

Written Statement from John Teupel regarding MDU complaint against Teupel Development

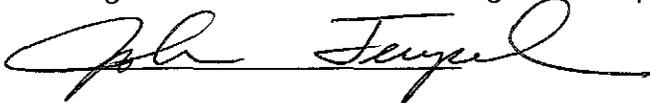
On 5/9/2013, I contacted Toby Bordewyk with MDU in Spearfish to inform him that we were ready to do the natural gas hook up for service to town home we were building at 410 and 414 Bellevue Court. Toby and I discussed where we had originally stubbed the gas line under the sidewalk for this particular unit. Since I was the original developer of the cul-de-sac, I knew exactly where the line was located and that there were no other buried utilities in that location. We also had yellow paint on the sidewalk from a previous locate. Toby knew that I was going to dig since we discussed the location of the line we needed to connect to and how deep the trench needed to be dug. I informed him that we were going to dig the trench on either Friday or Saturday and that we would be ready for them to do the hook up on Monday morning. Toby should have been aware that we had not called in a current locate since his crew had not been called to the site.

On 5/10/2013, I discussed digging the gas line trench with my foreman, Dan Sperlin. I showed him where the existing gas line was buried, how deep the trench needed to be and where the trench needed to be dug from the end of the gas line to the town house. What I failed to tell him was that he needed to dig down with a hand shovel to locate the end of the gas line before he started digging with the excavator. Since Dan is an experienced construction professional with significant experience operating a back hoe, I thought it was obvious that he would need to dig by hand to locate the end of the line.

On Saturday 5/11/2013, Dan showed up for work to dig the trench as planned. He had a laborer on site that could have helped him dig by hand to locate the gas line. Instead, Dan fired up the mini excavator we had rented for the job, dug down and hit the line right where I told him it would be. Dan then called 911, who contacted the police, the fire department, and MDU to repair the leak.

It was operator error that caused this incident, not the fact that we did not have a current locate. I knew exactly where the line was and that there are no other buried utilities located there. My foreman simply didn't think through what he was doing and I had failed to explicitly tell him that he needed to use a shovel, not the excavator to locate the end of the gas line because I thought it was obvious.

Toby mentioned to me that this is one of three gas line hits our company has had in a six month period. This is true. The first hit was last fall when we were relocating all of the buried utilities because they had been placed on the building site rather than the right of way where they were supposed to be. We had locates done at that time prior to digging. During the process of digging up the Butte Electric power line with Butte Electric employees on site, my excavator operator at the time, Dave Swenby, accidentally hit the buried gas line stubbed in to service 414 Bellevue Court. The third hit was shortly after the hit mentioned above. My crew was installing a sidewalk in the vicinity where the previous gas line hit had occurred. My foreman, Dan Sperlin, failed to instruct the laborer he was supervising to use care when driving the concrete form stakes because of the buried gas line. Most of the stakes we were using would not have been long enough to reach the gas line. As it turned out, the laborer used one of the longer stakes in the location of the gas line and punctured the gas line with a concrete form stake.

 7/18/2013

John Teupel