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

**Sent:** Tuesday, July 23, 2013 11:20:50 AM

**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:** NorthWestern Energy

**Contact Person:** Melissa Baruth

**Phone:** 605-353-7462 **Ext:**

**Street Address or PO Box:** 600 Market Street

**City:** Huron

**State:** SD

**Zip:** 57350

**Fax:** 605-353-7519

**Email Address:** [melissa.baruth@northwestern.com](mailto:melissa.baruth@northwestern.com)

**Date:** 7/23/2013

### **2. Action Requested Against:**

**Name of excavator / facility operator:** Century Link

**Phone:** 800-283-4237 **Ext:**

**Street Address Or PO Box:** 101 S Main Ave

**City:** Sioux Falls

**State:** SD

**Zip:** 57104

**Fax:** --

**Email Address:**

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

**Provide detail including whom you spoke with:** Ken spoke with the 3rd party who locates for Century Link

### **3. Basic Facts:**

**Street Address / location of alleged violation:** 1125 S Anderson ST

**City:** Mitchell

**State:** SD

**Date of alleged violation:** 07/17/2013

**Time of alleged violation:** 9:30 a.m.

**Describe your allegation:** Contractor did not locate within the time required by SD One Call Law.

NorthWestern employee, Ken Schoenfelder, received an email at 12:45 pm on 7/17/2013 in regards to Locate 131960205. Attached is a copy of the ticket and email. Locate ticket 131960205 was due on 7/17/2013 at 9:30 am per SD One Call Law. At 12:45 pm on 7/17/2013 – 3 hours after the due date Ken Schoenfelder the originator and NorthWestern employee received an email from Century Link indicating he had agreed to extension on the ticket. NorthWestern was never contacted and does/did not agree to the terms on the email. No call was ever made by Century Link to Ken Schoenfelder on this ticket.

**Do you believe the alleged violation to be intentional?:** Yes

**Why or why not?:** On going issue

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

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

**If a locate was requested:**

**Locate ticket #:** 131960205

**Start date and time on ticket:** 07/17/2013 9:30 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?:** NA

**Explain:**

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

**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?:**

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

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

**Type of facility involved:** Cable

**Operator of facility (if known):** Century Link

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

**City:**

**State:**

**Zip:**

**Phone: --**

**Depth of Cover:**

**Pressure:**

**Voltage:**

**# of cable pairs:**

#### **5. Damages**

**Was the facility damaged?:** No

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

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

**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?:** No

**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:** 49-7A-8

**Other information to support your position:** NorthWestern understands once in a while a locator may need more time than the ticket affords due to emergencies that pop up but what we are experiencing doesn't fit into that category. NorthWestern also understands and tries to work with all operators when circumstances require. However this issue started at the onset of the construction year and continue to be the norm rather than exception. In addition Century Link not completing locates on time is not unique to one geographical area.