

Mail completed form to:

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

OC03-014

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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): JEFFREY J. KLOSTERMAN

COMPANY (If applicable) \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

SIGNATURE OF COMPLAINANT: JEFFREY J. KLOSTERMAN DATE: 08 DEC 03 EMAIL ADDRESS: jskman@rap.mtcdco.net

\*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: Quest PHONE NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: \_\_\_\_\_ START DATE ON TICKET: \_\_\_\_\_

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: HOUSE OPERATOR OF FACILITY (IF KNOWN): \_\_\_\_\_

OPERATOR ADDRESS: JEFFREY J. KLOSTERMAN PHONE NUMBER: 605-348-2535

DEPTH OF COVER: 6-8" PRESSURE: \_\_\_\_\_ VOLTAGE: \_\_\_\_\_ NUMBER OF CABLE PAIRS: (1) PHONE LINE

#### 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)? 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: THE LINES WERE MARKED PRIOR TO THE LINE WHICH IS CUT, THIS IS THE LINE LAYED FROM THE PREVIOUS MARKINGS

#### V. DAMAGE (IF ANY)

FATALITIES: 0 INJURIES: \_\_\_\_\_ LENGTH OF HOSPITALIZATION: \_\_\_\_\_

ESTIMATED PROPERTY DAMAGE (\$): 317.<sup>00</sup> NUMBER OF CUSTOMERS AFFECTED: (1) ONE

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

## VI. PROBABLE VIOLATION

## SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED:

Phoneline Cut - Questioning depth of buried line. Questioning being billed for work that hasn't been done.

## ADDRESS/LOCATION OF PROBABLE VIOLATION:

2446 Wildhorse Dr Rapid City, SD 57703

## DATE/TIME OF PROBABLE VIOLATION

10/27/03 : late afternoon

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: West Midcontinent - PUC

DESCRIPTION OF PROBABLE VIOLATION: THE LINE HAS NOT BEEN RE-BURIED. THE

INDIVIDUAL RE-SPICED THE PHONE LINE AND RE-MARKED THE LOCATIONS WHERE THE LINE WILL BE BURIED

THE COMPANY THAT IS GOING TO DIG THE TRENCH AND REBURY THE LINE CALLED AND ASKED IF THEY COULD DO THIS IN THE SPRING DUE TO SOFTNESS OF THE YARD DUE TO MOISTURE. I SAID I DON'T WANT THEM ON THE YARD. I ALSO HAVE A PROBLEM WHERE THE NEW LINE IS MARKED. THE MARKINGS HAVE THE TRENCH GOING ACROSS THE SEPTIC TANKS DRAIN FIELD.

THE MAIN ISSUE IS THAT WE HAVE BEEN BILLED FOR WORK THAT HAS NOT BEEN DONE, AND BEFORE THIS WORK IS DONE I WANT THE LINE RE-MARKED SO IT DOES NOT GO ACROSS THE DRAIN FIELD.

THE REASON I WAS DIGGING IN THE YARD IS BECAUSE THE BACK YARD HAS BASICALLY TWO LEVELS OF GROUND AND IN THE UPPER LEVEL THE PREVIOUS OWNER HAD THE SEPTIC TANK COVER APPROXIMATELY 12 INCHES BELOW THE TOP OF THE GROUND SO I HAD TO DIG AROUND THE LID BY HAND AND ADD AN EXTENSION TO THE SEPTIC TANK. THE LOWER LEVEL OF THE YARD WHICH IS APPROXIMATELY 36 INCHES LOWER AND APPROXIMATELY 4 FEET AWAY FROM THE SEPTIC TANK I PLAN ON PUTTING IN A SUPPORT WALL BETWEEN THE TWO LEVELS. I WAS LEVELING OUT THE LOWER LEVEL BECAUSE I PLAN TO LAY A CEMENT SLAB IN THE LOWER LEVEL OF THE YARD OUT A GATE HAVE IN OUR PRIVACY FENCE FOR ACCESS TO THE REST OF OUR PROPERTY. THE CABLE WAS MARKED AND THE LINE THAT RUNS FROM THE UPPER LEVEL TO THE LOWER LEVEL WHICH WAS CUT WAS BURIED LESS THAN THE REQUIRED DEPTH. I TOOK OFF APPROXIMATELY 6-8 INCHES OF TOP SOIL AND CUT THE PHONE LINE



from Quest. Since we have our phone service through Midcontinent I called them to find out what was going on. I felt we shouldn't have been billed for services that had not been completed. They told me if the line hadn't been buried by the next week to call back. We then received a call from an outside company who said that they were contracted out by Quest to bury the phone line. They said they wouldn't be able to bury it until sometime in the Spring. We were fine with that.

Shortly after this we received another letter from Quest saying we would be turned over to collections if we didn't pay this bill within 15 days.

I made several phone calls to Quest leaving several messages and calling several numbers to no avail. We were still adamant that we should not pay for a service that had not been completed.

Once more I called Midcontinent and spoke with a Mary S. She was very helpful and gave me a lot of information. She said she needed to speak with her supervisor and then would call me back. She did this very promptly. She said that because we have our services through Midcontinent and they lease all property from Quest they should be billing them and they would in return bill us if need be. She did say there was nothing they could do about Quest billing us and referred us to the PUC. That is when I contacted Terri from the PUC.

The lines had been marked because we had the high speed internet hooked up in our office on that side of the house a few months after we moved in.

Shula Gosterman