

**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 10, 2010 2:36 pm

*I. ACTION REQUESTED BY:*

**COMPLAINT FILED BY:** Company  
**PERSON FILING COMPLAINT:** Craig Fergen  
**COMPANY:** NorthWestern Energy  
**ADDRESS:** 600 Market Street West - Huron, South Dakota 57350  
**PHONE NUMBER:** (180) 024-5697  
**EMAIL:** craig.fergen@northwestern.com  
**DATE:** September 10, 2010

*ii. ACTION REQUESTED AGAINST:*

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Rexwinkle Concrete - Jamie Rexwinkle  
**PHONE NUMBER:** (605) 946-5225  
**ADDRESS:** 225 Industrial Ave. Corsica, South Dakota 57328  
**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:** Natural gas distribution lines in City of Mitchell, SD  
**OPERATOR OF FACILITY:** NorthWestern Energy  
**OPERATOR ADDRESS:** 514 North Main Street, Mitchell, South Dakota 57350  
**PHONE NUMBER:** (180) 024-5697  
**DEPTH OF COVER:** Various depths  
**PRESSURE:** Some 85lbs and most at 20lbs  
**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?** No

**WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)?** N/A

**DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?** No

**HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY?** Yes

**IS THERE AGREEMENT?** No

**IF NO, PLEASE EXPLAIN:** The day after the incident in the 600 Block of North Minnesota Craig Fergen of NorthWestern Energy called Jamie Rexwinkle and stressed the importance to always call for locates. On the phone he seemed to be in agreement and said he was going to start calling in locates on this project as they continued. It is evident that he is not agreeing since no locates are being called in yet as of 9/10/2010. I also stressed the seriousness of this event. 2 homes had to be evacuated. Mitchell City public responders closed the street to vehicles and pedestrians. 3 NorthWestern Energy technicians worked to cap off the flow of natural gas from a safe location up stream. The concrete forming employees themselves could have been harmed. I stressed that human lives, property and responders were all at risk and indicated that there very well could have been a serious incident here.

*V. DAMAGE (IF ANY)*

**FATALITIES:**

**INJURIES:**

**LENGTH OF HOSPITALIZATION:**

**ESTIMATED PROPERTY DAMAGE:** \$1,000.00

**NUMBER OF CUSTOMERS AFFECTED:** 2

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** Yes

**ADDITIONAL INFORMATION:** Rexwinkle concrete employees are replacing curb and gutter and side walk approaches, etc over an ~20 block area on Minnesota Street in Mitchell. A Rexwinkle concrete employee drove a stake in a gas service in the 600 Block of North Minnesota recently. The NorthWestern Energy natural gas facilities and electric facilities as well as all other utilities plant has not been located over an ~20 block Area on Minnesota Street in Mitchell because no locate tickets (as of 9/10/2010) have been requested by the excavator Rexwinkle Concrete.

*VI. PROBABLE VIOLATION*

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** 49-7A-5

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** 608 North Minnesota Street

**DATE/TIME OF PROBABLE VIOLATION:** August 31, 2010 3:30 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:** Jamie Rexwinkle

**DESCRIPTION OF PROBABLE VIOLATION:** Excavating without requesting locates.