?	Yes
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:	Gas service line to home - \$700
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 home - 1 hour

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.