

Mail completed form to:

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

RECEIVED  
JAN 31 2005

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: Ron Kleinsasser

COMPANY: Kaneb Pipe Line ADDRESS: 3721 S. Grange Ave PHONE NUMBER: 605-336-3158

SIGNATURE OF COMPLAINANT: Ron Kleinsasser DATE: 1/27/05 EMAIL ADDRESS:  
ron.kleinsasser@kaneb.com

\*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: Action Electric PHONE NUMBER: 605-334-8141

ADDRESS: 5200 W. 9<sup>th</sup> street, Sioux Falls, SD 57107

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: 050240005

START DATE ON TICKET: 1/26/05

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: High pressure petroleum p/l OPERATOR OF FACILITY (IF KNOWN): Kaneb Pipe Line Company

OPERATOR ADDRESS: 3721 S. Grange Ave, Sioux Falls, SD 57105 PHONE NUMBER: 605-336-3158

DEPTH OF COVER: 60" PRESSURE: up to 1370# VOLTAGE: \_\_\_\_\_ NUMBER OF CABLE PAIRS: \_\_\_\_\_

#### IV. MARKING

WERE FACILITIES MARKED? YES  NO  N/A  By previous ticket

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: \_\_\_\_\_**

**VI. PROBABLE VIOLATION**

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-5 Notification of proposed Excavation.**

Excavator failed to provide the 48-hour period prior to commencing excavation activity on ticket number 050240005.

**ADDRESS/LOCATION OF PROBABLE VIOLATION: 77<sup>th</sup> Street between Minnesota and Audie Dr.**

**DATE/TIME OF PROBABLE VIOLATION: morning of 1/25/05 about 09:00 AM**

**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: Name unknown - work crew on site at the time**

**DESCRIPTION OF PROBABLE VIOLATION: Hole was dug for the installation of a street light for work being done for the City of Sioux Falls. When the violation was told to crew on site their remark was "we knew there was nothing near our hole." The site had previously been marked because of a previous ticket by Action Electric. This complaint is being filed because of the failure to allow the 48 hours before starting the work and because of the failure of the same company to call Kaneb personnel before crossing our facility in regards to the earlier ticket. They had agreed to call Wade Opp before crossing the pipeline and they failed to do that. Because of the possibility of potential damage to the line we will have to expose our pipe in the near future to inspect it at the site of the crossing. Department of Transportation regulations require us to be ever aware of possible damage to our pipe because of the impact the high pressure and the nature of the product inside the line can cause to residents and environment. Third party damage is the major cause of pipeline accidents and releases. I had conversation with Dustin an employee of Action Electric about the previous ticket and failure to call us. He was told we would be exposing our line at a significant cost to the company, one that could have been avoided. In the past month Kaneb has experienced a pipe break in South Dakota because of third party damage that was not called in to us and the failure to make a call to the One Call system at the time the work was done. Attached is a picture of the work site and the work being done by Action Electric. The pictures were taken 1/25/2005 at a time when the digging had already been done ahead of the start date on the ticket. Thanks for your consideration to this complaint. Ron Kleinsasser**

Type: \*\*\* R O U T I N E \*\*\* Class: TRANSMIT  
Transmit: 01/24/05 At: 0820 CST  
Prepared: 24-JAN-05 Time: 0807 CST By: NET  
Ticket No.: 050240005

Operators Notified:  
KAN=/KANEB PIPE LINE/ M08=/MEC-SIOUX FALLS/ N11=/XCEL ENERGY /  
SFA=/SIOUX FALLS WTR/ SFC=/MCC SIOUX FALLS/ SFL=/SIOUX FALL-LGHT/  
UWS=/QWEST LOCAL-ULS/ LCR=/LINCOLN RRL WTR/ N06=/XCEL ENERGY /

Excavator Information:  
Caller: HEATHER KAPPES Phone: 605-334-8141  
Excavator: ACTION ELECTRIC  
Address: 5200 W 9TH ST  
City: SIOUX FALLS, SD 57107  
Phone: 605-334-8141 Fax: 605-336-2644  
Contact: HEATHER KAPPES Phone: 605-334-8141  
Alt. Contact: DUSTIN Phone: 605-940-7253

Location Information:  
County: LINCOLN City/Village: SIOUX FALLS

Map Ref: 43290-096438 Grids: 4  
Exc. Site Address: 0 W 77TH ST  
Nearest Intersection: S MINNESOTA AVE  
Type of Work : TRENCHING, DRILLING, BORING, E  
Work Being Done For: LANDSCAPE GARDEN CENTER  
Depth: 10 Explosives: N Tunnel/Bore: Y  
Start Date: 01/26/05 Time: 0900 CST Duration: 14 DAYS  
Meeting Required: N Best Time to Contact: 0800 - 1200  
Exc. Site (Marking Instr.): R.O.W.: Y TRSQ: 100N 50W 15-SE  
MARK 15` BEHIND CURB ON N SIDE OF 77TH ST FROM MINN. AVE TO 300`  
GPS Lat/Long:  
Remarks:  
EXPIRES FEB 16 @ 09:00 CST  
MARK 15` BEHIND CURB ON N. SIDE OF 77TH ST. FROM MINN. AVE.  
TO 300` PAST S. AUDIE DRIVE WHERE THE CURB ENDS  
PTN050240908049

End Ticket

End of message. OCS Stratus System on 050124 at 092020









