

COMPLAINT

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On November 16, 2007 12:43 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company
PERSON FILING COMPLAINT: Jack Brinkley
COMPANY: PrairieWave Communications
ADDRESS: 5100 Broadband Ln Sioux Falls
PHONE NUMBER: (605) 766-7650
EMAIL: jbrinkley@prairiewave.com
DATE: November 16, 2007

ii. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: City of Hurley
PHONE NUMBER: (605) 238-5212
ADDRESS: City hall
WAS A LOCATED REQUESTED FROM SD ONE CALL? No
LOCATE TICKET#:
START DATE ON TICKET:
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? No
WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: 400 Pair Telephone cable
OPERATOR OF FACILITY: PrairieWave
OPERATOR ADDRESS: 5100 Broadband Ln
PHONE NUMBER: (605) 766-7650
DEPTH OF COVER: 3'
PRESSURE:
VOLTAGE:
NUMBER OF CABLE REPAIRS: 1

IV. MARKING

WERE FACILITIES MARKED? No

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? N/A

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? N/A

WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)? N/A

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? N/A

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? No

IS THERE AGREEMENT? No

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES:

INJURIES:

LENGTH OF HOSPITALIZATION:

ESTIMATED PROPERTY DAMAGE: \$3,000.00

NUMBER OF CUSTOMERS AFFECTED: 200

DAMAGED IN: Public

PHOTOS OF THE DAMAGED FACILITY: No

ADDITIONAL INFORMATION: City employee did not call for a locate before using a backhoe to excavate.

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SD law chapter 49-7A

ADDRESS/LOCATION OF PROBABLE VIOLATION: South edge of Hurley city limits

DATE/TIME OF PROBABLE VIOLATION: November 14, 2007 4:45 pm

HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST? False

IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION: Did not call before excavating