

RECEIVED

MAY 05 2003

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Mail completed form to:

**PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD**

COMPLAINT

COMPLETE INFORMATION IS REQUIRED - ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY BUSINESS* **PERSON FILING COMPLAINT :** Ginny Beck
COMPANY Crooks Municipal Utilities **ADDRESS** P. O. Box 785, Crooks, SD 57020 **PHONE NUMBER** 605-543-5238
SIGNATURE OF COMPLAINANT: *Ginny Beck* **DATE:** 04/30/2003
EMAIL ADDRESS: Ginnybeck@juno.com

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Peterson Farms (a.k.a. Wade Peterson)
PHONE NUMBER: 605-543-5537 or 605-351-2987
ADDRESS: 25563 475th Avenue; Renner, SD 57055
WAS A LOCATE REQUESTED FROM SD ONE CALL? NO
LOCATE TICKET #: N/A **START DATE ON TICKET:** N/A
DID EXCAVATOR WAIT UNTIL THE START TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? NO
WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? NO

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Natural Gas **OPERATOR OF FACILITY :** Crooks Municipal Gas
OPERATOR ADDRESS: P. O. Box 785, Crooks, SD 57020 **PHONE NUMBER:** 605-543-5238
DEPTH OF COVER: > 18 Inches **PRESSURE:** 48 PSI **VOLTAGE:** N/A **NUMBER OF CABLE PAIRS:** N/A

IV. MARKING

WERE FACILITIES MARKED? NO

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES NO

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES NO

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES NO

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO

IS THERE AGREEMENT? YES NO

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES: None INJURIES: None

LENGTH OF HOSPITALIZATION: N/A

ESTIMATED PROPERTY DAMAGE (\$): \$367.66

NUMBER OF CUSTOMERS AFFECTED: One

DAMAGED IN: PUBLIC PRIVATE X (RIGHT-OF-WAY) PHOTOS OF THE DAMAGED FACILITY? NO

ADDITIONAL INFORMATION:

Gas Line was burned by halogen lights used to light the excavation process during darkness plus used to defrost the ground. Crooks Municipal Utilities has saved the burned pipe.

VI. PROBABLE VIOLATION**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:**

SDCL 49-7A-5 Notification of proposed Excavation – Excavator did not notify the one call notification center of the proposed excavation
SDCL 49-7A-12 Notification of damage to underground facility – Excavator failed to immediately notify Crooks Municipal Utilities or the One Call Center when gas line was damaged. Excavator also attempted to conceal damage by covering without proper restoration of the pipe

ADDRESS/LOCATION OF PROBABLE VIOLATION: 25638 475th Avenue; Lot 18 (a.k.a. Peterson's Trailer Court)

DATE/TIME OF PROBABLE VIOLATION Estimate that damage occurred on March 12th; First notification of damage was received from a trailer park occupant on March 14, 2003

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Verbally discussed with Chad Erickson (son-in-law of Wade Peterson) who was assisting in the excavation; and with Wade Peterson via written correspondence (copies attached)

DESCRIPTION OF PROBABLE VIOLATION:

Gas Line was burnt from a halogen light or lights (I witnessed two at the site) that evidently had fallen on the gas line. In discussion with Chad Erickson, he stated that the lights were used to defrost the ground and to provide lighting while excavating to expose a blocked sewer line at lot 18. Crooks Municipal Utilities did not receive a one-call notification for this excavation.

On Friday, March 14th, the finance officer for the city of Crooks received a call from Dawn Keimig, occupant of Lot 18, Peterson Trailer Court, complaining about the smell of gas coming in an open kitchen window. The smell was coming from a trench that was being dug to repair a broken sewer line into her trailer. The finance officer contacted me in Sioux Falls where I was at a dental appointment. To avoid an unnecessary trip to Renner, I called the excavator's number provided to the finance officer by Dawn Keimig. The person answering this number was Chad Erickson who identified himself as Wade Peterson's son-in-law. In visiting with Chad Peterson, he assured me that it was not a gas leak and that Ms. Keimig was smelling sewer gas from a line that was being repaired.

Mrs. Keimig continued to call the finance officer complaining of the gas leak. On this call she identified a Mr. Clausen as a contact who was also involved in the excavation of the sewer line. I called Mr. Clausen and he confirmed that gas was blowing from a hit gas line that the excavation crew had covered up with dirt in an attempt to stop the gas leak while they continued to work on the sewer line. I then contacted the service technician from Northwestern Public Service who drove to the site from Madison.

While the technician from Northwestern Public Service repaired the line, Chad Erickson shared the story of how the halogen light (s) had damage the gas line and what the purpose of using the lights.

I did confront Chad Erickson about the 'no locates requested' and he thought Wade Peterson was handling that since he was in charge of the excavation activities. I have retained the portion of the pipe that was burst. I have also sent Wade Peterson two letters addressing the one-call issues.

The Northwestern Technician that repaired the line was Sid Gulbrandson.

CROOKS WATER & SEWER UTILITIES

WATER AND SEWER UTILITIES

April 3, 2003

Dear Customer:

Enclosed is your monthly utility billing. You will notice that your water/sewer rates have increased. Like most small cities in Minnehaha County, the City of Crooks is "outgrowing" existing facilities. Our current lagoon system is seriously undersized for our population. Estimates for a new lagoon recently came in at around \$1,000,000. Our water system will also be inadequate as we continue to grow. Although we will apply for every grant and low interest loan available to finance these projects, rates have to increase to fund our share of the burden. The new rates for the City of Crooks are in line with other small cities in this area. Below is a rate schedule from Ordinance 127, which was passed on January 13, 2003 and became effective March 1, 2003.

"Water and Sewer Rates.

<u>Gallons Used</u>	<u>Water\$</u>	<u>Sewer\$</u>	<u>Total\$</u>
2000	10.00	17.00	27.00
3000	13.75	18.00	31.75
4000	17.50	19.00	36.50
5000	21.25	20.00	41.25
6000	25.00	21.00	46.00
7000	28.75	22.00	50.75
8000	32.50	23.00	55.50
9000	36.25	24.00	60.25
10000	40.00	25.00	65.00
11000	43.75	26.00	69.75
12000	47.50	27.00	74.50
13000	51.25	28.00	79.25
14000	55.00	29.00	84.00
15000	58.75	29.00	87.75
16000	62.50	29.00	91.50
17000	66.25	29.00	95.25
18000	70.00	29.00	99.00
19000	73.75	29.00	102.75
20000	77.50	29.00	106.50

All water in excess of 20,000 gallons shall be at the rate of 3.75 per 1000 gallons. All sewer in excess of 20,000 gallons shall be at a rate of \$29.00 per month. The foregoing rates shall apply to locations within the city limits for water consumption and sewer usage for one (1) month period for single family residences and commercial usages."

Sincerely,

The Utility Board of the City of Crooks

**Crooks Municipal Utilities
P O Box 785
Crooks, South Dakota 57020**

March 27, 2003

*date of
gas line
leak smell
and repair was
March 14, 2003* 

Wade Peterson
25563 475th Avenue
Renner, SD 57055

Re; 25638 475th Avenue #18

Dear Wade,

This letter is to request payment of \$367.66 in repair of the gas service line that was damaged at 25638 475th Avenue, lot #18. That dollar amount reflects time and materials involved in having Northwestern Public Service and the City of Crooks respond and repair the service line.

Need I remind you that state law dictates that anytime any excavation occurs, that South Dakota One-Call be notified so that underground lines can be marked, prior to excavation. Implementation of the revised One-Call statute has begun so now penalties can be assessed to those excavators who choose not to call in for locates. The new statute is available at www.sdonecall.com.

In this case, not only were locates *not* called in but the gas line showed evidence of being burnt as a possible result of the lighting equipment used to aid in the excavation process getting too near the gas line. This could have resulted in a deadly natural gas fire, which could have destroyed the home located at lot #18 not to mention the surrounding areas. Fortunately, this did not occur.

Hopefully, in the future, more caution will be exercised when there are any excavation activities that need to be done in your area.

The check for \$367.66 can be made payable to the City of Crooks and mailed to PO Box 785, Crooks, SD 57020. Thank you for your cooperation in this matter.

Sincerely,

Ginny Beck
Utility Superintendent

**CROOKS MUNICIPAL GAS
P O BOX 785
CROOKS, SD 57020**

April 17, 2003

Wade Peterson
25563 475th Avenue
Renner, SD 57055

Re; 25638 475th Avenue lot #18 gas line hit on March 14, 2003

Dear Wade,

In previous correspondence dated March 27, 2003, the City of Crooks respectfully asked for payment of \$367.66 for time and materials for a gas service line damaged at the above-mentioned address. To date, the city has not received a payment from you for this amount.

I've decided to put this second request in writing as well, so there is no misunderstanding or confusion as to what the City of Crooks' position is in regards to this matter. First of all, the amount asked for by the City of Crooks of \$367.66 is **non negotiable**. This means that even though you may not agree with this dollar amount, this is what the City expects to receive from you. Stopping in to the finance office or requesting me to call you to discuss things is a waste of your time and mine. The City billed you for \$367.66 and that is what the City of Crooks expects to be paid. Secondly, it is of no concern to us as to what the City of Garretson may charge you or any other utility may charge you for damage to their utilities. Each utility has their own set of policies and procedures. What Garretson may charge you is irrelevant to this issue. Thirdly, the communication between your personnel and the City of Crooks finance office is less than poor. People are moving in and out of the trailer court and the city finance office is the last to find out. This is especially important since *the majority* of our customer delinquencies are residents of your trailer court. This needs to be corrected to keep an amiable relationship between you and the City of Crooks.

Finally, I have discussed this issue with our city attorney, Rick Mickelson and he advised me to have you contact him if there is still any confusion on your part as to what the city of Crooks is requesting. He can be reached at 334-9448. Again the check for \$367.66 should be made payable to the City of Crooks and mailed to P O Box 785, Crooks SD 57020.

Sincerely,
Ginny Beck Utility Superintendent

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WADE PETERSON
28863 475th Ave
Renewal, SD 57020

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Wade Peterson

- Agent
 Addressee

B. Received by (Printed Name)

Wade Peterson

C. Date of Delivery

8/20/01

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes