

Mail completed form to:

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

0004-008

RECEIVED

SEP 03 2004

COMPLAINT

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

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:

COMPANY: Kingbrook Rural Water System, Inc. ADDRESS: 302 East Ash Street Po Box 299 Arlington, South Dakota 57212 PHONE NUMBER: 605-983-5074

SIGNATURE OF COMPLAINANT:  DATE: 9/1/04 EMAIL ADDRESS: kbrw@iw.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: Rick Trupe Construction PHONE NUMBER: 605-793-2364/605-880-1965

ADDRESS: 206 E. Harry Street, Castlewood, South Dakota 57223

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

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: water line OPERATOR OF FACILITY (IF KNOWN): Kingbrook Rural Water System, Inc.

OPERATOR ADDRESS: 302 East Ash Street, Box 299, Arlington, SD 57212 PHONE NUMBER: 605-983-5074

DEPTH OF COVER: Kingbrook's water line is 6' deep PRESSURE: _____ 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:

V. DAMAGE (IF ANY)

FATALITIES: _____ INJURIES: _____ LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE (\$): _____ NUMBER OF CUSTOMERS AFFECTED: _____

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

PHOTOS OF THE DAMAGED FACILITY? YES NO

ADDITIONAL INFORMATION: a garage was built over Kingbrook Rural Water service line

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: we have an easement for our water line and a garage was built over the water service line to the meter pit. Leak repair or maintenance of our water line is impossible without damaging the garage

ADDRESS/LOCATION OF PROBABLE VIOLATION: 134 North Lake Drive Lake Poinsett

DATE/TIME OF PROBABLE VIOLATION: August 10, 2004

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: Rick Trupe Construction, builder of the garage and owner of garage Randall Lee

DESCRIPTION OF PROBABLE VIOLATION: Rick Trupe Construction built a garage for Randall Lee at 134 North Lake Drive Lake Poinsett. Our Kingbrook operator was working on that side of the lake and noticed the garage construction. Kingbrook operator called the office and asked if there was a one call locate for this area for this garage construction. I checked through our locates and found that no locate had been called in. I called the contractor Rick Trupe and asked him if he called South Dakota One Call and he said he had not. He thought maybe the land owner did. I called the land owner Randall Lee and he said he did not call South Dakota One Call he thought the contractor did. I informed Mr. Lee that the contractor failed to do so. Kingbrook then used a locator device to make sure our service line was in fact under the garage. We found that it was. Kingbrook Rural Water System service line runs directly under the east edge of the garage the length of the garage. (see enclosed staking sheet)

Staking Sheet

Kingbrook Rural Water System

Location # 100-04-134 Consumer Name Randall Lee Job Ticket # _____
 Date Work Began _____ Date Work Finished 8/30/04 Work Order # _____
 Location of Service Line Valve From NE corner of Cabin #134: 4' 1" East & 3' 6" South or From center of pit lid = 16' 3" North 1' 8" East
 Location of Meter Pit From NE corner of Cabin #134 19' 11" South & 2' 2" East or from Valve 16' 3" South & 1' 8" West
 Length of Service Line _____
 Remarks: _____

