

**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 September 10, 2008 4:57 pm

**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:** September 10, 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:** Electric Service in Conduit

**OPERATOR OF FACILITY:** NorthWestern Energy

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

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

**DEPTH OF COVER:** 12"

**PRESSURE:** N/A

**VOLTAGE:** 120/240V

**NUMBER OF CABLE REPAIRS:** 0

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:** \$50.00

**NUMBER OF CUSTOMERS AFFECTED:** 0

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** No

**ADDITIONAL INFORMATION:** Underground service in conduit was installed for one home to coincide with work being done on Hwy 25 in Scotland. Conduit only was damaged, the conductor in the conduit was not damaged, and was not energized at the time of damage.

VI. PROBABLE VIOLATION

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** SDCL 49-7A-5: Notification of proposed excavation and SDCL 49-7A-19: Penalties for intentional violations.

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** Intersection of Hwy 25 and Cherry St. in Scotland.

**DATE/TIME OF PROBABLE VIOLATION:** August 25, 2008 10:00 am

**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 August 25, 2008 Vanderpol Dragline Inc. was performing excavation associated with Highway construction, and did not give prior notification to SD One Call of the excavation. NorthWestern requests that this violation be treated under SDCL 49-7A-5. After previous damages to NorthWestern Energy facilities in Scotland, NorthWestern also requests this incident be treated under SDCL 49-7A-19.