

**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 October 4, 2009 12:37 pm

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company

**PERSON FILING COMPLAINT:** Ginny Beck

**COMPANY:** Crooks Municipal Utilities

**ADDRESS:** P O Box 785 Crooks SD 57020

**PHONE NUMBER:** (605) 543-5238

**EMAIL:** cityofcrooks@alliancecom.net

**DATE:** October 4, 2009

**ii. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Kappas Fencing

**PHONE NUMBER:** (605) 359-5488

**ADDRESS:** 47036 256th Street

**WAS A LOCATED REQUESTED FROM SD ONE CALL?** Yes

**LOCATE TICKET#:** 092740025

**START DATE ON TICKET:** October 5, 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:** Natural gas

**OPERATOR OF FACILITY:** Crooks Municipal Utilities

**OPERATOR ADDRESS:** P O Box 785 Crooks SD 57020

**PHONE NUMBER:** (605) 543-5238

**DEPTH OF COVER:** 18 inches

**PRESSURE:** 58psi

**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?** 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?** Yes

**IS THERE AGREEMENT?** No

**IF NO, PLEASE EXPLAIN:** gas line at the address on the ticket was marked. Next door neighbor's line that trespassed over property line was not.

V. DAMAGE (IF ANY)

**FATALITIES:**

**INJURIES:**

**LENGTH OF HOSPITALIZATION:**

**ESTIMATED PROPERTY DAMAGE:** \$400.00

**NUMBER OF CUSTOMERS AFFECTED:** 1

**DAMAGED IN:** Private

**PHOTOS OF THE DAMAGED FACILITY:** No

**ADDITIONAL INFORMATION:**

VI. PROBABLE VIOLATION

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** 49-7A-8

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** 105 East 8th Street Crooks SD 57020

**DATE/TIME OF PROBABLE VIOLATION:** October 3, 2009 10:45 am

**HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST?** True

**IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:** Mike Kappas

**DESCRIPTION OF PROBABLE VIOLATION:** Received a phone call at 10:48 am. on Saturday, October 3rd from Mr. Kappas saying an unmarked gas line at 105 East 8th at been struck while installing a new fence. I had marked the gas line at the above mentioned address on Thursday, Oct 1st. Mr. Kappas said there was an additional gas line that was struck. Evidently, unknown to me the neighbor's line had been installed on a portion of the above property's address that was not marked. I explained on 10/4 to Mr. Kappas that the start date of the ticket was on 10/05/09 at 8:02am. In visiting with Mayor Finke in regards to the incident, he instructed me to file a complaint on behalf of the City saying that regardless that the line was unmarked, the excavator should not have begun digging to begin with till the start date. Mr. Kappas called in a damage locate after hitting the line. That ticket number was 092760008