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

RECEIVED

MAY 25 2006

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: Bob Schuetzle

COMPANY: Valley Telecommunications ADDRESS: 102 Main St S, Herreid, SD 57632 PHONE NUMBER: 605-437-2615

SIGNATURE OF COMPLAINANT: Bob Schuetzle DATE: 5/24/06 EMAIL ADDRESS: bob@valleytel.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: Bruce Mack PHONE NUMBER: 605-439-3611

ADDRESS: 11510 362nd Ave, Leola, SD 57456

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: (2) Fiber Optic Cables OPERATOR OF FACILITY (IF KNOWN): Valley Telecommunications

OPERATOR ADDRESS: 102 Main St S, Herreid, SD 57632 PHONE NUMBER: 605-437-2615

DEPTH OF COVER: 30" PRESSURE: N/A VOLTAGE: N/A NUMBER OF CABLE PAIRS: (2) 8 fiber

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: Situation was discussed between Bruce Mack, Bob Scheuetzle and John Tormoehlen both of Valley Telecommunications with no resolution. Parties do not agree on the definition of excavation. Bruce Mack failed to call South Dakota One Call before excavation began and feels he was not obligated to call.

V. DAMAGE (IF ANY)

FATALITIES: N/A **INJURIES:** N/A **LENGTH OF HOSPITALIZATION:** N/A

ESTIMATED PROPERTY DAMAGE (\$): 7,373.10 **NUMBER OF CUSTOMERS AFFECTED:** 452

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

PHOTOS OF THE DAMAGED FACILITY? YES NO

ADDITIONAL INFORMATION: Damaged plant was discovered when a series of out of service call were received by Valley Telecommunications. Valley's technician drove the fiber route until he came to an area were he noticed a bull dozer had moved earth and cables were protruding from the ground.

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 and SDCL 49-7A-12 Notification of Damage to Underground Facility - Excavator failed to notify the operator of the facility or the one-call notification center of the damage to the underground cables.

ADDRESS/LOCATION OF PROBABLE VIOLATION: T126N, R67W, Sec5, SE corner or 2 1/2 miles north of Leola on County Highway 19

DATE/TIME OF PROBABLE VIOLATION: On April 9, 2006 at approximately 11:30 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: Bruce Mack

DESCRIPTION OF PROBABLE VIOLATION: A bull dozer operated by Bruce Mack was pushing an old embankment of a stock dam to level the land so it could be farmed when he struck (2) 8 fiber cables at approximately 11:30 AM on April 9, 2006. One of the 8 fiber cables was Valley's toll cable and the other was subscriber cable. Bruce Mack did not call South Dakota One Call before moving the earth. Pictures of the damage site was taken and would be sent if requested.