
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]

Sent: Thursday, October 31, 2013 1:30:55 PM

To: PUC Docket Filings

Subject: One Call Reply Form

Auto forwarded by a Rule

1. Complaint Docket Number: OC13-026

2. Respondent Information

Complaint filed on behalf of (company name): Aaron George

Contact Person: Rob Meadors, Attorney at Law

Phone: 605-333-0070 **Ext:**

Street Address or PO Box: PO Box 1024

City: Sioux Falls **State:** SD **Zip:** 57101

Fax: 605-333-0121

Email Address: RLM@BSMLLP.COM

Date: 10/31/2013

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?: There was no excavation as defined by the statutes or rules. Minor surface grading leveling of dirt was being performed for seeding purposes. MidAmerican's line was unreasonably close to the surface and per client's discussions with MidAmerican, not on any maps.

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?: No

If yes, please explain: Any damage was not intentional and caused, in whole, or part, by the inadequate depth of MidAmerican's 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?: 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?: No
If not, provide detail: The line that was struck was a service lateral on private property.

5. Damages:

Did the complainant correctly describe the damages that resulted from the alleged violation?: No
If no, provide detail: Unknown, but MidAmerican did provide its bill for what its repairs.
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: None.

6. Statutory Violation

Do you believe the statutes listed (if any) by the complainant were violated?: No
Why or why not?: Unknown.

Future Compliance:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: To the extent required by law, SD One Call will be called prior to excavation. However, this was not an excavation situation and did not require an advance call by my client.

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: Attached is a photo relatively soon after the line was struck. The picture reflects the shallow area being graded and that the line was unreasonably close to the surface. The other pictures are post repair and give a general detail of the lay of the land as it was prior to the strike and is now.