

OC03-009

RECEIVED

JUL 25 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\* PERSON FILING COMPLAINT: Ray DeJong, South Area Operations Manager

COMPANY Sioux Valley Energy ADDRESS PO BOX 216, Colman SD 57017 PHONE NUMBER 605-534-3535

SIGNATURE OF COMPLAINANT: Ray DeJong

DATE: July 21, 2003 EMAIL ADDRESS: ray.dejong@siouxvalleyenergy.com

\*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: First Rate Excavate PHONE NUMBER: 605-331-5626

ADDRESS: 1500 E 39th Street North, Sioux Falls, SD 57104

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #: 031910295

START DATE ON TICKET: 07/14/03

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: Electric Distribution Coop OPERATOR OF FACILITY: Sioux Valley Energy

OPERATOR ADDRESS: PO BOX 216, Colman, SD 57017 PHONE NUMBER: 605-534-3535

DEPTH OF COVER: 36" + PRESSURE: VOLTAGE: 7200 NUMBER OF CABLE PAIRS:

IV. MARKING

WERE FACILITIES MARKED? YES NO Not at the time of digging as digging started prior to the start date on the ticket.

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: n/a INJURIES: n/a LENGTH OF HOSPITALIZATION: n/a

ESTIMATED PROPERTY DAMAGE (\$): Total dollar amount for labor, trucks, material \$302.84

NUMBER OF CUSTOMERS AFFECTED: 9 customers were out of power for 1 1/2 hours.

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

PHOTOS OF THE DAMAGED FACILITY? YES  NO

**ADDITIONAL INFORMATION:**

Sioux Valley Energy has made an effort to work with First Rate Excavate and assist in reducing damage to underground power facilities. This is out of concern for the safety of the workers at First Rate Excavate and for the quality of service requirements of the customers of Sioux Valley Energy. Correspondence sent last September requested that First Rate Excavate operate in compliance with South Dakota statute and offered any assistance that they desired from Sioux Valley Energy. No response was received from First Rate Excavate. Prior to this law going into effect we had several instances similar to this with this contractor. Please see the attached letter as to our attempt to solve this dangerous, costly situation. However, obviously it was to no avail.

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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-19 Penalties for Intentional Violations. Sioux Valley Energy had previously advised First Rate Excavate of their noncompliance with South Dakota statute and resulting damage to Sioux Valley Energy underground facilities.

ADDRESS/LOCATION OF PROBABLE VIOLATION: 6408 East Street Car Circle

DATE/TIME OF PROBABLE VIOLATION Thursday, July 10<sup>th</sup>, 2003 2:05 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: Letter dated September 2002 was addressed to First Rate Excavate to whom it may concern. Discussion was held with equipment operator (name unavailable) the day of the dig in.

**DESCRIPTION OF PROBABLE VIOLATION:**

Ticket Number 031910295 was initiated by First Rate Excavate at 11:00 AM on July 10, 2003. This ticket was for excavation activity at 6408 East Street Car Circle outside of Sioux Falls, SD with a start time of 1053 CDT 7-14-03 a copy of the locate ticket is attached for your reference.

At 2:05 pm on July 10<sup>th</sup>, 2003, Sioux Valley Energy was advised of (a cable damage or trouble) by First Rate Excavate. Investigation of this damage by Journey Line workers, Terry Ebright and Aaron Peterson revealed that First Rate Excavate had started the excavation process on this ticket on July 10, 2003 and had damaged a Sioux Valley Energy primary cable causing an outage to 9 customers. (see attached statement). The violation of South Dakota statute was discussed with the First Rate Excavate personnel at the site of the damage.

This damage by First Rate Excavate is a pattern of violating South Dakota statute that resulted in damage to Sioux Valley Energy facilities on four documented occasions during 2002. Sioux Valley Energy did send correspondence to First Rate Excavate on September 12, 2002, requesting that they comply with South Dakota statute when conducting excavation activity (copy attached).

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South Dakota One Call      SEQUENCE NUMBER 0019 CDC = SVE

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

Transmit: 07/10/03      At: 1153 CDT

Prepared: 10-JUL-03      Time: 1100 CDT By: UFN

Ticket No.: 031910295

Operators Notified:

M09=/MEC-SIOUX FALLS/ MCW=/MINNEHAHA WTR / SFC=/MCC SIOUX FALLS/  
SVE=/SIOUX VAL EN-GP/ UWS=/US WEST-ULS / LCR=/LINCOLN RRL WTR/  
MCU=/MCLEOD USA-GPL / N02=/XCEL ENERGY / NSP=/XCEL ENERGY /  
SDS=/SD DOT / SFA=/SIOUX FALLS WTR/

Excavator Information:

Caller: PAT C      Phone: 605-331-5626

Excavator: FIRST RATE EXCAVATE  
Address: 1500 E 39TH ST N  
City: SIOUX FALLS, SD 57104  
Phone: 605-331-5626      Fax: 605-331-5608

Contact: PAT C      Phone: 605-331-5626  
Alt. Contact: ARNIE      Phone: 605-331-5626

Location Information:

County: MINNEHAHA      City/Village: SIOUX FALLS      City Limits?: N

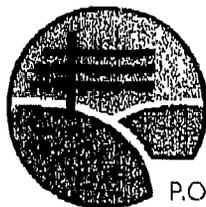
Map Ref: 43318-096382      Grids: 18  
Exc. Site Address: 6408 E STREETCAR CIR  
Nearest Intersection: E SPLITROCK RD  
Type of Work :      INSTALLING SEPTIC SYSTEM  
Work Being Done For: FIRST RATE  
Depth: 8FT      Explosives: N      Tunnel/Bore: N  
Start Date: 07/14/03      Time: 1053 CDT      Duration: 14 DAYS  
Meeting Required: N      Best Time to Contact: 0800 - 0800  
Exc. Site (Marking Instr.): R.O.W.: N TRSQ: 101N 48W 19-SW  
MARK THE BACK HALF OF LOT

Remarks:

EXPIRATION DATE 04-AUG-03

End Ticket

<wellsco>  
<ticket>031910295</ticket>  
<terminal\_specific>  
<terminal>SVE</terminal>  
<disposition>LOCATE</disposition>  
<VigComment>67-24-19</VigComment>  
</terminal\_specific>  
</wellsco>



# SIoux VALLEY SOUTHWESTERN ELECTRIC

P.O. Box 216 • Colman, SD 57017-0216  
Web Site: www.svswe.com

Telephone: 605 534-3535 • Toll-Free: 1-800-234-1960  
Office Fax: 605-256-1693 • Dispatch Fax: 605-256-1690

DATE: July 21, 2003  
TO: Sharla Haugen  
FROM: Aaron Peterson and Terry Ebright  
SUBJECT: Cable cut at 67-24-19 by First Rate Excavate

On Thursday, July 10, 2003, First Rate Excavate cut a Sioux Valley Energy (SVE) underground primary cable at 6408 Street Car Circle sometime between 1:30 and 2:00 pm. There was a locate request called in by First Rate, but apparently they did not wait the required 48 hours after making the request before they dug.

The residence, street lights, and a transformer just west of where they were digging were obvious indications that there were electric facilities in the area.

When SVE line crew personnel arrived on scene, we talked to the backhoe operator and asked for the one-call ticket number with the time and date of the call. The operator said it "was a fresh one," meaning that the call had been made that day. Later a GPLS employec brought in a copy of the ticket that showed the date and time of the call.

That One-call ticket number is 031910295, showing a call date of 7/10/03 and time of 11:53 am. Following the 48-hour requirement would mean that First Rate should not have been digging at this location until 7/14/03 after 11:53 am.

Aaron Peterson

Terry Ebright

A Touchstone Energy<sup>®</sup> Cooperative 

PIPESTONE OFFICE

P.O. Box 336, Pipestone, MN 56164-0336  
Phone: 507-825-3341 • Fax: 507-825-4835

BRANDON OFFICE

P.O. Box 857, Brandon, SD 57005-0857  
Phone: 605-582-2185 • Fax: 605-582-3165

3 ACTION:1

History Inquiry

OIH

01-Mo: 7 -Yr:03 02-Acct: 03-Line: [Sub] 04-Sub/Dst: 05-Outg:

5 ACTION: Outage Detail (450)

10-Map-L:67-21-8 -Device:083-30 K F  
 01-Outage: 7137 11-Substation:SPL 20 19-Date-off:07/10/03  
 02-Type:;LINE-SECTION 12-Feeder: 7 20-Time-off: 2:05 PM  
 03-E-Cost: 13-Phase:A 21-Time-On: 3:35 PM 22-Days:\_  
 04-L-Cost: 14-Line-Section::02025 23-Cause:: 65 OTHER, PUBLIC  
 05-T-Cost: 15-T450-Acct: 24-Equip:: 35 ELBOW  
 06-Comment:1ST RATE CUT CABLE 67-24-19 NO LOCATES SEE SO 67036  
 FUSED EL BLEW AT 67-21-10 A PHASE EAST BLOCK 24 STILL OFF  
 07-T455-Accts:More 16-Consumers-Out: 9 25-Crew: 8 District:1  
 08-Tap: 09-Grp: 17-Incl-in-Month-End;;Y 26-Duration: 1 Hr 30 Mn  
 18-End-Sect:00000 27-Check for errors;;Y

<Nxt Scrn> = Forward, <Prv Scrn> = Backward.

<U>=Update, ID=Choice, <E>=Enter, <F>=Find, <HELP>=Help, <PF4>=Exit

Thursday, September 12, 2002

First Rate Excavate Inc.  
1500 E. 39<sup>th</sup> Street North  
Sioux Falls, SD 57104

Dear Sir or Madam:

This letter is to advise you of Sioux Valley Energy's growing displeasure with the frequent underground cable cuts that your company is causing. It is appalling that your company is often not even making an effort to avoid dig-ins. Your company's irresponsible actions are placing your employees, other workers and the public in harm's way. You are fortunate that no injuries have occurred. These dig-ins are responsible, however, for subjecting our customers to power interruptions and the associated damages and inconvenience, and they have damaged the Cooperative's facilities.

Sioux Valley Energy strives to maintain good working relationships with the contractors and excavators within our service territory, and is disappointed that such a relationship with your company is being jeopardized by your continued carelessness and unwillingness to comply with South Dakota One-Call regulations.

We are fully aware of the frustrations that many contractors as well as ourselves experienced when this law went into effect. However, it is a law and it was placed into effect to not only protect the property of those that have underground facilities but to also protect those that are digging around high voltage power lines, gas lines, etc. Throughout the years we have found the SD One-Call system has made great strides to accommodate everyone involved and are confident that if used in the manner in which it was intended, you would find it beneficial as well.

If we can be of assistance to you or your employees in training on using the one-call system please do not hesitate to call. Again, we strive to establish and maintain a good working relationship with area contractors, and are in hopes of solving what we consider to be a dangerous and costly problem.

In Safety and Service,

Ray DeJong  
Sioux Valley Operations Manager  
RD:sjh

Cc: John Miller, SVE Director of Engineering and Operations  
Larry Englerth, SD One Call Board Executive Director  
Sharla Haugen, SVE Lead Dispatcher