

**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:	OC20-089
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
Date	Dec 15, 2020
Were you previously aware of these allegations?	Yes
Provide detail including whom you spoke with:	RC with RCS. We had a phone conversation regarding this situation.
Do you believe the statutes listed (if any) by the complainant were violated?	No
Why or why not?	RCS didn't follow through with meet time requirements as required on the appointment ticket. See attached document for additional details.
Do you dispute the alleged violation of SD One Call statute or rule occurred?	Yes
If yes, what specifically do you dispute?	RCS did not fulfill appointment ticket requirements to describe locate area. See attached document for additional details.
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	2030130011. Ticket attached.
Locate ticket #	2030130011

Start date on ticket:	Nov 02, 2020
Start time on ticket:	04:00 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?	NA
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	NA
Were facilities marked?	No
Was the marking complete prior to the start time on the ticket?	No
Was the excavation site pre-marked with white paint?	No
Was the facility marked accurately (within 18 inches)?	NA
Was there reasonable care to maintain locate marks for the life of project?	NA
Did the complainant correctly describe the type of facility involved?	Yes
Provide detail:	Appointment requested by excavator and required by appointment ticket type was not kept. MDU locator attempted to meet with the excavator and was unable to. MDU located facilities the best of our understanding of the work area. Line in question was not located although it was in the work area as we understood it. Excavation date should follow 48 hours after appointment that did not occur. Please see attached document for details.
Did the complainant correctly describe the damages that resulted from the alleged violation?	Yes
Provide detail:	No damage occurred.
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?	No
If No, why not?	No damage occurred.
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? Public

Did complainant correctly describe how operator service was affected? Yes

Provide detail:

There was not damage. Excavator called in a verification request.

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:

MDU has discussed with contract locator the need to understand work area and locate fully all facilities in the work area and will hold accountable to this.

MDU would request that when appointment tickets are requested that the appointment is kept and/or if rescheduled that the work date would be 48 hours after appointment.

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

If yes, when was it filed? Oct 08, 2020

Please provide any additional information to support your position:

Please see attached document

Attachment Information

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

RCS had called in a locate ticket (2030130011) on 10/27/20. The ticket information required the locate companies to meet with RCS onsite to describe the area needing to be located. The meet date/time on the ticket was 10/29/20 at 4:00 pm. The ticket also described the direction where to meet RCS (Joe Williams) onsite.

The locator for MDU showed up at the required time on the ticket for the meet. RCS did not show for the meeting. Not only was the MDU locator there, but so was the locator for VAST. They called RCS and was told the meeting was not until 11/02/20 at 2pm. Again, the MDU locator showed up at the time the contractor told them to and RCS was not present. Again, the locator called RCS to see where they were. RCS told them it would be at 4pm instead of 2pm. MDU locator showed up again at 4pm to meet and there was no one there.

MDU's locator was unable to contact Joel Williams with RCS when they showed up to the site, at the new meet time as per instructed by RCS, and noticed RCS wasn't onsite. MDU's locator saw the City of Lead was there locating so the MDU locator asked them if they knew where the work area was. The city told MDU locators the work was being performed from the edge of the asphalt at the gate going into mine on Canyon. The MDU locator hooked up to the main there and located.

Although there were no markings, limited description, and no contact from RCS, MDU's locator located the facilities and felt they understood the work area. The main on Canyon Street was accurately located and the main teeing into the main on Canyon Street was not located as RCS has stated.

When RCS called in their verification ticket on 11/03/20 MDU's locator responded in a timely manner and marked the line and were able to confirm the area needing to be marked. RCS did the right thing to request a verification when they had concerns of all line being located and to ensure that all gas facilities within the work area were marked, and damage was avoided.

Several factors that played into this near miss include

1. RCS not meeting with locators at the time described in the locate ticket and follow up meeting were not followed through with by RCS.
2. Without the meeting that was requested by RCS, there was doubt of the actual work location that needed to be located.
3. One call Appointment tickets require excavation to start 48 hours after the appointment, with RCS changing the appointment date and time this verification was called in with 48 hours of the last appointment time (which never occurred).
4. When the locate was completed part of the locate was missed by MDU's locator.

In the future if the original meet time stated on the ticket can't be made then the contractor may need to modify the current ticket to update meet time and location or cancel and submit a new ticket, with the understanding that the work date/time would need to be adjusted. This way it keeps everyone involved on the same page and helps alleviate any confusion or frustrations.

TICKET 2030130011



Ticket Number: 2030130011 Old Ticket:
Source: Portal Ticket Type: Appointment-Project
Date: 10/27/2020 4:18 PM
Update By: 11/19/2020 4:00 PM Expires On: 11/23/2020 4:00 PM

RESPONSE STATUS AS OF TUESDAY, DECEMBER 15, 2020 10:06 AM

STATUS CODE NAME FACILITIES

COMPANY INFORMATION

R.C.S. CONSTRUCTION
1314 Fountain Plaza Drive
Rapid City, SD 57702

Phone: (605) 342-3787
Fax:
Type: Excavator

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
Caller	Evan Walterman	(605) 389-6308	evan@rcsconst.com
Contact	Joel Williams	(605) 389-6308	evan@rcsconst.com
Alt Phone		(605) 389-6308	

WORK INFORMATION

State:	SD	Work Date:	11/2/2020 4:00 PM
County:	LAWRENCE	Done For:	RCS Construction
Place:	LEAD	Duration:	2 Months
Street:	Canyon Street	Explosives:	False
Intersection:	E Summit Street	Right of Way:	True
Nature of Work:	Utility Install	Tunnel/Bore:	False
Meet Requested:	True	Meet Date/Time:	10/29/2020 4:00 PM
TRSQ:		Depth:	10'

DRIVING DIRECTIONS

Meet at the South side of the intersection of E. Summit Street and Canyon Street to review the work area.

REMARKS

Work Date: 11/2/2020 2:00:00 PM Meet Joel Williams with RCS Construction at the South side of the intersection of E. Summit Street and Canyon Street. Joel will show everyone the work area. The area is Canyon Street South towards the abandon section of road which is the alternate access to the Ross Yard, APPX 0.25 MI. See below map of work area

MEMBERS

CODE	NAME
BH3	Black Hills Power and Light Company
UW1	CTLQL-CenturyLink
LDC	City Of Lead
LDD	Lead-deadwood Sanitary District
SDC	Midcontinent Communications
MT4	Montana-Dakota Utilities Company

CODE NAME

BHF Vast Broadband
