

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 11:33 am

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company

PERSON FILING COMPLAINT: Jay Jorgensen

COMPANY: TM Rural Water District

ADDRESS: PO Box 445, Parker, SD 57053

PHONE NUMBER: (605) 297-3334

EMAIL: Jay.Jorgensen@tmruralwater.com

DATE: August 2, 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? 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: 2" Rural Water Line

OPERATOR OF FACILITY: TM Rural Water District

OPERATOR ADDRESS: PO Box 445 Parker, SD 57053

PHONE NUMBER: (605) 297-3334

DEPTH OF COVER: 5' 6"

PRESSURE: 80 PSI

VOLTAGE: N/A

NUMBER OF CABLE REPAIRS: N/A

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? No

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? Yes

IS THERE AGREEMENT? Yes

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES:

INJURIES:

LENGTH OF HOSPITALIZATION:

ESTIMATED PROPERTY DAMAGE: \$200.00

NUMBER OF CUSTOMERS AFFECTED: 3

DAMAGED IN: Private

PHOTOS OF THE DAMAGED FACILITY: Yes

ADDITIONAL INFORMATION: On July 26, at about 5:30pm TM operator received a call from Jarrod from Triotel asking if TM had a water line in a pasture located 1.5miles west of Salem on hwy 38. TM operator told him that we did and asked him what the contractor was doing in the pasture as the locate ticket was for the right-of-way only. His response was that there were no flags there. When TM operators arrived at the site they found that the MPNEXLEVEL contractor had plowed approximately 250' in the pasture of which 200' was directly over TM's 2" water line. TM operators were informed that the reason for the contractor going into the private easement was that the engineers had missed a culvert that crossed hwy 38, and the Triotel operator Jarrod had made the call to go around the culvert thereby going into the private easement where no locate had been made in the pasture. No locate call was made for this change. TM Operator made an emergency one-call in order to start the repair of TM's damaged facilities. TM operators discussed TM's concerns about no locates being called in by MPNEXLEVEL which caused TM facilities to be damaged with the MPNEXLEVEL representative Jerry Skjerven. This is the second 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 for this incident in the amount of \$1,728.05 for expenses incurred for the repair of the 200' of 2" water line that was damaged.

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: No locate was called in by MPNEXLEVEL for excavation done at this location.

ADDRESS/LOCATION OF PROBABLE VIOLATION: 43942 Hwy 38 North side of Hwy 38 appox 600' East of Driveway

DATE/TIME OF PROBABLE VIOLATION: July 26, 2012 5:00 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: Jerry Skjerven

DESCRIPTION OF PROBABLE VIOLATION: Contractor deviated from path where locates were valid in order to avoid a culvert. By doing so excavation was taking place where no valid locate ticket had been called in.