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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

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: Brian Rambo

COMPANY: B&R Treemoving ADDRESS 2115 28th Ave W Brookings, SD
57006

PHONE NUMBER: 605-690-1400 EMAIL ADDRESS: brambo@itctel.com

SIGNATURE OF COMPLAINANT: Brian Rambo DATE: 9-5-04

*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: Gleasons Instant Tree Co PHONE NUMBER: 605-368-2678

ADDRESS: 27226 - 47th St Ave, Harrisburg, SD 57032

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 ___ 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: wa

OPERATOR OF FACILITY (IF KNOWN): _____

OPERATOR ADDRESS: _____

PHONE NUMBER: _____

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 ___ *with truck operators but not with owner*

IS THERE AGREEMENT? YES ___ NO IF NO, PLEASE EXPLAIN: *did not discuss with owner*

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: _____

none

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED: *49-7A-5 Notification of proposed excavation - Excavator failed to notify SD One Call prior to excavating*

ADDRESS/LOCATION OF PROBABLE VIOLATION: *7000 W 41st St, Sioux Falls, SD*

Back of property under highline wires, trees being moved to west side of property.

DATE/TIME OF PROBABLE VIOLATION: *Aug 30, 2004 at approximately 1:30pm*

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:

Justin from Cliff Ave Greenhouse, 7000 W 41st St, called me to move trees the next day. I said I had to wait 48 hours for the locate, and could start on 8/31 at 9:44 a.m. Cliff Ave Greenhouse called back on 8/30 to tell me Gleason's was already moving the trees so I canceled my locate ticket.

When I was at the location on 8/30 at 1:30 pm, I observed Gleason's moving the trees. While I was there, Dan Bell arrived to locate for mid continent communications. Dan said he was locating for Bell Tree Moving and he did not have any tickets for Gleason Instant Tree Co. Dan wrote a signed statement which is attached. Gleason tree spade operators told me they were at the location at 3:00 pm 8/27 and moved trees there 8/27, 8/28, and 8/29.

Attached are pictures showing Gleason's truck digging at the location, signed statement from Dan Bell, and my ticket number and cancellation number.

August 30, 2004

at 1:44 I

quit locating for
B + R tree moving
for ticket # 042400158

As I was working along
the property line I saw
Gleason the company
reproving the same trees
I was locating to be moved
by B + R. I have no

90' 55' 44" *Rich at this time*

Deciduous _____ Evergreen _____

Name *Gleason Tree Co*

Address _____

City *Don Bull* State _____

Phone: H _____ W _____ C _____

T _____ N _____ R _____ Sec _____ 1/4 _____

Lat. _____ long. _____

nearest intersecting _____

ready date _____ expiration _____

Locate # _____

Directions _____

trees _____ miles _____ price/ea _____

trees _____ miles _____ price/ea _____

_____ WCB _____ called _____ work authorized

_____ paid _____ will send check _____ bill

90" 55" X 44" msg

Deciduous _____ Evergreen X

Name Cliff Ave Greenhouse

Address 7000 W 49th St

City Sioux Falls State _____

Phone: H _____ W _____ C Justin 641-6451

T _____ N _____ R _____ W _____ Sec _____ 1/4 _____

Lat. _____ long. _____

nearest intersecting Sartoria Ave

ready date 9:44 TUE expiration _____

Locate # 042400158 Cancel No 042430324

Directions _____

trees _____ miles _____ price/ea _____

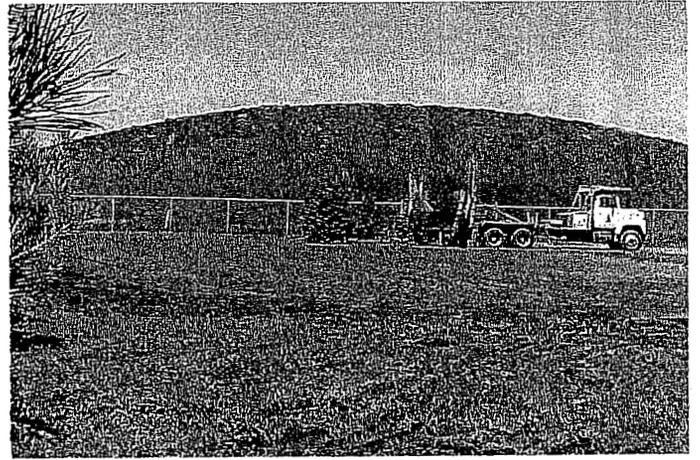
trees _____ miles _____ price/ea _____

Green tags

Back and Flogged area

_____ WCB _____ called _____ work authorized _____

_____ paid _____ will send check _____ bill _____



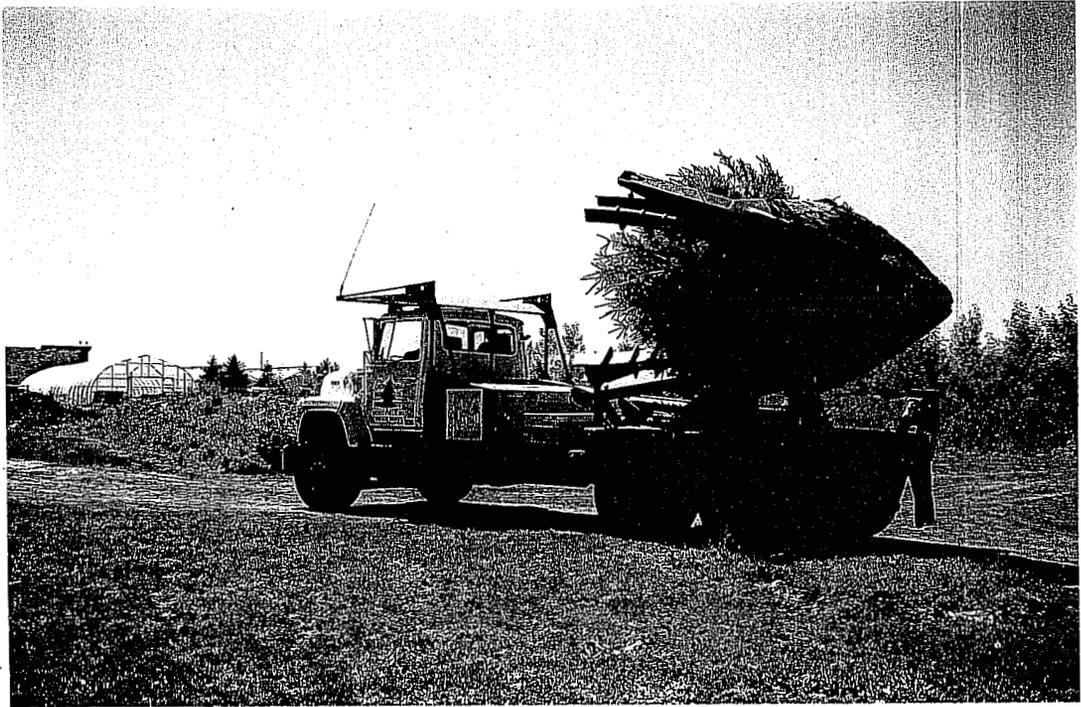
Trees being planted on west side of location, next to 41st St.

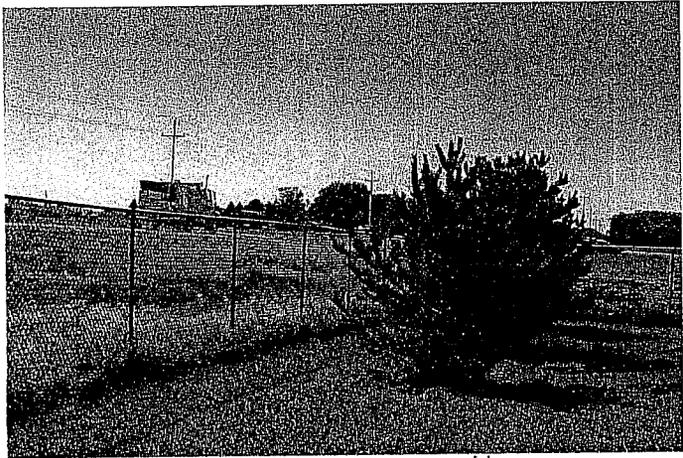
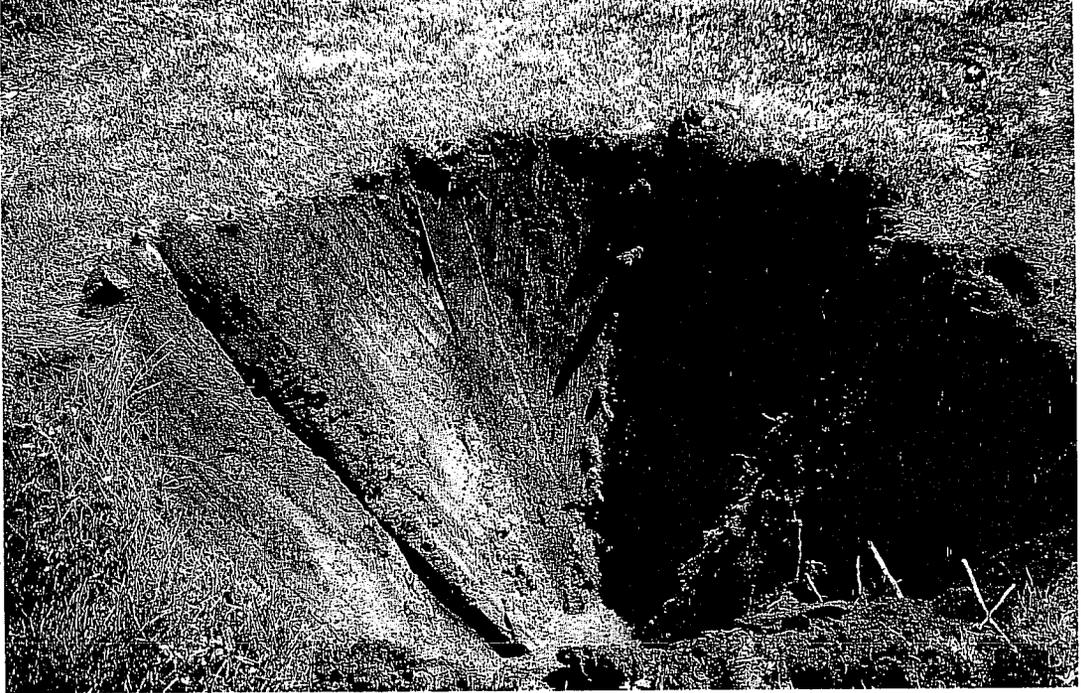


North side of location



North side of location, digging a tree





Trees planted next to 41st st



Digging 4' from midcontinent line.

