

December 11, 2012

Highmark Incorporated
PO Box 491
Black Hawk, SD 57718

In reference to: Main line damage at Green Oak Ln. and Green Dr., Rapid City –
November 28, 2012

SD One Call law requires calling 48 hours ahead of digging to obtain underground utility locates; observing and maintaining marks; hand digging with 18" of marks; etc. Your recent excavating activities at Green Oak Ln. and Green Dr., Rapid City violated (§ 49-7A-8) of the SD One Call Law rules.

According to SD One Call Law, Chapter 49-7A: §49-7A-18., any person who violates or who procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.

In addition to all other penalties provided by law, any person who intentionally violates or who intentionally procures, aids, or abets in the violation of § 49-7A-2, 49-7A-5, 49-7A-8, or 49-7A-12, or any rules promulgated pursuant to § 49-7A-2, 49-7A-5, or 49-7A-8 may be assessed a penalty of up to five thousand dollars for the first violation and up to ten thousand dollars for each subsequent violation that occurs within twelve months of the initial violation.

Please be advised our policy is to notify the State One Call Board of any violations. If you have any questions regarding SD One Call laws, rules, or regulations please contact me, or the One Call Executive Director, Larry Janes, at (605) 339-0529. The SD One Call website, www.sdonecall.com, contains State laws and rules regarding excavation and is a valuable resource for excavators.

The bill sent separately covers actual cost of repairs in accordance with SD Public Utilities Tariff; Rate 124.

Sincerely,

Ron E. Blum, PE
Gas Superintendent

Cc: Jim Dishon, office
Larry Janes, SD One Call Executive Director

SD One Call Law violation:

Invalid locate

- None requested from SD One Call (§ 49-7A-5)
- Starting excavation before locates clear (§ 49-7A-5)
- Starting excavation after locates expired (20:25:03:05.01)
- Digging outside of requested area (20:25:03:04)
- Digging on someone else's locate (§ 49-7A-5)

Other

X - Mechanical excavation too close to the marks (§ 49-7A-8) (
20:25:03:05.03)

- Failure to maintain marks during construction (20:25:03:05.02)
- Failure to exercise caution around exposed utilities. (§ 49-7A-8)