

**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 December 3, 2010 2:22 pm

*I. ACTION REQUESTED BY:*

**COMPLAINT FILED BY:** Company

**PERSON FILING COMPLAINT:** Steve Lehner

**COMPANY:** Watertown Municipal Utilities

**ADDRESS:** 901 4th Avenue SW, Watertown, SD 57201

**PHONE NUMBER:** (605) 882-6233

**EMAIL:** slehner@watertownmu.com

**DATE:** December 3, 2010

*ii. ACTION REQUESTED AGAINST:*

**NAME OF EXCAVATOR/FACILITY OPERATOR:** Stromseth Construction-Mark Stromseth contact

**PHONE NUMBER:** (605) 886-3893

**ADDRESS:** 16708 451st Avenue, Watertown, SD 57201

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

**LOCATE TICKET#:** 103230194

**START DATE ON TICKET:** November 23, 2010

**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:** Gas, Electric-Primary and Secondary

**OPERATOR OF FACILITY:** Watertown Municipal Utilities

**OPERATOR ADDRESS:** 901 4th Avenue SW, Watertown, SD 57201

**PHONE NUMBER:** (605) 882-6233

**DEPTH OF COVER:** 18-40 inches

**PRESSURE:** 60 psi

**VOLTAGE:** 120, 240 & 7200

**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?** N/A

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

**IS THERE AGREEMENT?** No

**IF NO, PLEASE EXPLAIN:** WMU locators arrived on site Monday 11/22/10 at 8:47 AM and discovered that the work was complete including additional excavation that was not on any ticket. They talked to one of the workers on site that was loading equipment mentioning they were digging illegally.

*V. DAMAGE (IF ANY)*

**FATALITIES:** 0

**INJURIES:** 0

**LENGTH OF HOSPITALIZATION:** N/A

**ESTIMATED PROPERTY DAMAGE:** \$500.00

**NUMBER OF CUSTOMERS AFFECTED:** 2

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** Yes

**ADDITIONAL INFORMATION:** Home owner at 7711 2nd Ave. called on 11/22 at 8:23AM to let us know a street light was out. We later discovered that the wire to the light had been damaged and wire to another light had also been damaged but was still energized creating a dangerous situation. Pictures of the damaged wire are attached.

The excavation for the ditch compromised the depth of gas and electric facilities which will require lowering in the easement at an additional cost to Contractor of possibly \$2,000

*VI. PROBABLE VIOLATION*

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** 49-7A, 49-7A-5 not giving 48 hours notice, 49-7A-12 did not notify operator of damage that occurred in at least two different locations, 20:25:03:04(8) Did not provide complete area of excavation on ticket.

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** around 7711 2nd Ave SW Watertown, SD

**DATE/TIME OF PROBABLE VIOLATION:** November 19, 2021 12:00 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:** The pictures that show locate markings were marked at a later date to emphasize the potential danger. Excavator dug prior to ticket start date including area outside described work zone. Excavator damaged wire in at least two separate areas and did not notify Operator of damages. Ditch/channel created was above wires and high pressure gas main and services. One wire that was exposed was discovered by a homeowners son stating that the moisture around the scraped bare wire was seen boiling and steaming from the energized cable. This is a high threat to public safety. The only way we were aware of damage was the report from homeowner indicating a street light problem and our investigation discovered the problems. The Utilities will have to be lowered in this area to maintain required depth when weather permits at cost to excavator.

Previous one call violations include OC07-001 dig without ticket and prior to start date, OC06-002 no advance notice to One Call of excavation activities (this was Mark Stromseth DBA Eagle Excavating)