



13 January 2021

SD811
Po Box 187
Rapid City, SD 57709

RE: Complaint OC20-093 – RCS vs MDU 1636 E Saint Patrick Street Rapid City SD Line Locate Failure

Dear SD811 Board,

RCS Construction has filed a complaint against Montana-Dakota Utilities for intentionally incorrectly locating its natural gas pipeline at 1636 E. St Patrick St in Rapid City. MDU had initially been requested to mark its facilities in this location on September 11, 2020. MDU's locating contractor, ELM, did have difficulty locating the line in question but based on electronic locating equipment, mapping, and site inspection believed they were able to accurately mark the location of the gas pipeline. RCS construction submitted another locate request for the same location on Dec 11, 2020, ELM again responded and located the natural gas facilities in a manner that was believed to be accurate and in accordance with *§49-7A-8- Location of Underground Facilities – Marking*.

RCS Construction followed SD811 laws and requirements in their request, and in their attempt to expose the underground gas pipeline. When unable to find the pipeline RCS contacted MDU in accordance with *§49-7A-13* which states, *If in the course of excavation the excavator is unable to locate the underground facility or discovers that the operator of the underground facility has incorrectly located the underground facility, he shall promptly notify the operator, or, if unknown, the one-call notification center*. Upon notification of what was believed to be an incorrectly marked facility, MDU's personnel and contractor responded immediately and were able to correct the situation without incident, ultimately the one-call system and laws worked as intended to prevent damage and an unsafe situation.

MDU takes its responsibility to locate its facilities very seriously, we have reviewed this situation and are using it as part of our continual improvement process of learning from situations such as this and adjusting our processes as necessary. In some situations, such as this one, locating underground facilities can be very challenging, we are proud of our locating accuracy in the Black Hills as can be seen in the attached information provided by ELM (please note, on-time accuracy deficiencies are mostly a function of weather where contact has been made with excavators within ticket dig date).

MDU would like to recognize RCS Constructions attention to SD 811 laws in this matter, and while MDU accepts responsibility for the gas line being improperly marked, we do not feel this willfully violates *§49-7A-8- Location of Underground Facilities – Marking* and ask that you dismiss this complaint.

Thank you,

Toby Bordewyk
Montana-Dakota Utilities