

**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 February 11, 2010 3:26 pm

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company

**PERSON FILING COMPLAINT:** Mike Garry

**COMPANY:** Northern Natural Gas Company

**ADDRESS:** PO Box 336, 47493 272nd St., Harrisburg, SD 57032

**PHONE NUMBER:** (402) 530-3835

**EMAIL:** mike.garry@nngco.com

**DATE:** February 11, 2010

**II. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Zwak Excavation

**PHONE NUMBER:** (605) 332-1285

**ADDRESS:** 5404 N. French Ave., Sioux Falls, SD

**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:** 14" High Pressure Natural Gas Pipeline

**OPERATOR OF FACILITY:** Northern Natural Gas Company

**OPERATOR ADDRESS:** PO BOX 336, 47493 272nd St. Harrisburg, SD 57032

**PHONE NUMBER:** (402) 530-3835

**DEPTH OF COVER:** 102 Inches

**PRESSURE:** 360#

**VOLTAGE:**

**NUMBER OF CABLE REPAIRS:**

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?** 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?** Yes

**IS THERE AGREEMENT?** No

**IF NO, PLEASE EXPLAIN:** Northern Natural Gas has requested that all work ceased until an encroachment agreement is in place.

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:** 49-7A-5 Notification of proposed excavation

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** 4900 S. Kalen Place, Sioux Falls, SD

**DATE/TIME OF PROBABLE VIOLATION:** February 11, 2010 12:30 pm

**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:** Harlan Zwak

**DESCRIPTION OF PROBABLE VIOLATION:** Basement excavation and footings installed without one call ticket.