

Mail completed form to:

**PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD**

COMPLAINT

COMPLETE INFORMATION IS REQUIRED – ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL OR BUSINESS* PERSON FILING COMPLAINT (Please print): Tim Chance

COMPANY (If applicable) Southeastern Electric Cooperative, Inc...

ADDRESS 501 S Broadway Marion, SD 57043

PHONE NUMBER 605-648-3619

SIGNATURE OF COMPLAINANT: Tim Chance

DATE: 8-19-2011

EMAIL ADDRESS: tchance@southeasternelectric.com

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Don Runge

PHONE NUMBER: 605-940-0686

ADDRESS: 5204 W 12th Street Sioux Falls, SD 57107

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #:

START DATE ON TICKET: _____

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION?

YES NO

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION?

YES NO

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Electric Distribution

OPERATOR OF FACILITY (IF KNOWN): Southeastern Electric Cooperative Inc...

OPERATOR ADDRESS: 501 S Broadway Marion SD 57043

PHONE NUMBER: (605) 648-3619

DEPTH OF COVER: 3 ft. PRESSURE: N/A VOLTAGE: 12470/7200 Volts

NUMBER OF CABLE PAIRS: Duct Bank of 4 – 5 inch PVC w/3 – 4/0 cables, 6 - 500 MCM cables and 1 fiber optic cable

IV. MARKING

WERE FACILITIES MARKED? YES NO WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON

THE TICKET? YES NO

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES NO

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES
NO X

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO X

IS THERE AGREEMENT? YES NO X IF NO, PLEASE EXPLAIN: They are no agreements.

V. DAMAGE (IF ANY)

FATALITIES: _____ INJURIES: _____ LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE (\$): \$5,602.11 NUMBER OF CUSTOMERS AFFECTED: _____

DAMAGED IN: PUBLIC PRIVATE X (RIGHT-OF-WAY) PHOTOS OF THE DAMAGED FACILITY? YES X
NO _____

ADDITIONAL INFORMATION: We have included pictures with our explanation of the damage that occurred on June 13, 2011. I have included a map or overhead view of this area. "Map .pdf" In the picture titled "Runge dig-in Tallgrass001.jpg" it shows the location of Southeastern's cables or what was to be found, one red flag and a yellow sign way to the west. The cables and/or duct bank shown are going west of the corner of Tallgrass Avenue and 69th Street. The work or the construction that is going on is widening 69th Street to the east of Tallgrass Avenue. The only One Call Tickets we have in this area are shown in the attachment titled "OneCallTickets.pdf" and are 111400320 and 111440285. As you will note, neither of these tickets requests Southeastern to locate west of Tallgrass Avenue on 69th Street. 69th Street was located a short distance to the west by Southeastern's locator just to show the cable direction and not because it was requested on a One Call ticket. On 6-13-2011 we received a call from engineer at the site Southeastern's cables and duct bank indicating that it was again hit by Mr. Don Runge. The duct bank was damaged with the cables inside of the duct and luckily the cables were not damaged too as shown in attachment "Runge dig-in (Tallgrass) 004.jpg and tallgrass and 69th.hit pipe 007.jpg". Not only was there damage to Southeastern's facilities at this location, but there was a hydrant and a fiber optic vault also hit by Mr. Runge as noted in attachments "Runge dig-in (Tallgrass)006.jpg & Runge dig-in (Tallgrass)005.jpg". There are two 500MCM three phase main feeders that supply power in this area, also two supply feeders, a fiber optic control cable and if he could have damaged the cables in the duct and the main circuits this would have been detrimental to Southeastern to get the power back on for this area. Another damaged cable would have affected the Avara Heart Hospital, many business places and many other residential members again similar to the May 31, 2011 dig in. After this second incidence the City of Sioux Falls placed a restraining order on Mr. Runge requesting him to not operate any equipment at this job site as noted in attachment "SFLetter.pdf"

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:

49-7A-5 Notification of proposed excavation.

49-7A-9 Liability for damage to underground facility

20:25:03:05:03 Excavator responsibilities when excavating near markings

ADDRESS/LOCATION OF PROBABLE VIOLATION:

Just west of Tallgrass Ave. on 69th Street

DATE/TIME OF PROBABLE VIOLATION 6-13-2011

COMMITTEE/BOARD ACTION

FOR PROBABLE CAUSE COMMITTEE / BOARD USE ONLY

REMARKS:

RECOMMENDATION

FOR ENFORCEMENT COMMITTEE USE ONLY

NO VIOLATION EXISTS _____

VIOLATION OF SOUTH DAKOTA STATUTE(S) OR RULES(S): _____

WARNING LETTER: _____ PROPOSED PENALTY (\$): _____

COMMENTS: _____

DISPOSITION

FOR BOARD USE ONLY

NO VIOLATION EXISTS _____

VIOLATION OF SOUTH DAKOTA STATUTE(S) OR RULES(S): _____

WARNING LETTER: _____ PENALTY (\$): _____

OTHER: _____