

**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 2, 2009 3:39 pm

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company  
**PERSON FILING COMPLAINT:** William P. Heaston  
**COMPANY:** South Dakota Network, LLC  
**ADDRESS:** 2900 W. 10th Street, Sioux Falls, SD 57104  
**PHONE NUMBER:** (605) 978-3596  
**EMAIL:** bill.heaston@sdncommunications.com  
**DATE:** September 2, 2009

**ii. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Larry S. Electric  
**PHONE NUMBER:** (605) 224-0575  
**ADDRESS:** 3711 Airport Rd, Ste #1, Pierre, SD 57501  
**WAS A LOCATED REQUESTED FROM SD ONE CALL?** Yes  
**LOCATE TICKET#:** 092110237  
**START DATE ON TICKET:** August 3, 2009  
**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:** 24 strand fiber optic cable in conduit  
**OPERATOR OF FACILITY:** South Dakota Network, LLC  
**OPERATOR ADDRESS:** 2900 W. 10th Street, Sioux Falls, SD 57104  
**PHONE NUMBER:** (800) 247-1442  
**DEPTH OF COVER:**  
**PRESSURE:**  
**VOLTAGE:**  
**NUMBER OF CABLE REPAIRS:** 24 fibers

IV. MARKING

**WERE FACILITIES MARKED?** No

**WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET?** No

**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?** 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:** 0

**INJURIES:** 0

**LENGTH OF HOSPITALIZATION:** 0

**ESTIMATED PROPERTY DAMAGE:** \$10,000.00

**NUMBER OF CUSTOMERS AFFECTED:** 100

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** Yes

**ADDITIONAL INFORMATION:** There is a second ticket #092360042 for Sharpe Enterprises, Inc. P.O. Box 580, Fort Pierre, SD 57532, tel no. (605) 945-1260for REPL & INSTL PARKING LOT, transmitted 08/24/2009 at 0809 CDT, with start date of 08/26/09 at 0807 CDT

VI. PROBABLE VIOLATION

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** 49-7A-08

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** In front of the State Library

**DATE/TIME OF PROBABLE VIOLATION:** August 26, 2009 7:00 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:** At about 0703 CDT alarms at SDN indicated a fiber cut in Pierre on the core state fiber. SDN personnel arrived at the scene at 0735 CDT to find a trench with about 30 ft of cable pulled out of the conduit and cut. Although the trench was fresh there was no sign of any trenching equipment or a contractor. SEI reported the cut at 0822 CDT (ticket # 092380065)