

**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 August 2, 2012 10:14 am

**I. ACTION REQUESTED BY:**

**COMPLAINT FILED BY:** Company

**PERSON FILING COMPLAINT:** Jay Jorgensen

**COMPANY:** TM Rural Water District

**ADDRESS:** PO Box 444, Parker, SD 57053

**PHONE NUMBER:** (605) 297-3334

**EMAIL:** Jay.Jorgensen@tmruralwater.com

**DATE:** August 1, 2012

**ii. ACTION REQUESTED AGAINST:**

**NAME OF EXCAVATOR/FACILITY OPERATOR:** MPNEXLEVEL

**PHONE NUMBER:** (320) 963-2400

**ADDRESS:** 500 County Road 37 East, Maple Lake, MN 55358

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

**LOCATE TICKET#:** 121990208

**START DATE ON TICKET:** July 19, 2012

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

**WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION?** No

**III. FACILITY INVOLVED (IF ANY)**

**TYPE OF FACILITY INVOLVED:** 5 inch Rural Water Main

**OPERATOR OF FACILITY:** Wade Kunkel

**OPERATOR ADDRESS:** PO Box 445, Parker, SD 57053

**PHONE NUMBER:** (605) 297-3334

**DEPTH OF COVER:** 4' 10"

**PRESSURE:** 100 PSI +

**VOLTAGE:** NA

**NUMBER OF CABLE REPAIRS:** NA

#### IV. MARKING

**WERE FACILITIES MARKED?** Yes

**WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET?** Yes

**DID EXCAVATOR PRE-MARK WITH WHITE PAINT?** No

**WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)?** Yes

**DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?** Yes

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

**IS THERE AGREEMENT?** Yes

**IF NO, PLEASE EXPLAIN:**

#### V. DAMAGE (IF ANY)

**FATALITIES:**

**INJURIES:**

**LENGTH OF HOSPITALIZATION:**

**ESTIMATED PROPERTY DAMAGE:** \$100.00

**NUMBER OF CUSTOMERS AFFECTED:** 44

**DAMAGED IN:** Public

**PHOTOS OF THE DAMAGED FACILITY:** No

**ADDITIONAL INFORMATION:** Contractor was digging from East to West on south ditch of 254th East of Highway 81 on July 24th. We received call at approximately 11:30 am from Jarred (representative of owner, Trio Tel.) Jared informed TM that the contractor was following the existing phone line to place fiber to a duct that was run underneath of Highway 81. Wade Kunkel (TM Operator) spoke to backhoe operator for MPNEXLEVEL and he informed him that they had not probed or hand dug for the 5" line in question. Locate flags were directly on top of line, he told TM's Operator on site that his supervisor had told them not to probe for lines after an employee of theirs had punctured a line of Hanson Rural Water System. MPNEXLEVEL operator admitted they were negligent in the entire matter. TM hired contractor Gary Nowstrup to expose the line for us, and installed an approximately 5' of 5" class 200 pipe and one 5" gasket joint repair and placed a cement block under each splice. We then returned water pressure and flushed for approximately two hours before returning the rest of the system to full line pressure. TM operators discussed TM's concerns about making sure MPNEXLEVEL expose TM facilities per South Dakota's One Call Operations manual for facility operators and excavators with the MPNEXLEVEL representative Jerry Skjerven. This is the first of three complaints against this contractor by TM Rural Water District. The three complaints happened in a span of time covering July 24th through August 1st. On August first I contacted Tim Wenande of Triotel the company who has hired MPNEXLEVEL to place fiber for them and explained my concerns with this contractor. Tim informed me that they would be calling an emergency meeting to try and address the problem. I informed Tim that I would be filing three complaints against MPNEXLEVEL as TM now considers this a problem that needs to be resolved at a higher level if possible. TM is willing to work with contractors in most instances of negligence but three hits in a little over a weeks time is unacceptable. MPNEXLEVEL has been sent an invoice in the amount of \$1,064.58 for expenses incurred for the repair of the 5" mainline that was damaged.

VI. PROBABLE VIOLATION

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** Section V11 of the South Dakota One Call Operations Manual for Facility Operators and Excavators. 18" hand excavation rule was ignored and no attempt was made for spotting or probing for Rural Water Main line.

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** SE Corner of 254th Street and Hwy 81

**DATE/TIME OF PROBABLE VIOLATION:** July 24, 2012 11:30 am

**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:** Jerry Skjerven

**DESCRIPTION OF PROBABLE VIOLATION:** Excavators did not follow the 18 inch minimum clearance rule in as much as excavator did not do any hand digging in order to expose rural water mainline. No probing or spotting was completed in order to avoid TM facilities. Locates were spot on. At the time of this incident no pictures were taken.