



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



**TO: JOHN WELLNITZ**  
**FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**  
**DATE: JULY 23, 2012**  
**RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER**

**In the Matter of the Complaint OC12-011 filed by Northern Natural Gas Company against John Wellnitz.**

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against John Wellnitz. 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 August 13, 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 OC12-011

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](http://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](mailto: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: Northern Natural Gas Company (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 July 17, 2012 2:11 pm

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company  
**PERSON FILING COMPLAINT:** Mike Garry  
**COMPANY:** Northern Natural Gas Company  
**ADDRESS:** 47493 272nd St., Harrisburg, SD 57032  
**PHONE NUMBER:** (402) 530-3835  
**EMAIL:** mike.garry@nngco.com  
**DATE:** July 17, 2012

**ii. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** John Wellnitz  
**PHONE NUMBER:** (605) 350-5436  
**ADDRESS:** 20195 415th Ave., Yale, SD 57386  
**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:** 8" High pressure natural gas pipeline  
**OPERATOR OF FACILITY:** Northern Natural Gas Company  
**OPERATOR ADDRESS:** 47493 272nd St. Harrisburg, SD 57032  
**PHONE NUMBER:** (402) 530-3835  
**DEPTH OF COVER:** 48 Inches  
**PRESSURE:** 747#  
**VOLTAGE:** 0  
**NUMBER OF CABLE REPAIRS:** 0

**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? 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: 0

INJURIES: 0

LENGTH OF HOSPITALIZATION: 0

ESTIMATED PROPERTY DAMAGE: \$25,000.00

NUMBER OF CUSTOMERS AFFECTED: 0

DAMAGED IN: Private

PHOTOS OF THE DAMAGED FACILITY: Yes

ADDITIONAL INFORMATION: Excavator called in a one call ticket after striking the pipeline. Ticket #121940458

**VI. PROBABLE VIOLATION**

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: Excavation with out a one call ticket

ADDRESS/LOCATION OF PROBABLE VIOLATION: 0.25 miles north of 414th AVE and 201st ST. on the east side of 414th Ave. approx. 300 feet in the field

DATE/TIME OF PROBABLE VIOLATION: July 12, 2012 1:15 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: John Wellnitz

DESCRIPTION OF PROBABLE VIOLATION: Digging without one call ticket

Beck, Travis

---

From: support@korterra.com  
Sent: Thursday, July 12, 2012 3:27 PM  
To: Beck, Travis  
Subject: Ticket 121940458

## Ticket Information

SOUTH DAKOTA ONE CALL                      SEQUENCE NUMBER 457      CDC = SD811

TYPE: \*\*\* D A M A G E                      \*\*\*

TRANSMIT: 07/12/12                              AT: 1328

PREPARED: 12-JUL-12                              TIME: 1316                      BY: SHANNON D

TICKET NO.: 121940458

OPERATORS NOTIFIED:  
MDR=/MID-DAKOTA R.../ NN2=/\*NORTHERN NA.../ UW8=/CENTURYLINK      /

EXCAVATOR INFORMATION:  
CALLER:                      JOHN WELLNITZ                              PHONE: (605) 350-5431

EXCAVATOR:                      JOHN WELLNITZ  
ADDRESS:                      20195 415TH AVE  
CITY:                              YALE , SD 57386  
PHONE:                              605-350-5431                              FAX:      605-546-0205  
EMAIL:                              [JOHNWELLNITZ@GMAIL.COM](mailto:JOHNWELLNITZ@GMAIL.COM)

CONTACT:                              JOHN WELLNITZ                              PHONE: 605-350-5431  
ALT. CONTACT:                              PHONE: 605-546-0205

LOCATION INFORMATION:  
COUNTY: BEADLE                              CITY/VILLAGE: YALE

MAP REF: 44280097556A                              GRIDS: 28  
EXC. SITE ADDRESS:      0 414TH AVE  
NEAREST INTERSECTION: 201ST ST  
TYPE OF WORK :                              DAMAGED-EXPOSED NATURAL GAS LINE  
WORK BEING DONE FOR:      JOHN WELLNITZ  
DEPTH:      04 FEET                              EXPLOSIVES: N                              TUNNEL/BORE: N  
START DATE: 07/12/12                              TIME: 1530                              DURATION:  
MEETING REQUIRED: N                              BEST TIME TO CONTACT: 0800 -- 1700  
EXC. SITE (MARKING INSTR.):      R.O.W.: N      TRSQ:

GPS LAT/LONG:

REMARKS AND DRIVING DIRECTIONS:  
DAMGED- EXPOSED NATURAL GAS LINE- CREW WILL BE ENROUTE- CUSTOME  
SERVICE NOW AFFECTED- LINE EXPOSED AND COATING WAS CHIPPED-FROM  
201ST ST AND 414TH AVE GO NORTH APPX 0.25MI ON 414TH AVE ON THE  
EAST SIDE OF THE RD- LINE IS EXPOSED APPX 300FT EAST OF THE RD-  
EXPIRES ON: 8/2/2012 1:30:22 PM  
UTILITIES MUST RESPOND WITHIN 2 HOURS M-F 8-5 AND WITHIN 4 HOURS  
AFTER WORKING HOURS.

END TICKET





