

RECEIVED

From: Absolute Contracting Service Inc.

JUL 09 2012

7/5/2012

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

This complaint arose because I was unaware of the protocol involved with this utility. The utility was properly located. My crew was spotting other utilities very near this utility *by hand digging*. The crew was directed to dig very gently to a depth of 24" and then "feel gently" with a shovel if the utility was below it close by. As they got closer to the 36" mark I told them to be extremely careful as we did not want to damage the coating on the pipe. I explained that they needed to dig to near where they had felt the utility and then gently expose the top of it. At this point my foreman came back to me from another area and told me that I was supposed to have a company representative of the utility present when spotting the utility.

I immediately stopped the crew from *digging* and called South Dakota Intrastate Pipeline. I spoke to Gordon Woods and explained to him what had just happened and that I was unaware of South Dakotas protocol regarding this utility. He verbally reprimanded me and explained I was in violation. He then explained that his representative was in Pierre, SD and would be on our site in approximately an hour to an hour and a half. I apologized and reassured him there was no damage to the pipe or it's coating and all digging had stopped at that crossing and we would wait for his representative. When his representative arrived I spoke with him and explained that I had spoke with Gordon Woods and he had vehemently enlightened me to the proper procedure for all South Dakota Intrastate Pipeline crossings. I explained to the representative we have crossed many gas lines in various states without the need for a company representative onsite and that I was unaware that this particular pipeline was in need of their representative to be onsite during the spotting of it. He explained that the actual pipe where we had spotted it was steel and that it was part of a bore. He stated the steel was much stronger and it was not damaged by our spotting it, but had we been 20' to 30' north (past the bored steel pipe) the pipe was very weak and fragile and a shovel very easily could have damaged it and possibly caused serious injury or worse. I understood the severity of the situation and again apologized and thanked him for explaining that the composition of the pipe changed. I immediately explained the proper procedure for all South Dakota Intrastate Pipeline crossings and the reasoning behind it along with the safety involved for everyone's benefit to all our personnel.

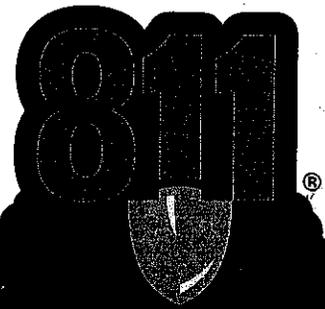
I would care to state that I did know there was a gas pipeline we were crossing. I did exercise reasonable and delicate care exposing only the top 1/4" of the pipe. There was no damage to the utility and no injuries, no "close calls". The only other gas crossing I had to cross previously had been bored days before we were there. Then we used the conduit installed for our utility. I understand the seriousness of this situation and the extreme safety risk it created. I have made all personnel aware of this and ensured both Gordon Woods and his representative and Chris Carlson this type of practice will never happen again .

Respectfully,

Jerry Zilligen



Know what's below. Call before you dig.



TO: Absolute Contracting Service, Inc.

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: JUNE 20, 2012

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC12-009 filed by South Dakota Intrastate Pipeline Co. against Absolute Contracting Service, Inc..

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Absolute Contracting Service, Inc.. 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 July 10, 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 OC12-009

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: South Dakota Intrastate Pipeline Co. (via email)