



Southeastern Electric Cooperative, Inc.

PO Box 388 • 501 South Broadway Avenue • Marion, SD 57043-0388
Telephone: 605-648-3619 • Facsimile: 605-648-3778 • E-mail sec@southeasternelectric.com

Alcester Office
PO Box 105
605 SD Highway 11
Alcester, SD 57001-0105
Telephone: 605-934-1961
Facsimile: 605-934-1964
Toll-Free in SD: 1-800-333-2859

RECEIVED

JUN 12 2008

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

June 10, 2008

Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Attention: South Dakota One Call Board

Dear Board:

Please review complaint form attached with this letter.

Empire Construction damaged our facilities and do not seem to care that they did.

If you have any questions, please let me know.

Cooperatively yours,

Tim Chance
Operations Manager

TC:kw
Enc.

RECEIVED

JUN 12 2008

Mail completed form to:

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

**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: Tim Chance
COMPANY: Southeastern Electric Cooperative, Inc. ADDRESS: 501 S. Broadway Ave. Marion, SD 57043 -0388
PHONE NUMBER: 1-800-333-2859 or (605) 934-1961
SIGNATURE: Tim Chance DATE: 6-16-08 EMAIL ADDRESS: tchance@southeasternelectric.com

*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: Empire Construction PHONE NUMBER: 605-331-4400
ADDRESS: P.O. Box 90650 Sioux Falls, SD 57101
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
STARTING EXCAVATION? YES NO NA WERE BURIED FACILITIES EXPOSED BY HAND OR WITH
NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES NO NA

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Electric Distribution OPERATOR OF FACILITY: Southeastern Electric Cooperative, Inc
OPERATOR ADDRESS: 501 S Broadway Marion, SD 57043-0388 PHONE NUMBER: 605-934-1961
DEPTH OF COVER: 42 INCHES PRESSURE: VOLTAGE: 12,470/7200 NUMBER OF CABLE PAIRS:2

IV. MARKING

WERE FACILITIES MARKED? YES NO NA
WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES NO NA

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES NO NA WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO NA DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES NO NA HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO IS THERE AGREEMENT? YES NO
IF NO, PLEASE EXPLAIN: Do not answer or calls, invoices or Letter

V. DAMAGE (IF ANY)

FATALITIES: INJURIES: LENGTH OF HOSPITALIZATION:
ESTIMATED PROPERTY DAMAGE (\$): \$2,805.47 NUMBER OF CUSTOMERS AFFECTED: 863
DAMAGED IN: PUBLIC PRIVATE (RIGHT-OF-WAY)
PHOTOS OF THE DAMAGED FACILITY? YES NO (Did not find them at this time)
ADDITIONAL INFORMATION: Admitted to the linemen they were at fault and were digging with out a ticket also will not pay for the damages cause by this action

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WHERE VIOLATED:
49-7A-5 Notification of proposed excavation
49-7A-10 Liability for damages to underground facility

ADDRESS/LOCATION OF PROBABLE VIOLATION:
7313 W. 65th St. Sioux Falls, SD

DATE/TIME OF PROBABLE VIOLATION:
12/10/07

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST:
YES NO (We have tried to contact them with no response)

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:
Letter was sent to them on May 12th 2008, two separate mailings of the invoice and also left messages on their answering machine,. There has been no response to anything sent to them or message left.

DESCRIPTION OF PROBABLE VIOLATION:
Did not call for a locate and damaged primary cable, secondary cables and transformer