

**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:**

OC20-068

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

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](mailto:marcus.christensen@mdu.com)

**Date**

Oct 08, 2020

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

No

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

No

**Why or why not?**

Contractor had submitted a locate ticket that was complete prior to excavation and start date on the ticket. The locator was having a difficult time getting a good signal on the gas stub in the ground. The locator used measurements of the MDU maps to locate the gas stub and put marks down and informed the Askland of this. The locator also told Askland that they would be informing MDU of this issue and advised Askland to contact MDU prior to digging in the area for there safety and for the homeowners.

Askland contacted MDU on Saturday morning on 09/05/20 to aid in locating and to be present. Upon arriving MDU employee noticed locates from the locator where Askland had to dig up the water main. MDU employee hooked there locator up at 5016 next door to 5007 Langenberg Ct and got a good signal all the way to the main. As the MDU employee followed the main the signal got weaker and this was just north of where Askland would be digging. The locator had marked a few feet from were the MDU employee was marking. The MDU employee assisted Askland in hand digging to locate the gas line. Askland started digging 3 feet from where MDU had stop locating since the signal of the gas main was diminishing. MDU employee said they would dig to where they started using the excavator. As Askland started to dig it became apparent the water leak was father way from the where the gas line was being located and where they were hand digging. MDU employee checked the locates that were place based off of map measurements and no signal was found. Once the MDU employee was confident that there was no gas in the area of where Askland was digging the MDU employee communicated that with them. The MDU employee stayed onsite for some time after and let Askland know that if they run into

anything else to give the MDU employee a call and they would come back out. Askland never called that afternoon.

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

**If yes, what specifically do you dispute?**

Locate ticket was submitted and responded to. MDU also responded to the unlocatable that was submitted and aided in helping the contractor while they were digging to ensure the contractors safety and residents.

**Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?** Yes

**If yes, please explain:**

We responded and followed protocol. There was no intentional mismarking of the gas line. It was located to best of the ability of the locater and MDU employee given the circumstances. MDU was on site at the time when digging started and when MDU employee was sure there was no gas line in the areas they told the contractor they could use there equipment and that the others would hand dig to where the excavator started to dig.

**Was a locate requested from SD One Call?** Yes

**If yes, please provide the ticket number and a copy of the locate ticket**  
2024896771

**Locate ticket #** 2024896771

**Start date on ticket:** Sep 04, 2020

**Start time on ticket:** 05:00 PM

**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?** Yes

**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?** No

**Provide detail:**

The gas line in question is not high pressure and is not 2" gas main. The gas main is 1-1/4" and is medium pressure.

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

**Provide detail:**

Askland was only instructed it ok to use mechanical equipment when it was safe to do so. MDU or its employee would never say it is ok instruct someone to go a head and start digging if it wasn't safe. MDU responded and aided in helping trying to locate and hand dig with contractor to locate the facility and to make sure the area was safe prior to using mechanical means of digging.

**Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?** No

**If No, why not?**

No damage occurred as a result of the complaint filed.

**Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?** No

**If No, why not?**

No damage occurred as a result of the complaint filed. MDU was notified by ELM of the issue right away and by the contractor. MDU responded in a reasonable and responsible manner.

**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?** No

**If no, provide detail:**

No damage occurred as a result of the complaint filed. MDU did not put the contractor in harms way.

**Were damages on public right of way or private property?** Public

**Did complainant correctly describe how operator service was affected?** No

**Provide detail:**

No operator downtime

**Was anyone injured as a result of facility damage?** No

**Were there fatalities?** No

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:**

No statutes were violated as a result of this complaint being filed. The locator showed up within the time limit of the locate ticket. MDU responded as a result of the facility being difficult to locate and aided with locating the area and ensuring the safety of the contractor.

**Has a complaint been filed against you in the past for SD One Call violations?** Yes

**If yes, when was it filed?** Sep 21, 2020

**Please provide any additional information to support your position:**

MDU takes locating very serious. We always responded if there is an unlocatable and assist contractors if need be. There was no malicious intent here. MDU when called to assist the contractor showed up and went above and beyond of just locating of the gas line.

**Attachment Information**

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