OC03-005

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JUN 19 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 INDIVIDUAL ___ OR BUSINESS* X PERSON FILING COMPLAINT (Please print): _____

COMPANY (If applicable) Midcontinent Comm ADDRESS 3507 S. Duluth PHONE NUMBER _____

SIGNATURE OF COMPLAINTANT: [signature] DATE: 6-16-03 EMAIL ADDRESS: _____

*If the complaint is files 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: Northern Plains Landscaping PHONE NUMBER: (605) 330-0536

ADDRESS: 47408 278th St Worthing S.D. 57077

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES X NO___ LOCATE TICKET #: 031420181 START DATE ON TICKET: 5-27-03

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ___ NO X

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ___ NO X

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: phone OPERATOR OF FACILITY (IF KNOWN): Midcontinent Comm.

OPERATOR ADDRESS: 3507 S. Duluth Ave. PHONE NUMBER: _____

DEPTH OF COVER: 3 feet PRESSURE: _____ VOLTAGE: 90 NUMBER OF CABLE PAIRS: 1

IV. MARKING

WERE FACILITIES MARKED? YES__ NO X WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES___ NO X

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES___ NO X

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES ___ NO___ N A

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES___ NO___ N A

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

IS THERE AGREEMENT? YES ___ NO ___ IF NO, PLEASE EXPLAIN: _____

V. DAMAGE (IF ANY)

FATALITIES: _____ INJURIES: _____ LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE ($): 1500.00 NUMBER OF CUSTOMERS AFFECTED: 1

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

ADDITIONAL INFORMATION: Ticket due on 5-27-3, showed up at 12:45 on 12-23 and a guy waved me down and told me they hit a line.

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:
dig before ticket is due.
Possibly no correct address. (Townhouse with 4 units, each with address)

ADDRESS/LOCATION OF PROBABLE VIOLATION:
5901 S. Shadow Wood Place.

DATE/TIME OF PROBABLE VIOLATION
≈ 12:45 PM: on 5-23-3

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES ___ NO X

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: ___

DESCRIPTION OF PROBABLE VIOLATION:

05

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

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL☐ OR BUSINESS* ☒ PERSON FILING COMPLAINT: Dan Bell (605) 231-0328

COMPANY: MidContinent Communications ADDRESS 3507 S. Duluth, Sioux Falls, SD PHONE NUMBER 605-274-8531

SIGNATURE OF COMPLAINTANT: Dan Bell DATE: 6-17-03 EMAIL ADDRESS: danb@sio.midco.net

*If the complaint is files 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: Northern Plains Landscaping PHONE NUMBER: (605) 330-0536

ADDRESS: 47408 278th Street, Worthing, SD 57077

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES☒ NO☐ LOCATE TICKET #: 031420181

START DATE ON TICKET: May 27, 2003

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES ☐ NO ☒

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES ☐ NO ☒

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Main Line OPERATOR OF FACILITY : Midcontinent Communications

OPERATOR ADDRESS: 3507 S. Duluth, Sioux Falls, SD PHONE NUMBER: 605-274-8531

DEPTH OF COVER: 36" PRESSURE: VOLTAGE: 90 NUMBER OF CABLE PAIRS: 1 pair

IV. MARKING

WERE FACILITIES MARKED? YES☐ 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)? Not Applicable

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? Not Applicable

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: Not Applicable

ESTIMATED PROPERTY DAMAGE ($): 1500.00 NUMBER OF CUSTOMERS AFFECTED: 1

DAMAGED IN: PUBLIC ☒ PRIVATE ☐ (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES ☐ NO☒

ADDITIONAL INFORMATION:

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:

SDCL 49-7A-5 Notification of Proposed Excavation. Work was completed prior to the start date and time on the ticket

ADDRESS/LOCATION OF PROBABLE VIOLATION: 5901 Shadow Wood Place; Ticket reads "5907" – all one building – 4 plex

DATE/TIME OF PROBABLE VIOLATION June 23, 2003 at approximately 12:45 PM

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES ☐ NO ☒

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION:

Locator arrived to mark the site on June 23rd at approximately 12:45 PM. The electrical contractor approached the locator and advised him that a line had been hit. Start date on the ticket was May 27th.

South Dakota One Call SEQUENCE NUMBER.0002 CDC = TST

Type: *** R O U T I N E *** Class: TRANSMIT

Transmit: 06/25/03 At: 0757 CDT

Prepared: 22-MAY-03 Time: 0934 CDT By: BSC

Ticket No.: 031420181

Operators Notified:
M08=/MEC-SIOUX FALLS/ NN1=/N NATURAL GAS / NSP=/XCEL ENERGY /
SFA=/SIOUX FALLS WTR/ SFC=/MCC SIOUX FALLS/ UWS=/US WEST-ULS /
WIL=/WILIAMS PL-WOCS/

Excavator Information:
Caller: CHAD SCHULLER Phone: 605-330-0536

Excavator: NORTHERN PLAINS LANDSCAPING
Address: 47408 278TH ST
City: WORTHING, SD 57077
Phone: 605-330-0536 Fax: 605-330-0536

Contact: CHAD SCHULLER Phone: 605-330-0536
Alt. Contact: CHAD SCHULLER Phone: 605-351-2588 CELL

Location Information:
County: LINCOLN City/Village: SIOUX FALLS City Limits?: Y

Map Ref: 43292-096448 Grids: 6
Exc. Site Address: 5907 SHADOW WOOD PL
Nearest Intersection: S JADE BERRY CIR
Type of Work : PLANT TREES
Work Being Done For: STENCIL CONSTRUCTION
Depth: 4FT Explosives: N Tunnel/Bore: N
Start Date: 05/27/03 Time: 0933 CDT Duration: 07 DAYS
Meeting Required: N Best Time to Contact: 0800 - 0800
Exc. Site (Marking Instr.): R.O.W.: Y TRSQ:
LOCATE ENTIRE FRONT AND 100FT S
Remarks:
EXPIRATION DATE 17-JUN-03

End Ticket