

Jim Mann  
Region Gas Superintendent  
Telephone: 605-355-4021  
Fax: 605-355-4036  
Email: jim.mann@mdu.com



# Fax

**To:** South Dakota Public Utilities Commission **From:** Jim Mann

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**Fax:** 605-355-4036 **Pages:** 4

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**Phone:** 605-355-4021 **Date:** 4/16/2004

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**Re:** SD One Call Complaint **CC:**

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- Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**
- 

**Dear Sir or Madam:**

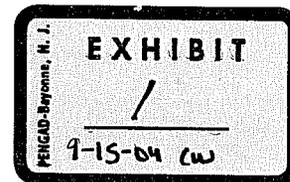
**I am faxing you a copy of a complaint we would like to file with South Dakota One Call against Wes Johnson in Rapid City. Please let me know if you have any questions or require additional information.**

**Sincerely,**

**Jim Mann**  
**Region Gas Superintendent**

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: Jim Mann

COMPANY: Montana-Dakota Utilities Co. ADDRESS: PO Box 1060, Rapid City, SD 57709 PHONE NUMBER: 605-355-4021

SIGNATURE OF COMPLAINANT:  DATE: 4/16/04 EMAIL ADDRESS: jim.mann@mdu.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: Wes Johnson - Create A Scape Landscaping PHONE NUMBER: 605-391-4141

ADDRESS: 1323B Sidney Dr, Rapid City, SD 57701

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: n/a

START DATE ON TICKET: n/a

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES  NO  N/A

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES  NO  N/A

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

TYPE OF FACILITY INVOLVED: Natural Gas Distribution OPERATOR OF FACILITY (IF KNOWN): Montnana-Dakota Utilities Co.

OPERATOR ADDRESS: PO Box 1060, Rapid City, SD 57701 PHONE NUMBER: 605-355-4021

DEPTH OF COVER: 18 inches PRESSURE: 30 psig VOLTAGE: \_\_\_\_\_ NUMBER OF CABLE PAIRS: \_\_\_\_\_

#### IV. MARKING

WERE FACILITIES MARKED? YES  NO  N/A

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES  NO  N/A

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES  NO  N/A

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES  NO  N/A

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: Mr. Johnson believes he is not at fault because the depth of the facility was not sufficient.

#### V. DAMAGE (IF ANY)

FATALITIES: 0 INJURIES: 0 LENGTH OF HOSPITALIZATION: n/a

ESTIMATED PROPERTY DAMAGE (\$): 140.00 NUMBER OF CUSTOMERS AFFECTED: 1  
DAMAGED IN: PUBLIC  PRIVATE  (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES  NO

ADDITIONAL INFORMATION: Attachments: Report of Damage to Company Owned Property, Gas Leak Repair Report, Gas Service Order, Wittness statements from Josh Sanders and Bill Gifford

#### VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: 49-7A-5, 49-7A-8

ADDRESS/LOCATION OF PROBABLE VIOLATION: 7137 Prestwick Rd, Rapid City, SD 57702

DATE/TIME OF PROBABLE VIOLATION: 1/20/04, 1:00 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: Wes Johnson

DESCRIPTION OF PROBABLE VIOLATION:

On January 20th of this year, Mr. Johnson was using a skid-steer loader to excavate an area for the installation of a retaining wall. He did not notify South Dakota One Call prior to the excavation as required by law. During the process of this excavation, he severed the 3/4" polyethelene service line to the above referenced address.

While no locate request was made prior to the excavation, the line had been marked by an earlier 3<sup>rd</sup> party request and was still clearly visible. No effort was made to hand-dig and expose the line prior to excavating with power equipment.

Wrecklessness while excavating near natural gas facilities not only causes service interruptions to our customers, it also constitutes an extreme safety hazard to the operator and the public.

After speaking with Mr. Johnson regarding this incident, he maintains that he did nothing wrong. We feel that he will continue his wreckless excavation practices until the law is made clear to him. Montana-Dakota Utilities Co. requests that the board consider maximum penalties for thes violations.

We feel that Mr. Johnson violated Statute 49-7A-5: Mr. Johnson failed to notify South Dakota One call before commencing excavation activities. We also feel he violated Statute 49-7A-8 by failing to hand-dig and expose the natural gas facility that was still clearly identifiable by an earlier 3<sup>rd</sup> party locate request.

REPORT OF DAMAGE TO COMPANY-OWNED PROPERTY

(NOTE: Please refer to bottom of this form before proceeding with completion.)

Part A

Owner of Property: MDU Division/District: Black Hills
Date and Time of Loss: AM PM 20 Day of January 2004
Name of Location Where Damage Occurred: Red rock
Location of Damaged Property: 7137 Prestwick (Street) Rapid City (City) SD (State)
Rural Location:
Estimated Amount of Loss: Our Service Order No. (If applicable):
Description and Cause of Loss or Damage: contractor cut service line with Bobcat
While digging out for block wall

Part B

Did Loss or Damage Originate on our Premises? Yes No If No, Explain
If an Explosion, did a Fire Ensue? Yes No How was Fire Extinguished?
If Electrical Property is Involved, Fill in the Following Supplemental Data:
Type of Equipment Involved:
Damage caused by Electrical Arcing, Short Circuit or Other Failure, Give Approximate Cause:
Did Fire Ensue? Yes No

Part C

If damage was caused by excavation, was location of our facilities requested prior to digging? Yes No
Location requested by: Create A scape Landscaping Time: Date:
Company property located on: Private Property Public
Damage notification by: Wes Johnson Time: 1:05 PM Date: 1/20/2004
Was damager a subcontractor: Yes No If yes, for whom
Address: Telephone #:
Name of equipment operator: Wes Address: 325 Foxrun Dr.
Type of equipment: Bobcat Owner:
Others involved in property damage: Owner Address:
Name: Address:
Name: Address:
In case of line break, complete the following: Size of hole: 3/4" Time line blew: 15 mins
Names of Witnesses: Address:
Name of Insurer: Address:

Part D

Names of Persons Injured: Address: Extent of Injury:

Signature: Bill Gifford Signature: Gary Higlin
Date: 1/20/2004 Date: 1/21/2004

Send one copy to the Treasury Services Dept (GO) and one copy to Legal Dept (GO)

MONTANA-DAKOTA UTILITIES CO.  
**GAS LEAK AND REPAIR REPORT**  
(Or Pipeline Condition Report)

Reason For Report:  Inspection  Leak and Repair

Division: Black Hills Town: Rapid City 556 Date: 1/20/04

If Leak, Date Detected: 1/20/2004 By Whom: Wes Johnson

Leak Classification:  Class I  Class II  Class III  No Leak

Date Leak Repair Person was Dispatched: 1/20/2004 Time: 1:05 PM

Date Leak Repair Person Responded: 1/20/2004 Time: 1:20 P.M.

From What Location (Town) did Leak Respond Person Leave: Shop

Type of Line:  Rural Service Line  Distribution Main  Service Line

Location: Map Number 29 - 12 Block Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

If Rural Service Line: \_\_\_\_\_ Transmission Line Number: \_\_\_\_\_ Line Name: \_\_\_\_\_

Survey Location: \_\_\_\_\_ Acct Number: 319712.02 On Federal Land:  Yes  No

Describe Specific Location: \_\_\_\_\_

Internal Pipe Condition: Not Applicable

Pipe Size:  Depth: 18" Length Exposed: 7'

External Condition Good Coating Type Not Applicable

Type of Pipe Plastic If steel is it cathodically protected:  Yes  No Pipe/Wire to Soil 1.10

Soil Conditions:  Gravel  Sand  Sil  Clay  Other  Moisture  Dry  Damp  Wet

Original Installation Date: \_\_\_\_\_ Operating Pressure: M/P

Kinds of Leak:  Corrosion  Material Defect  Construction Defect  Third Party  Outside Force  Other \_\_\_\_\_

Description of Leak: Contractor dug into service with Bobcat cutting line in half

Method of Repair: squeeze off repair with socket couplings and pipe air test and soap test final fusion

Date Repaired: 1/20/2004 S.O.: \_\_\_\_\_ Date of follow up (if required) \_\_\_\_\_

If a DOT Reportable Leak: \_\_\_\_\_ Date and Time of Telephone report: \_\_\_\_\_

To whom was leak reported: \_\_\_\_\_

Remarks: Line blew for 15 mins 3/4" hole. 2.5 mcf gas loss calculated with GASCalc by Ron Blum, 2-3-04.

Signed: Bill Gifford 1/20/04

Signed: Gary Higlin 1/21/04



# GAS SERVICE ORDER

Premise Number: <b>319712.02</b>	Farm Tap: <input type="radio"/> Yes <input checked="" type="radio"/> No	Excess Flow Valve: <input type="radio"/> Yes <input checked="" type="radio"/> No
Originated by: <b>Bill Gifford</b>		
Date Ordered: <b>1/20/2004</b>		

REGION Black Hills	Service Address: <b>7137 Prestwick dr.</b>
	Cross Street:

County Pennington	Town Rapid City	State South Dakota	<input type="checkbox"/> Addition <input type="checkbox"/> Retirement <input checked="" type="checkbox"/> Other
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Township 1N	Range 7E	Section 29	Block	Lot	City Limits <input checked="" type="radio"/> Inside <input type="radio"/> Outside
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MDU Map Number <b>29 - 12</b>	Subdivision or Additional Map Sheets	Locate Ticket Number
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Billable Work	Non-Billable Work
<input type="radio"/> New Service Line <input type="radio"/> Relocate Service Line <input type="radio"/> Replace Service Line <input type="radio"/> Downstream Service (0380) <input checked="" type="radio"/> Damage Repair	<input type="radio"/> New Main/Stub <input type="radio"/> Retire Main/Stub/Service Line Complete <input type="radio"/> Relocate Main/Stub <input type="radio"/> Replace Main/Stub/Service Complete <input type="radio"/> Leak or Non-Billable Damage
<input checked="" type="radio"/> Time & Material <input type="radio"/> Per / Foot <input type="radio"/> Bid Price <input type="radio"/> T&M Not to Exceed	

SPECIAL INSTRUCTIONS:  Bill In Full  12 Monthly Payments

**CONTRACTOR CUT SERVICE LINE WITH BOBCAT. BILLED ON INVOICE #326560.01**

WORK PERFORMED:

**Squeeze off service line / repair**

Hours Worked								
Dates worked	Foreman		Welder		Fitter Operator		Laborer	
	Non-billable	Billable	Non-billable	Billable	Non-billable	Billable	Non-billable	Billable
1/20/2004		1.5				1.5		
Over Time								
Double Time								
Serviceman Time	Billable	Strait Time		Over Time		Double Time		
	Non-billable	Strait Time		Over Time		Double Time		

Date Job Completely Finished: **1/20/2004** Crew Who Worked Job: **Billy Gifford**

CLASS #	Class 18 & 22	Class 16 & 12	Class 77	Class 59
EXAMPLE	Welding Trucks	Foreman & Serviceman Vehicles	Welders	Backhoes
UNIT #	5582	0	0	0
Non-Billable				
Billable	17			
MISCELLANEOUS				
UNIT#	0	0	0	0
Non-Billable				
Billable				

On Tuesday, January 20, 2004 Bill Gifford and I, Josh Sanders, were sent to a hit line at 7137 Prestwick Rd. We arrived around 1:20 pm. The Rapid City Fire Department, and two other Montana-Dakota Utilities Co. employees, Ralph Schad and Kevin Bad Wound, were already on site.

We found a 3/4" plastic natural gas service line cut in two. It was sticking three to four feet out of the side of a hill. There was another three or four feet exposed downstream from where the line was cut in two. The line had been located at sometime or another, because yellow paint was visible in the area of the line.

We stopped the blowing gas. While visiting with Wes Johnson, the contractor, he explained that he was excavating with a bobcat skid steer to install a new concrete block retaining wall. It looked to me that he had already removed eighteen to twenty-four inches of soil over the service line. He told us that he was at the right depth for his wall. We dug out next to the service line before making repairs to lower the service. We fused in two couplings and some pipe, and lowered the service approximately six to eight inches.

While talking to Wes he told us that he thought we were at fault because the service line was too shallow. He also said that every gas line he has seen was five feet deep with two feet of sand around it.

The home owner also came out to visit. He was wondering what the bill would be like and how the contractor would handle it. He comment how he thought the contractor was "fly by night".



Josh Sanders  
Fitter-Operator  
Montana-Dakota Utilities Co.  
4/20/2004

4/20/2004

On January 20, 2004 we (Josh Sanders and I, Bill Gifford) were sent to a gas leak in the Red Rock Subdivision, located at 7137 Prestwick Road. When we arrived, at about 1:20PM the Fire Department was there and also two servicemen. There was a 3/4" P Service Line cut in two. After squeezing it off I asked Wes Johnson (bobcat operator) if he had gotten locates. He said he had, so I asked him for the ticket number, and he did not have one. There were some old locate marks. He said that the line was shallow. I told him we cannot guarantee the depth of our pipe after we install it, because we have no control over what dirt is removed or added after we leave a job. He said there was no sand over the gas line and I told him we do not sand our gas lines, that only the Power Company uses sand. The dirt stain marks on the concrete wall indicated he had removed about 18 inches of dirt. I asked him how much deeper he was going to dig, then we lowered the line 6-8 inches under the wall.

After the repairs I talked to the Homeowner about re-lighting his appliances. He wanted to know how much the repair was going to cost and if he had to pay the bill. After visiting with him he made the comment "that he was a "Fly by night" contractor."



Bill Gifford  
Working Foreman  
Montana Dakota Utilities

# CreateAScape Landscaping

1323 B Sydney Drive  
Rapid City SD 57701  
605-391-4141

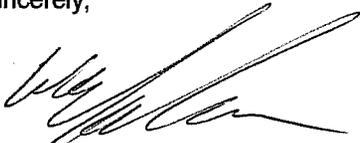
May 21, 2004

Dakota One Call Notification Board

Dear Sir or Madam:

This letter is in response to a complaint made by MDU against CreateAScape Landscaping. I feel this complaint is nonsense. Locates were called by the home owner earlier that month. CreateAScape Landscaping came to install a retaining wall and removed about 1-2 inches of dirt and hit the gas line. I feel it was negligence on the builder's part that the line was not properly buried. The employees of MDU commented that they had never seen a gas line buried so shallow before and stated that they have no control over how deep the line is buried after they leave. This would be controlled by the builder. Please contact the builder and inquire why they would be so irresponsible when they bury the gas lines. I feel it was unacceptable.

Sincerely,



Wesley Johnson  
Owner of CreateAScape Landscaping

5/26/04 to Wesley -

DID CREATE-A-SCAPE have separate ticket? ~~YES~~ NO

was line marked on homeowner ticket? YES

was the line struck when hand digging a mesh caught? YES

was line marked accurately? YES

After discussion, Mr. Johnson claims he was not excavating,  
he will have attorney respond by fax stating legal  
position NO later than 5 PM NEXT Monday -

