

**ONE CALL COMPLAINT FORM**  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, Sd 57501-5070

**COMPLAINT**

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

Received On August 21, 2008 11:26 am

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company

**PERSON FILING COMPLAINT:** Dan Wolf

**COMPANY:** NorthWestern Energy

**ADDRESS:** 313 Cedar St. Yankton, SD 57078

**PHONE NUMBER:** (605) 668-4608

**EMAIL:** dan.wolf@northwestern.com

**DATE:** August 21, 2008

**ii. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Vanderpol Dragline Inc.

**PHONE NUMBER:** (605) 996-2036

**ADDRESS:** 1001 Hot Rod Rd. Mitchell, SD 57301

**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:** 4" Natural Gas Main

**OPERATOR OF FACILITY:** NorthWestern Energy

**OPERATOR ADDRESS:** 600 Market St. W, Huron, SD 57350

**PHONE NUMBER:** (180) 024-5697

**DEPTH OF COVER:** 6" (during const.)

**PRESSURE:** 58lbs

**VOLTAGE:**

**NUMBER OF CABLE REPAIRS:**

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?** No

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

**DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?** No

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

**IS THERE AGREEMENT?** No

**IF NO, PLEASE EXPLAIN:**

V. DAMAGE (IF ANY)

**FATALITIES:** 0

**INJURIES:** 0

**LENGTH OF HOSPITALIZATION:** None

**ESTIMATED PROPERTY DAMAGE:**

**NUMBER OF CUSTOMERS AFFECTED:** 1

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** Yes

**ADDITIONAL INFORMATION:** Locates were not called in prior to removing dirt for road construction project. Prior locates were visible in area adjacent to work area, but no marks in work area. Contractor noted that they believed gas line was deeper than it was and did not think there was an issue.

VI. PROBABLE VIOLATION

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** SDCL 49-7A-20

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** North side of intersection of SD Hwy 25 and Dollard Ave in Scotland, SD

**DATE/TIME OF PROBABLE VIOLATION:** August 18, 2008 2:00 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:** On 8/18/2008 an employee of Vanderpol Dragline Inc was digging with a tractor and drag disk without locates or spotting nearby utilities and caused damage