
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]
Sent: Friday, August 23, 2013 11:59:00 AM
To: PUC Docket Filings
Subject: New One Call Reply Form
Auto forwarded by a Rule

1. Complaint Docket Number: OC13-018

2. Respondent Information

Complaint filed on behalf of (company name): Cleary Building Corp

Contact Person: Casey Wallum

Phone: 605-428-4381 **Ext:**

Street Address or PO Box: 517 W 4th

City: Dell Rapids **State:** SD **Zip:** 57022

Fax: --

Email Address: cwallum@clearybuilding.com

Date: 8/23/2013

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?: No

If yes, what specifically do you dispute?:

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

If yes, please explain: August 1st, 2013 To Whom It May Concern, On July 10th, 2013, I called SD One Call for a locate. I spoke with Diaungelia. I asked her if it was possible to get the locate completed quickly because the start date changed for our job unexpectedly. She advised me that the only way to do that was to list it as an emergency locate. She read me the definition of what is constituted as an emergency. She and I discussed the situation and she couldn't clearly tell me if this situation would qualify as an emergency as she didn't understand the verbage either. Our job was starting July 11th, and I was concerned that my guys might get hurt if the locate wasn't completed so I made the judgment call to have her enter it as an emergency so no one got hurt. I had no intention of falsely reporting an emergency. I have made hundreds of calls to SD One Call for locates prior to this one and have made quite a few since then. This is the one and only time I have requested an emergency locate. I apologize to anyone that had to go out of their way to complete this locate, it was not my intention to cause any issues or misuse the system of SD One Call. I was merely trying to ensure the safety of

my crew guys that were set to dig on site. After reading the booklet that was sent with the notice of complaint, I now understand more clearly what constitutes as an emergency and I assure you that I will not make this mistake again. It was a misunderstanding of the language that was read to me and again I do apologize. Sincerely, Brenda Hyde Cleary Building Branch Secretary

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 131910743

Start date and time on ticket: 07/10/2013 4:30 p.m.

Did excavation begin before the start date / time on the ticket?: No

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

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

Were facilities marked?: NA

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

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

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

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

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

If not, provide detail:

5. Damages:

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

If no, provide detail:

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

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?: Yes

Why or why not?:

Future Compliance:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: August 1st, 2013 To Whom It May Concern, On July 10th, 2013, I called SD One Call for a locate. I spoke with Diaungelia. I asked her if it was possible to get the locate completed quickly because the start date changed for our job unexpectedly. She advised me that the only way to do that was to list it as an emergency locate. She read me the definition of what is constituted as an emergency. She and I discussed the situation and she couldn't clearly tell me if this situation would qualify as an emergency as she didn't understand the verbage either. Our job was starting July 11th, and I was concerned that my guys might get hurt if the locate wasn't completed so I

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Building Branch Secretary

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 have made hundreds of calls through the years with no problems. I had talked with the Northwestern Employee when had called me. He was in a bad mood when he called because it was friday afternoon and he was 2 hours away from the ticket. He had started to give me attitude about the ticket, before I could even tell him it was a misunderstanding, because he had plans for Friday night. Once I got a word in I had told him I didn't care for his attitude bacuse I didn't deserve it. I wasn't even the one that had called in the ticket. My phone number is the back because I am the Branch Manager. I had told him it wasn't an emergency and he didn't have to go right then. I told him I would talk to the person that had called from my company and we would not let this happen again. After I had told him I didn't care for his attitude is when he had threatened me about turning us in. I don't beleive that I deserved the way I was treated. Please remember we have called hundreds of these in and have call many more since.
Thanks Casey