

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 March 3, 2009 2:29 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Individual

PERSON FILING COMPLAINT: Larry Englerth

COMPANY: (605) 339-0529

ADDRESS: 2801 E Madison; Unit 107

PHONE NUMBER: (605) 339-0529

EMAIL: exedir@sdonecall.com

DATE: March 3, 2009

ii. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Mark Seifkes dba S.P.O.T.

PHONE NUMBER: (605) 854-3982

ADDRESS: 305 Hwy 14 East, DeSmet, SD 57231

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: Sewer Line

OPERATOR OF FACILITY: Mark Seifkes dba S.P.O.T.

OPERATOR ADDRESS: 305 Hwy 14 E, Desmet, SD

PHONE NUMBER: (605) 854-3982

DEPTH OF COVER:

PRESSURE:

VOLTAGE:

NUMBER OF CABLE REPAIRS:

IV. MARKING

WERE FACILITIES MARKED? N/A

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:

NUMBER OF CUSTOMERS AFFECTED:

DAMAGED IN:

PHOTOS OF THE DAMAGED FACILITY: No

ADDITIONAL INFORMATION:

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: SDCL 49-7A-2 Failure of Mark Seikfes dba S.P.O.T. to become a member of the South Dakota One Call System as required by statute

ADDRESS/LOCATION OF PROBABLE VIOLATION: 305 Hwy 14 E, DeSmet, SD 57231

DATE/TIME OF PROBABLE VIOLATION: March 3, 2009 12:00 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: Mr. Seikfes owns a sewer line that runs from his trailer park east of DeSmet and connects to the City of DeSmet near municipal boundary. SDCL 49-7A-1 defines "operator" as 'any person who operates an underground facility' which Mr. Seikfes 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. Mr. Seikfes is aware of the requirement to become a member of the South Dakota One Call System as a similar complaint was filed against him in 2007.