

Mail completed form to:

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

0006-006 RECEIVED

SEP 26 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: Marty Huether

COMPANY: Golden West Telecommunications ADDRESS: 415 Crown St. Wall, SD 57790 PHONE NUMBER: 605-279-2161

SIGNATURE OF COMPLAINANT: Marty Huether DATE: 9/25/06 EMAIL ADDRESS: martyhuether@goldenwest.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: Rex Gilles PHONE NUMBER: 605-985-5479

ADDRESS: 18798 Avance Rd. Red Owl, SD 57777

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: BFC 2-19 OPERATOR OF FACILITY (IF KNOWN): Golden West Telecommunications

OPERATOR ADDRESS: 415 Crown St. Wall, SD PHONE NUMBER: 605-279-2161

DEPTH OF COVER: 36" PRESSURE: _____ VOLTAGE: _____ NUMBER OF CABLE PAIRS: 2

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:** Outside plant personnel have reminded Mr. Gilles on several occasions, his responsibility to call South Dakota One Call. See attached documents.

V. DAMAGE (IF ANY)

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

ESTIMATED PROPERTY DAMAGE (\$): Pending work order **NUMBER OF CUSTOMERS AFFECTED:** 1

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 to commencing excavation.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Section 31 Township 12N Range 16E

DATE/TIME OF PROBABLE VIOLATION: Sep 8th 2006

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: Rex Gilles

DESCRIPTION OF PROBABLE VIOLATION: Rex Gilles was trenching a line at the Ed Miller place when he cut through a 2 pair cable owned by Golden West Telecommunications. Mr. Gilles did not call South Dakota One Call prior to beginning his work. He has been informed several times that it is his responsibility to call South Dakota One Call.

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11/19/03

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

REX GILLES WAS DIGGING FOR J.D. KEFFEL

ON A WATERLINE. J.D. CALLED ME VIA
MARGIE IN WALL @ 9:30 AND INFORMED ME
THAT REX WOULD BE THERE BY 11:00. I
WAS REWIRING A TRAILER, FINISHED IT +
DROVE TO J.D.'S AS REX WAS UNLOADING
I LOCATED J.D.'S DROP, THEN INFORMED REX
THAT HE NEEDS TO CALL ONE-CALL. HE KNEW
THIS. I FURTHER INFORMED HIM THAT
OTHERS ARE BEING CHARGED FOR NOT
CALLING IN. HE IS NOW AWARE OF THIS

DAW LAABS

SEP 26 2006

3/7/05

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

MICKEY SIMONS CALLED ME AT 12:30 (NOON) ASKING THAT I COME OUT AND LOCATE THE PHONE CABLE AT HIS DAD'S (DOUG SIMONS) PLACE. I ASKED WHAT WAS GOING ON AND HE INFORMED ME THAT REX GILLES WAS DIGGING UP A HYDRANT. MICKEY SAID THAT HE ALSO THEN DECIDED TO HAVE REX DIG UP ANOTHER HYDRANT, THIS ONE BEING APPROXIMATELY 10-15' FROM DOUG SIMON'S DROP. NO ONE CALL WAS MADE AS MICKEY SAID IT WAS "MY FAULT BECAUSE WE CHANGED PLANS AND DECIDED TO DIG UP THE OTHER HYDRANT TOO." REX WAS BUSY DIGGING SO I DIDN'T GET A CHANCE TO TALK WITH HIM AND REMIND HIM, AGAIN, OF HIS RESPONSIBILITY. I LOCATED THE DROP AS I CONSIDERED IT AN EMERGENCY LOCATE.

DAN LEALS