



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

June 3, 2009

RECEIVED

JUN 05 2009

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Attention: South Dakota One Call Board

To Whom It May Concern:

Enclosed is a complaint form that Southeastern Electric Cooperative, Inc. would like to file with you against Lowenburg Technologies, Inc. for damages to Southeastern's cables while Lowenburg was boring and not exposing cables for depth.

Please review, and if you need pictures of the area or have any questions, please let me know. Thanks.

Cooperatively yours,

Tim Chance
Operations' Manager

TC:kw
Enc.

RECEIVED

JUN 05 2009

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: 6-4-2009 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: Loewenburg Technologies, Inc.

PHONE NUMBER: 605-335-8175 Cell: 605-261-9912

ADDRESS: 1000 East Benson Rd. Sioux Falls, SD 57104

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #: 083220025

START DATE ON TICKET: 11-19-08

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 (\$): \$2,081.04 NUMBER OF CUSTOMERS AFFECTED: 12

DAMAGED IN: PUBLIC PRIVATE (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES NO (Can email or send them to you)

ADDITIONAL INFORMATION: Admitted to the linemen they were at fault and were directional boring with out locating the cable depth and bored through the cable, also will not pay for the damages cause by this action

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WHERE VIOLATED:

20:25:03:05:03 Excavator responsibilities when excavating near markings

49-7A-10 Liability for damages to underground facility

ADDRESS/LOCATION OF PROBABLE VIOLATION:

5105 Oakland Ave. Sioux Falls, SD

DATE/TIME OF PROBABLE VIOLATION:

12/02/09

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:

Invoices sent 12-17-08, 2-26-09, and 4-21-09 Also Letter was sent to them on May 6th 2009, and also left messages on their cell phone. There has been no response to anything sent to them or message left.

DESCRIPTION OF PROBABLE VIOLATION:

Did not expose the cable for depth and directionaled bored through the cables and damaged primary cable and secondary cables.