

South Dakota One Call

SEQUENCE NUMBER 0505 CDC = XPR

Type: *** R O U T I N E ***

Transmit: 07/26/07

At: 1604 CDT

Prepared: 26-JUL-07

Time: 1603 CDT By: IBI

Ticket No.: 072070505

Operators Notified:

UWS=/QWEST LOCAL-ELM/ BCA=/BROOKINGS CATV / DDD=/D&D TRAILER PK /
DES=/CITY OF DE SMET/ KIN=/KINGBROOK WATER/ OT3=/OTTER PWR-MLBNK/
P10=/NWPS-GAS /

Excavator Information:

Caller: JULIE MAKI Phone: 612-702-9232

Excavator: MLASKOCH EXCAVATING & UTILITY
Address: PO BOX 185
City: WILLOW RIVER, MN 55795
Phone: 612-702-9232 Fax: 763-241-7458
Email:

Contact: JULIE MAKI Phone: 612-702-9232
Alt. Contact: Phone:

Location Information:

County: KINGSBURY City/Village: DE SMET

Map Ref: 44226097330A Grids: 4
Exc. Site Address: 536 SD HWY 25
Nearest Intersection: 7TH ST
Type of Work : INSTALL UNDERGROUND CATV DROP
Work Being Done For: MEDIACOM
Depth: 3 FT Explosives: N Tunnel/Bore: N
Start Date: 07/31/07 Time: 0700 CDT Duration: 11
DAYS

Meeting Required: N Best Time to Contact: 0900 - 0400
Exc. Site (Marking Instr.): R.O.W.: Y TRSQ:
MARK FROM METER ON HOUSE GOING E TO PED ON E SIDE OF SALON FOR
APPROX 300 FT

GPS Lat/Long:
Remarks and Driving Directions:
EXPIRES AUG 21 @ 07:00 CDT

7207160115021

Total Grids: 4

44226097330A, 44226097330B, 44228097330C, 44228097330D

Total TRSQs: 4

111N 56W 33-NE, 111N 56W 34-NW, 111N 56W 27-SW, 111N 56W 28-SE

End Ticket



One Call Systems, Inc.

115 Evergreen Heights Drive, Pittsburgh, PA 15229. Tel. 412-415-5000. Fax: 412-415-5023

August 21, 2007

South Dakota One Call Board
1012 N. Sycamore Ave.
Sioux Falls, SD 57110

RE: Revision to Complaint OC07-006

Dear Sirs,

I was advised by the Executive Director for the South Dakota One Call Board the Mark Seifkes has refused to accept the previously mailed complaint as he is not associated with D & D Trailer Court. A revised complaint is being filed against Mark Seifkes dba S.P.O.T. as operator of the trailer court previously identified in the South Dakota One Call member records as D & D Trailer Court.

I have also updated the specific ticket referenced to a more current ticket. I would request that the original complaint form be replaced with the new complaint and the notification ticket associated with the original complaint be replaced with the new ticket included with the revised complaint.

All other documents included in the original complaint remain valid.

Sincerely

s/s John McNamara

John McNamara
South Dakota Liaison
One Call Systems, Inc.

CC: Larry Englerth Executive Director

ONE CALL COMPLAINT FORM
South Dakota One Call Notification Board
c/o South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
Telephone (605) 339-0529
www.sdonecall.com

1. ACTION REQUESTED BY

Complaint filed by: Individual Company
Person filing complaint: John McNamara
Company: One Call Systems, Inc.
Address: 115 Evergreen Heights Drive, Pittsburgh PA 15229
Phone Number: (412) 415-5020 Ext:
Email Address:jmcnamara@1-call.com
Date: 8/20/2007

* Note if you are filing on behalf of a company, please make sure you have the proper authority to file the complaint.

2. ACTION REQUESTED AGAINST

Name of excavator/facility operator: Mark Seifkes dba S.P.O.T
Phone Number: (605) 854-3982 Ext:
Address: 305 Hwy 14 East, DeSmet, SD 57231
Was a locate requested from SD One Call? Yes No
Locate ticket #: 072070505 Start date on ticket:07/31/07

Did excavator wait until the start date/time on the ticket before commencing excavation?
Yes No N/A

Buried facilities exposed by hand or non-invasive equipment prior to excavation? Yes
 No N/A

3. FACILITY INVOLVED (if any)

Type of facility involved: Sewer Line
Operator of facility (if known): Mark Seifkes dba S.P.O.T
Operator address: 305 Hwy 14 E, DeSmet, SD 57231
Phone Number: (605) 854-3982
Depth of cover: Pressure
Voltage: # of cable repairs:

4. 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 the excavator pre-mark with white paint? Yes No N/A
Was the facility marked accurately (within 18 inches)? Yes No N/A
Have you discussed the previous statements with the other party? Yes No
Did the excavator use reasonable care to maintain locate marks for the life of project?
 Yes No N/A

Have you discussed the previous statements with other party? Yes No N/A
Is there agreement? Yes No

If no please explain: One Call Systems, Inc. is the vendor hired by the South Dakota One Call Notification Board to process excavation notices for the State of South Dakota. Our records indicate that we are to contact the phone number listed in the South Dakota membership records with excavation requests in the vicinity of the underground facilities noted on our records. The calls made by the Customer Service Representative to advise the member of excavation in the vicinity of their underground facilities are answered by Mr. Seifkes. Underground Facility records were provided by D & D Trailer Park which is now owned and operated by Mark Seifkes dba S.P.O. T. Mr. Seifkes refuses to talk to the CSR when they attempt to notify him of excavation near in the vicinity of the sewer line owned by Mr. Seifkes which serves the Trailer Park

5. DAMAGE (if any)

Fatalities _____ Injuries _____ Length of hospitalization _____
Estimated property damage(s) _____
Number of customers affected _____
Damaged in: Public Private
Photos of damaged facility
Additional information _____

6. PROBABLE VIOLATION

Specific statute(s) or rule(s) that was violated: SDCL 49-7A-1 defines "operator" as 'any person who operates an underground facility' which Mr. Seifkes dba S.P.O.T clearly does. SDCL 49 7A-2 clearly states that all operators are subject to this chapter and all rules promulgated thereto. The same statute states that any member who fails to become a member is subject to applicable penalties. One Call Systems records indicate the operator of the underground facilities to be D & D Trailer Park with the address and phone number the same as Mark Seifkes dba S.P.O.T. If Mr. Seifkes claims that he is not a responsible party under the data provided by D & D Trailer Park, he then is in violation of this chapter for failing to become a member of the South Dakota One Call Notification System.

If the business transaction between D & D Trailer Park also transferred the membership in the South Dakota One Call Notification System, ARSD 20:25:03:01 identifies under item 2 that the operator shall respond to notification of excavation from the One Call Center which Mark Seifkes dba S.P.O.T. does not comply with since he refuses to accept the information that the CSR attempts to provide him with. ARSD 20:25:03:01 under item 3 also states that the operator shall establish a means to receive notification of the one call notification center.

Address/location of probable violation: 305 Hwy 14 E

Date of probable violation: 7/26/07 Time of probable violation: 4:08 pm CDT

Have you discussed this probable violation with the party this action is filed against?

Yes No

Name of party with whom you discussed the probable violation: Mark Seifkes...refuses to discuss via telephone so One Call System has sent various correspondence to advise him of the situation. Mr. Seifkes refuses to accept correspondence...refusal attached.

Description of probable violation: On 7/26/07 the Customer Service Representative from One Call Systems, Inc. vendor for the South Dakota One Call Notification System attempted to provide ticket information to Mr. Seifkes relative to ticket number 072070505. Mr. Seifkes refused to accept the information and terminated the call. The attempt to provide this information is in the manner designated by the information provided by D & D Trailer Park. A recording of this call is available to Mr. Seifkes or the South Dakota One Call Board upon request.

Mr. Seifkes dba S.P.O.T. is either in violation of SDCL 49-7A-2 for failing to become a member if he claims that he is not associated with D & D Trailer Park or is in violation of ARSD 20:25:03:01 for failing to accept and respond to notifications.

Include other documents or photos with this complaint: X Yes No

Signature of Complainant: s/s John McNamara