

0003-010

Mail completed form to:

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

RECEIVED

AUG 07 2003

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

*Amended*  
**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 : Mike Johnson, Plant Mgr.  
COMPANY Santel Communications ADDRESS 308 S. Dumont, Woonsocket, SD 57385 PHONE NUMBER (605) 796-4114  
SIGNATURE OF COMPLAINANT: *Mike Johnson* DATE: 7/28/03 EMAIL ADDRESS: mjohnson@santel.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: Schultz Electric (Dennis Schultz) PHONE NUMBER: 605-928-3716  
ADDRESS: 708 West Maple Street, Parkston, SD 57366  
WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: NA  
START DATE ON TICKET: NA  
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES  NO  NA   
WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES  NO  NA

**III. FACILITY INVOLVED (IF ANY)**

TYPE OF FACILITY INVOLVED: Telephone Cable and Duct OPERATOR OF FACILITY: Santel Communications  
Cooperative and Central Cable Contractors, Waupun, Wisconsin. Central Cable Contractors is installing the facilities for Santel  
Communications Cooperative and the damaged facility had not been completed at the time of the incident.  
OPERATOR ADDRESS: W. 7435 County A.W., Waupun Wisconsin 53963 PHONE NUMBER: 920-324-4118  
DEPTH OF COVER: 40" + PRESSURE: NA VOLTAGE: NA NUMBER OF CABLE PAIRS: 400 pair cable and two 4" ducts

**IV. MARKING**

WERE FACILITIES MARKED? YES  NO  NA  No Locate Request from Excavator  
WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES  NO  NA   
DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES  NO  NA   
WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES  NO  NA   
DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN 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: Homeowner has advised Central Cable to bill him for all damages

**V. DAMAGE (IF ANY)**

**FATALITIES:** No **INJURIES:** None **LENGTH OF HOSPITALIZATION:** NA

**ESTIMATED PROPERTY DAMAGE (\$):** \$7,000 - \$8,000 **NUMBER OF CUSTOMERS AFFECTED:** None, Facility was in construction phase and had not been activated

**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 – 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 Santel Communications or the One Call Center when facility was damaged. Excavator also attempted to conceal damage by covering the facilities without proper restoration.

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** East side of street fro Russ Kabeiseman Residence (landowner) in Parkston, SD (605) 928-4080

**DATE/TIME OF PROBABLE VIOLATION** Some time during the first three weeks of July, Damage was discovered on July 22<sup>nd</sup> when pulling rope through the ducts.

**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:**

This is not the first time Schultz Electric has been digging without properly notifying underground facility operator's of excavation by notifying South Dakota One Call. Both utilities (telephone and electric) have mentioned Schultz Electric's lack of compliance regarding South Dakota One Call Statutes and Administrative Rules.

Schultz Electric did not mention damage of the underground facilities to the landowner, to the contractor (Central Cable Contractors) or to Santel Communications.

Enclosed is a photo that shows a gray plastic pipe (approx 3" in diameter) trenched through a black 400 pair cable and two orange 4" ducts. All three were severed and covered up. Damage to the underground facility was discovered on July 22, 2003, when rope was being pulled through the duct.

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