



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



**TO: CenturyLink**  
**FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**  
**DATE: APRIL 16, 2013**  
**RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER**

**In the Matter of the Complaint OC13-003 filed by Engbarth Directional Drilling Inc. against CenturyLink.**

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against CenturyLink. 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 May 6, 2013 by filing the original copy of the answer electronically at <http://sdonecall.com/OneCallReplyForm.aspx> . This site can also be found by going to [www.sdonecall.com](http://www.sdonecall.com), clicking on Complaints, Forms, and then the Online Reply form. **OR** You may also file your response at the address listed below **and** by serving a copy on the complainant.

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 the complaint, 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, 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 the complaint. They have been advised by legal counsel not to discuss any pending complaint before the Board.

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

cc: Brad Engbarth (via email)

**1. Action Requested By:**

**Complaint filed on behalf of or by:** Engbarth Directional Drilling Inc.

**Contact Person:** Brad Engbarth

**Phone:** 605-296-3114 **Ext:**

**Street Address or PO Box:** 411 East Ave

**City:** Canistota

**State:** SD

**Zip:** 57012

**Fax:** 605-296-3115

**Email Address:** [brad03@unitelsd.com](mailto:brad03@unitelsd.com)

**Date:** 4/15/2013

**2. Action Requested Against:**

**Name of excavator / facility operator:** CenturyLink

**Phone:** 800-321-4158 **Ext:**

**Street Address Or PO Box:** P.O. Box 2348

**City:** Seattle

**State:** WA

**Zip:** 98111

**Fax:** --

**Email Address:**

**Is this party aware of your allegations?:** Yes

**Provide detail including whom you spoke with:** Joel Pitts

**3. Basic Facts:**

**Street Address / location of alleged violation:** 909 E ST St Patrick ST

**City:** Rapid City

**State:** SD

**Date of alleged violation:** 02/19/2013

**Time of alleged violation:** 3:00 p.m.

**Describe your allegation:** Engbarth Directional Drilling Was doing a bore at said address and exposed a Duct

run that was located by a single paint mark by CenturyLink. We exposed the Duct Run and while exposing it found an additional live cable in the pothole that was in its own trench and not located. We did not damage this cable. We continued to cross the exposed utilities with the bore and after we were finished we were notified that phone service in the area was down. CenturyLink responded with field techs at which point they asked us to expose the facilities again to inspect for damage. After reexposing the utilities it was determined that there was no damage to the located facilities. At this time they continued to investigate and found that there was another duct system that they were unaware of in its own trench parallel to the one that had been exposed. This facility had not been located and was damaged by the boring machine. CenturyLink service techs admitted that day that they were unaware of the second duct system but refused to give their names or sign a damage claim prepared by Engbarth Drilling. The locate marks were not painted in bracket form on the duct run that was potholed. And there were no marks painted on the second run that was damaged. This week Engbarth Directional Drilling received a bill from CenturyLink requesting that we cover the damages. There has been several instances in the last two years where CenturyLink locators have been painting one mark on the ground and when exposing the line we find several in the vicinity. We have disputed several of these with CenturyLink but they refuse to communicate an answer on how to solve this problem. We feel that we have no other choice but to file this complaint.

**Do you believe the alleged violation to be intentional?:** No

**Why or why not?:** I do not believe it was on purpose they are a large company and they use a contractor to locate their facilities. I believe this was due to lack of training of the locators and poor records of what facilities they have.

#### **4. Excavation / Locate Information:**

**Was a locate requested from SD One Call?:** Yes

**If a locate was requested:**

**Locate ticket #:** 130420054

**Start date and time on ticket:** 02/13/2013 3:15 p.m.

**Did the excavator wait until the start date / time on the ticket before commencing excavation?:** Yes

**If no, when did excavation begin (date and time)?:**

**Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?:** Yes

**Explain:**

**Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:** Yes

**Were facilities marked?:** No

**Was the marking complete prior to the start time on the ticket?:** No

**Did the excavator pre-mark with white paint?:** Yes

**Was the facility marked accurately (within 18 inches)?:** No

**Did the excavator use reasonable care to maintain locate marks for the life of project?:** Yes

**Type of facility involved:** Copper Phone Lines

**Operator of facility (if known):** CenturyLink

**Operator address (Street or PO Box):**

**City:**

**State:**

**Zip:**

**Phone: --**

**Depth of Cover:**

**Pressure:**

**Voltage:**

**# of cable pairs:**

## **5. Damages**

**Was the facility damaged?: Yes**

**If yes, provide detail and an estimate of damage:**

**Were damages on public right of way or private property?: Public**

**Was anyone injured as a result of facility damage?: No**

**If yes, provide detail:**

**Length of hospitalization:**

**Were there fatalities?: No**

**If yes, provide detail:**

**Was operator service affected?: Yes**

**If yes, provide detail (how many customers for how long):**

**Other information regarding injuries or damages:**

## **6. Statutory Violation**

**Specific statute(s) or rule(s) you believe were violated:**

**Other information to support your position:**