

TO: South Dakota One Call Notification Board  
FROM: Prairie Hills Construction  
RE: Answer for Notice of Complaint - 0604-002

In regards to the notice of complaint, March 13<sup>th</sup>, I was cleaning out an existing dug-out on private land owned by Rick Johnson. I was all but done with the excavation of the mud when Gerald Smith stopped by and asked me if I hit a telephone cable. I told him that I did not see anything. After all, the dug-out I was cleaning out was holding 2 foot of water. I clearly did not notice any line because I have side-cutters on my excavator which is like a knife, so it must have cut the cable clean without me even knowing it, or else I would have defiantly called Golden West.

As far as the One Call, I did not think it was necessary because I did not think Golden West would bury a phone line in an existing dug-out and on private land without an easement.

Also, Golden West was clearly out of the public right-of-way and the cable was buried on private land with no easement. It was approx. 50-60 foot outside of the public-right-of-way. I was working on the other side of the hill for 4 days and Golden West failed to even come talk to me and ask me about anything.

As far as the witness that Golden West claims that they talked to regarding the excavation area prior to me digging is totally false. I talked to the witness, Gerald Smith, myself and he said he has not spoken to anyone from Golden West. Gerald said he didn't know I was even digging until I was done.

I am sorry for the incovience that I caused Golden West and its customers but I feel that Golden West was negligent for burying their line in an existing dug-out on private land without an easement. I also feel that Golden West should be more responsible on where they bury their lines and get a signed easement from the land owner(s) when they move outside of public right-of-way.

Prairie Hills Construction, Inc.

 5-5-04  
Brian Schweigert  
President