



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



TO: Professional Excavating

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: APRIL 18, 2013

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER

In the Matter of the Complaint OC13-004 filed by CenturyLink against Professional Excavating.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Professional Excavating. 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 8, 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, 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.

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. 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: Doy Ousley, CenturyLink (via email)

From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]

Sent: Wednesday, April 17, 2013 3:55:03 PM

To: PUC Docket Filings

Subject: New One Call Complaint Form

Auto forwarded by a Rule

1. Action Requested By:

Complaint filed on behalf of or by: Centurylink

Contact Person: Doy Ousley

Phone: 605-394-4224 **Ext:**

Street Address or PO Box: 1627 Creek Drive

City: Rapid City

State: SD

Zip: 57703

Fax: 605-394-4257

Email Address: doy.ousley@centurylink.com

Date: 4/17/2013

2. Action Requested Against:

Name of excavator / facility operator: Professional Excavating

Phone: 605-381-5707 **Ext:**

Street Address Or PO Box: 5340 Pine Tree Drive

City: Rapid City

State: SD

Zip: 57702

Fax: --

Email Address:

Is this party aware of your allegations?: Yes

Provide detail including whom you spoke with: Centurylink had 2 cables (300 & 900) that were cut in two as if someone dug straight down on top of them. The work area had been located. We have pictures prior to excavating that were taken by the locate company USIC that clearly show locate marks in the excavation area. Young Man Operating the Mini Track Hoe, Alex Cameron was the name he gave me. When asked earlier by my technicians at the site, he simply did not reply. In my interview with him, he said that he was digging by himself and did not have a spotter with a shovel to help him find the cables as he dug. I asked him if he had

attended any type of one call training and he replied "no".

3. Basic Facts:

Street Address / location of alleged violation: Rear of 406 East North Street

City: Rapid City

State: SD

Date of alleged violation: 04/05/2013

Time of alleged violation: 11:00 a.m.

Describe your allegation: Excavator was digging directly on top of located facilities with a Track Hoe. Did not have someone to help spot cables. Did not try to use a shovel, spade or pick to locate facilities. Dug with the track hoe and cut 2 cables.

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

Why or why not?: I think the young man doing the work needs training and is totally unfamiliar with the South Dakota One Call rules and procedures. He shouldn't have been digging directly on top of the locate marks with a machine and should have had someone helping him spot the cables. Would like to see him develop some good excavation habits.

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 130780008

Start date and time on ticket: 03/21/2013 8:30 a.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?: No

Explain: Appears that he dug directly on top of the locate marks

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: No

Were facilities marked?: Yes

Was the marking complete prior to the start time on the ticket?: Yes

Did the excavator pre-mark with white paint?: NA

Was the facility marked accurately (within 18 inches)?: Yes

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

Type of facility involved: Telephone Cable

Operator of facility (if known): Centurylink

Operator address (Street or PO Box): 1627 Creek Drive

City: Rapid City

State: SD

Zip: 57703

Phone: 605-394-4224

Depth of Cover: 25 Inches

Pressure: Non-Pressurized cable

Voltage: 48

of cable pairs: 1200

5. Damages

Was the facility damaged?: Yes

If yes, provide detail and an estimate of damage: 900 and 300 pair Cables were cut in two

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

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): 5 hours, 41 Design Services(business data circuits), 83 POTS customers.

Other information regarding injuries or damages:

6. Statutory Violation

Specific statute(s) or rule(s) you believe were violated: 20:25:05:05.03 Excavator Responsibilities When Excavating Near Markings

Other information to support your position:

Ticket Detail: 130780008



From: IRTNet At: 03/19/13 08:50 AM Seq No: 4
South Dakota One Call SEQUENCE NUMBER 2 CDC = U18
Type: *** R O U T I N E ***
Transmit: 03/19/13 At: 0824
Prepared: 19-MAR-13 Time: 0821 By: RO_Cathy M
Ticket No.: 130780008

Operators Notified:
BH1=BLACK HILLS .../ BHF=/KNOLGY / MT3=/MONTANA-DAKO.../
RCC=/CITY OF RAPI.../ TCL=/MIDCONTINENT.../ U18=/CENTURYLINK /

Excavator Information:
Caller: CHAD WIDDOSS Phone: (605) 381-5707
Excavator: PROFESSIONAL EXCAVATING
Address: 5340 PINE TREE DR
City: RAPID CITY, SD 57702
Phone: 605-381-5707 Fax:
Email: daene@bcominc.net
Contact: DAENE BOOMSMA Phone: 605-381-5707
Alt. Contact: Phone: 605-381-5707

Location Information:
County: PENNINGTON City/Village: RAPID CITY

Map Ref: 44050103120A Grids: 12
Exc. Site Address: 406 E NORTH ST
Nearest Intersection: WATERLOO ST
Type of Work : SEWER REPAIR
Work Being Done For: PROFESSIONAL EXCAVATING
Depth: 10 FEET Explosives: N Tunnel/Bore: N
Start Date: 03/21/13 Time: 0830 Duration: 30 DAYS
Meeting Required: N Best Time to Contact: 0700 - 1900
Exc. Site (Marking Instr.): R.O.W.: N TRSQ:
GPS Lat/Long:
Remarks and Driving Directions:
WORK WILL BE IN THE BACK OF THE BUILDING.
Expires On: 4/11/2013 8:30:51 AM

End Ticket

Email From: IRTNet@qwest.com
Email Subject: Seq# 4: 130780008 for U18
Email Sent Date: 2013-03-19 08:50:01 CDT
Email MessageID: <201303191350.r2JD00Kw017807@sucomp601.qintra.com>
Email Host: tickets6.811tickets.com
Email User: 811.sd.ct1
Email To: 811.sd.ct1@tickets.811tickets.com
Email ContentType: text/Plain; charset=US-ASCII

Ticket Position: 44.0833333,-103.2000000



Property of United States Infrastructure Corporation
Photo taken on 4/5/2013 10:00:06 AM



Property of United States Infrastructure Corporation
Photo taken on 4/5/2013 9:53:28 AM



Property of United States Infrastructure Corporation
Photo taken on 4/5/2013 9:53:19 AM



Property of United States Infrastructure Corporation
Photo taken on 3/19/2013 5:18:28 PM



Property of United States Infrastructure Corporation
Photo taken on 3/19/2013 5:17:48 PM



