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**From:** [donotreply@sdonecall.com](mailto:donotreply@sdonecall.com)[SMTP:DONOTREPLY@SDONECALL.COM]

**Sent:** Friday, July 19, 2013 3:10:33 PM

**To:** PUC Docket Filings

**Subject:** New One Call Reply Form

**Auto forwarded by a Rule**

**1. Complaint Docket Number:** OC13-009

## **2. Respondent Information**

**Complaint filed on behalf of (company name):** Teupel Construction

**Contact Person:** John Teupel

**Phone:** 605-645-3325 **Ext:**

**Street Address or PO Box:** PO Box 916

**City:** Spearfish **State:** SD **Zip:** 57783

**Fax:** --

**Email Address:** [les@hoodandnies.com](mailto:les@hoodandnies.com)

**Date:** 7/19/2013

**Were you previously aware of these allegations:** No

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

## **3. Basic Facts**

**Do you dispute the alleged violation of SD One Call statute or rule occurred?:** Yes

**If yes, what specifically do you dispute?:** The site was previously marked for gas utilities which were never moved. The damage to the gas line occurred because my foreman did not dig close to the gas line with a hand shovel. Instead, he used a mini excavator and accidentally struck the gas line.

**Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:** Yes

**If yes, please explain:** MDU stated "not sure." I am sure that the alleged violation was unintentional. We knew exactly where the gas line was based on a prior locate; it had not moved. The problem was the unintentional damage caused because my foreman did not dig with a hand shovel close to the gas line.

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

**Was a locate requested from SD One Call?:** No

**If a locate was requested:**

**Locate ticket #:**

**Start date and time on ticket:**

**Did excavation begin before the start date / time on the ticket?:** NA

**Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment?:** Yes

**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

**Was the excavation site pre-marked with white paint?:** NA

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

**Was there reasonable care to maintain locate marks for the life of project?:** Yes

**Did the complainant correctly describe the type of facility involved?:** Yes

**If not, provide detail:** The site was located previously as stated by the Complainant. The yellow paint was still visible on the sidewalk. No new locate was requested because the gas line had not moved from the last locate.

We knew where the gas line was. The problem was the unintentional damage due to not using a hand shovel as stated above.

## **5. Damages:**

**Did the complainant correctly describe the damages that resulted from the alleged violation?:** Yes

**If no, provide detail:**

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

**Did complainant correctly describe how operator service was affected?:** Yes

**If no, provide detail:**

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

**If yes, provide detail:**

**Length of hospitalization:**

**Were there any fatalities?:** No

**If yes, explain:**

**Other information regarding injuries or damages:**

## **6. Statutory Violation**

**Do you believe the statutes listed (if any) by the complainant were violated?:** No

**Why or why not?:** The gas line was previously located and had not moved. We own this private property and know that the gas line was not moved. The damaged resulted from the from the error described above - lack of using the hand shovel.

## **Future Compliance:**

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:** I have discussed this situation with my foreman, Dan Sperlin, and he understands the importance of hand digging when approaching the gas line depth. His signed statement is attached. I have also again reviewed the administrative rules for SD One Call and fully understand that existing locates are only valid for 21 days.

## **Past Violations:**

**Has a complaint been filed against you in the past for SD One Call violations?:** No

**If yes, when was it filed?:**

## **Other Information:**

**Please provide any additional information to support your position:** We understand that MDU may state that we have had two prior incidents with gas line damage. This is correct, but each incident is explained on the attached statement signed by John Teupel. These were not the result of lack of locating the gas line location, but are explained for the board's consideration.