

Mail completed form to:

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

RECEIVED

JUN 19 2003

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

**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\*  PERSON FILING COMPLAINT (Please print):

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

SIGNATURE OF COMPLAINANT: [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: Gleason Tree Co. PHONE NUMBER: (605) 368-2678

ADDRESS: 27226 471st Ave. Harrisburg S.D. 57032

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO \_\_\_ LOCATE TICKET #: 031630334 START DATE ON TICKET: 6-16-3

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: Communications OPERATOR OF FACILITY (IF KNOWN): Midcontinent Comm.

OPERATOR ADDRESS: 3507 S. Duluth Ave. S.F S.D. PHONE NUMBER:

DEPTH OF COVER: 18" PRESSURE: VOLTAGE: NUMBER OF CABLE PAIRS:

**IV. MARKING**

WERE FACILITIES MARKED? YES \_\_\_ NO  WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES \_\_\_ NO NA

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES \_\_\_ NO

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

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

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: INJURIES: LENGTH OF HOSPITALIZATION:



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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 COMPLAINANT: Dan Bell DATE: 6-16-03 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: Gleason Tree Company PHONE NUMBER: (605) 368-2678  
ADDRESS: 27226 471<sup>st</sup> Avenue, Harrisburg, SD 57032  
WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: 031630334  
START DATE ON TICKET: 6/16/03  
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: Communications OPERATOR OF FACILITY: Midcontinent Communications  
OPERATOR ADDRESS: 3507 S. Duluth, Sioux Falls, SD PHONE NUMBER: 605-274-8531  
DEPTH OF COVER: 18" PRESSURE: VOLTAGE: NUMBER OF CABLE PAIRS: 1

**IV. MARKING**

WERE FACILITIES MARKED? YES  NO   
WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? Not Applicable  
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 (\$): 250.00      NUMBER OF CUSTOMERS AFFECTED: 1

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

PHOTOS OF THE DAMAGED FACILITY? YES  NO

ADDITIONAL INFORMATION:

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**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

SDCL 49-7A-12 Notification of Damage to Underground Facility

SDCL 49-7A-19 Penalties for Intentional Violations

ADDRESS/LOCATION OF PROBABLE VIOLATION: 2503 Peregrine Place

DATE/TIME OF PROBABLE VIOLATION: June 13, 2003 at approximately 2:35 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: Gleason Tree Company

DESCRIPTION OF PROBABLE VIOLATION: Ticket due 6/16/03 @12:01PM; Line was cut at approximately 3:00 on 6/13/03.

Midcontinent Communications received a trouble report on 6/13/03 at 3:00; In the process of restoring service to the customer at 7503 S. Peregrine Pl it was determined that the line had been damaged by an excavator doing tree planting. Investigation of the damage reflected that the start date on the ticket for this address was 6/16/03. Ends of several wire were sticking out of the ground to be seen.

I had contact with the excavator at 7529 Peregrine , Friday (6/13/03) and advised him that he was digging in advance of the start date and time on the locate request.

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LOCATE

STATE: SD

CDC: SFC

TICKET: 031630334

SEQUENCE: 0150

MAP REF:

UPDATE OF:

Transmitted Date: 06/12/2003 Time: 1209 CDT

Prepared Date: 06/12/2003 Time: 1202 CDT

RECEIVED

JUN 19 2003

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

LOCATION INFORMATION:

County: LINCOLN

City: SIOUX FALLS

Address: 7503 PEREGRINE

Nearest Intersecting Street: 84TH ST

City Limits Legal Given:

Twp: Rng: Sect-Qtr:

Twp: Rng: Sect-Qtr:

Explosives: N Tunnel/Bore: N Depth: 6FT R.O.W.: N

Corner Lot: Front: Rear:

Type of Work: PLANTING TREES

Extent of Work:

|  
|  
|  
|

Location of Work:

MARK THE BACK YARD.

Start Date: 06/16/2003 Time: 1201 CDT Dur: 07 DAYS

Best Time to Call: 0800 - 0800 Meeting Required: N

Work Being Done For: PINACLE VENTURE

Remarks:

EXPIRATION DATE 07-JUL-03

EXCAVATOR INFORMATION:

Company: GLEASON TREE COMPANY

Address: 27226 471ST AVE

City: HARRISBURG, SD 57032

Phone: 605-368-2678 Fax: 605-368-5606

Contact: ARNOLD GLEASON Phone: 605-368-2678

Alt Contact: ARNOLD GLEASON Phone: 605-360-3048

OPERATORS NOTIFIED:

ATT=/AT&T / DAT=/PRAIRIEWAVE / LCR=/LINCOLN RRL WTR/

M08=/MEC-SIOUX FALLS/ NN1=/N NATURAL GAS / NSP=/XCEL ENERGY /

SFA=/SIOUX FALLS WTR/ SFC=/MCC SIOUX FALLS/ UWS=/US WEST-ULS /

TECH COMMENTS:

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\_\_\_\_\_  
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