

Jared Nicolaus

From: contractorfax@digtess.org
Sent: Friday, March 23, 2012 12:35 PM
To: Jared Nicolaus
Subject: South Dakota Locate Information - 120830288

South Dakota One Call SEQUENCE NUMBER 1 CDC = AutoEmail

Type: *** ROUTINE ***

Transmit: 03/23/12 At: 1334

Prepared: 23-MAR-12 Time: 1332 By: Andrew S

Ticket No.: 120830288

Operators Notified:

BH1=/BLACK HILLS .../ BHF=/KNOLOGY / MT3=/MONTANA-DAKO.../
RCC=/CITY OF RAPI.../ TC1=/MIDCONTINENT.../ U18=/CENTURYLINK /

Excavator Information:

Caller: JARED NICOLAUS Phone: (605) 342-3787

Excavator: RCS CONSTRUCTION, INC.

Address: 2400 COMMERCE ROAD

City: RAPID CITY, SD 57702

Phone: 605-342-3787 Fax:

Email: jared@rcsconst.com

Contact: JARED NICOLAUS Phone: 605-381-2384

Alt. Contact: Phone: 605-209-3679

Location Information:

County: PENNINGTON City/Village: RAPID CITY

Map Ref: 44038103170A Grids: 9

Exc. Site Address: MONTE VISTA DR

Nearest Intersection: CANYON LAKE DRIVE

Type of Work : ROADWAY EXCAVATION

Work Being Done For: CITY OF RAPID CITY

Depth: 10 FEET Explosives: N Tunnel/Bore: N

Start Date: 03/27/12 Time: 1345 Duration: 15 DAYS

Meeting Required: N Best Time to Contact: 0800 - 1600

Exc. Site (Marking Instr.): R.O.W.: Y TRSQ:

GPS Lat/Long:

Remarks and Driving Directions:

MARK MONTE VISTA DRIVE NORTH OF CANYON LAKE DRIVE, STARTING AT
CANYON LAKE DRIVE AND EXTENDING 200' NORTH. MARK THE ENTIRE
ROADWAY AND 10' BEYOND THE CURB LINE. ALTERNATE CONTACT NAME:

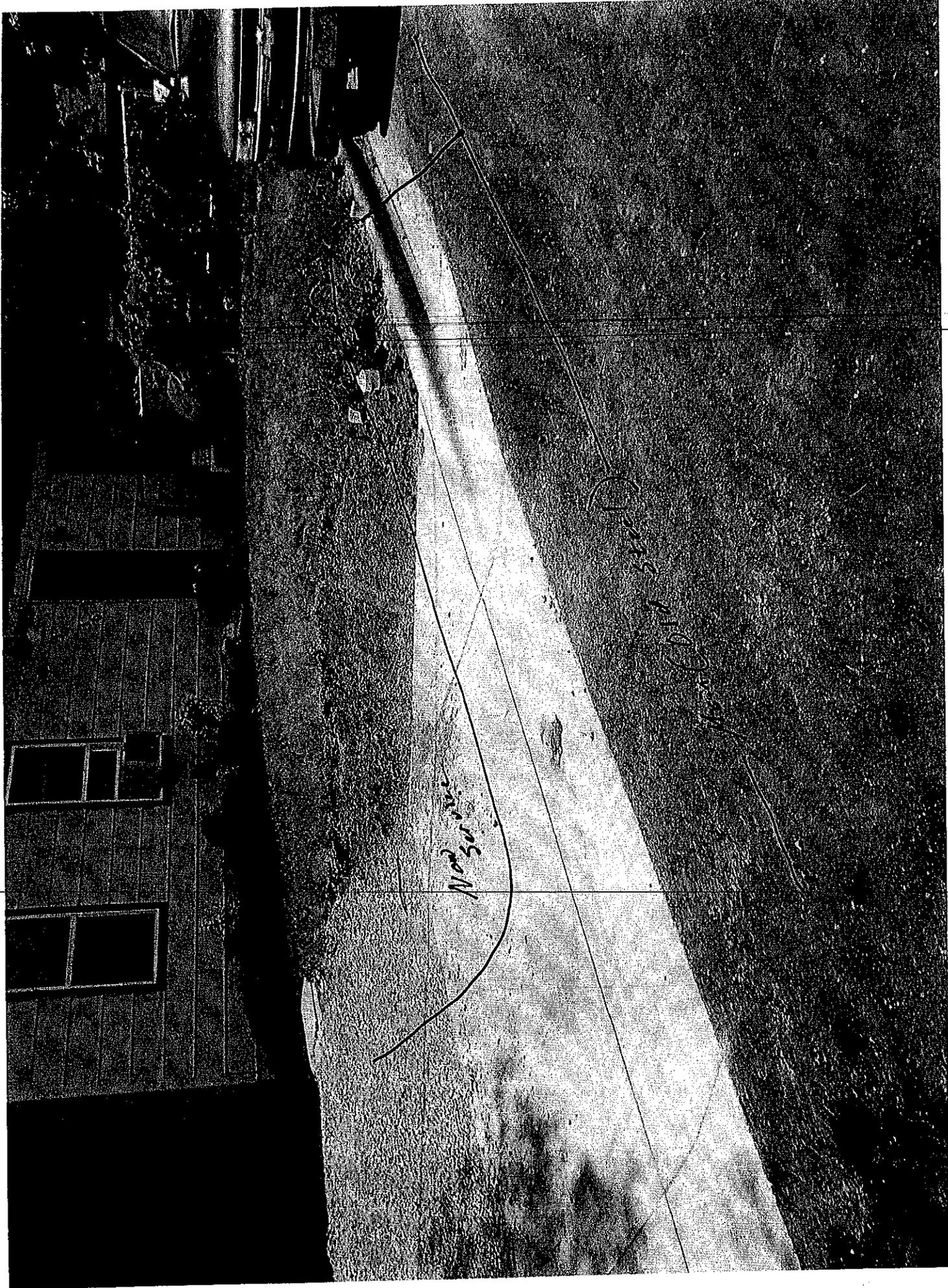
RECEIVED
JUN 04 2012
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

KEVIN HEIN

ORIGINAL FILE: ./KOR_201203230072.XML

Expires On: 4/17/2012 1:45:57 PM

End Ticket



MAD SIR

DANGER

INVOICE

SOLD TO:

RCS CONSTRUCTION
PO BOX 9337
RAPID CITY SD 57709

Invoice Number: 3232
Customer Number: 23694
Invoice Date: 04/12/12

Page 1 of 1

Terms: Net 15 Days

Reference: 3936 1/2 CANYON LAKE RD

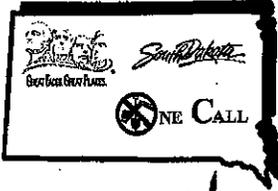
Line	Due Date	Description	Amount
001	04/27/12	REPAIR DAMAGED GAS LINE	\$180.94
		\$169.04 - LABOR	
		\$ 10.09 - EQUIPMENT	
		\$ 1.81 - MATERIALS	
Please put invoice number 3232 on payment.			
Total	Tax Rate	Tax	Total Amount Due
\$			\$180.94

Please mail payment to:
Montana - Dakota Utilities Co.
400 North 4th Street
Bismarck, ND 58501-4092

Please return one copy with payment.

Questions? Please call us toll-free at (605) 355-4001

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



TO: RCS Construction

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: MAY 18, 2012

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC12-007 filed by Montana-Dakota Utilities against RCS Construction.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against RCS Construction. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on June 7, 2012 by filing the original copy of the answer at the address listed below and by serving a copy on the complainant, or you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation referenced in the complaint.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC12-007

939-1309

the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. You are strongly urged to reply to this Notice in the time frame described above and to obtain the advice of counsel should you have any legal questions.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to exedir@sdonecall.com. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. Since they may be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve of the complaint, they have been advised by legal counsel to not discuss any pending complaint before the Board.

Enclosures: Copy of complaint
Operations Manual for Facility Operators and Excavators

cc: Montana-Dakota Utilities (via email)

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 May 16, 2012 11:26 am

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company

PERSON FILING COMPLAINT: Ron E. Blum

COMPANY: Montana-Dakota Utilities Co.

ADDRESS: PO Box 1060, Rapid City, SD 57709

PHONE NUMBER: (605) 355-4021

EMAIL: ron.blum@mdu.com

DATE: May 16, 2012

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: RCS Construction

PHONE NUMBER: (605) 342-3787

ADDRESS: 2400 Commerce Road, Rapid City, SD 57702 (PO Box 9337)

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 service line

OPERATOR OF FACILITY: Montana-Dakota Utilities Co.

OPERATOR ADDRESS: PO Box 1060, Rapid City, SD 57709

PHONE NUMBER: (605) 355-4021

DEPTH OF COVER: unknown

PRESSURE: 35 psig

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? 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? No

IS THERE AGREEMENT? No

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES:

INJURIES:

LENGTH OF HOSPITALIZATION:

ESTIMATED PROPERTY DAMAGE: \$500.00

NUMBER OF CUSTOMERS AFFECTED: 1

DAMAGED IN: Public

PHOTOS OF THE DAMAGED FACILITY: No

ADDITIONAL INFORMATION: Contractor was working on Sunday without valid locates. The service line was kinked shutting off gas to the home. The damage was not discovered until the next day when the customer called in no heat.

VI. PROBABLE VIOLATION

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

ADDRESS/LOCATION OF PROBABLE VIOLATION: 3936 Canyon Lake Dr., Rapid City, SD 57702

DATE/TIME OF PROBABLE VIOLATION: March 25, 2012 1:30 pm

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: Excavator did not have valid locates for this location on the date of the damage.