

1. Action Requested By:

Complaint filed on behalf of or by: May Construction

Contact Person: Mark J. Arndt

Phone: 605-336-2565 **Ext:**

Street Address or PO Box: 6805 S. Minn Ave. Ste 100, PO Box 88738

City: Sioux Falls

State: SD

Zip: 57109

Fax: 605-336-2604

Email Address: marndt@mayjohnson.com

Date: 6/19/2014

2. Action Requested Against:

Name of excavator / facility operator: MidAmerican Energy Company

Phone: 605-336-2925 **Ext:**

Street Address Or PO Box: 1200 S. Blauvelt Ave.

City: Sioux Falls

State: SD

Zip: 57105

Fax: --

Email Address: sfoptions@midamerican.com

Is this party aware of your allegations?: Yes

Provide detail including whom you spoke with: May Construction personnel spoke to MidAmerican personnel at the site. We do not know the names of those MidAmerican employees.

3. Basic Facts:

Street Address / location of alleged violation: State Ave. and E. 9th St.

City: Dell Rapids

State: SD

Date of alleged violation: 06/10/2014

Time of alleged violation: 10:15 a.m.

Describe your allegation: Gas lines were not marked as required per the locate request tickets #1415342686 and #1415342690. Note above date and time of alleged violation are estimates based on the date and time the gas line was struck due to no locate markings by MidAmerican Energy Company as requested/required.

Do you believe the alleged violation to be intentional?: No

Why or why not?:

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 1415342686 & 1415342690

Start date and time on ticket: 06/04/2014 7:00 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: Gas line was not located or marked.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: No

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?: Yes

Was the facility marked accurately (within 18 inches)?: No

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

Type of facility involved: Gas line

Operator of facility (if known): MidAmerican Energy Company

Operator address (Street or PO Box): 1200 S. Blauvelt Ave.

City: Sioux Falls

State: SD

Zip: 57105

Phone: 605-336-2925

Depth of Cover:

Pressure:

Voltage:

of cable pairs:

5. Damages

Was the facility damaged?: Yes

If yes, provide detail and an estimate of damage: 4" steel gas line was damaged.

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

Was anyone injured as a result of facility damage?: Yes

If yes, provide detail: According to media reports, a 78 year old male suffered burns.

Length of hospitalization: Not applicable

Were there fatalities?: No

If yes, provide detail:

Was operator service affected?: Yes

If yes, provide detail (how many customers for how long): Power was shut off for 3-4 hours. Number of affected customers unknown.

Other information regarding injuries or damages: The 78 year old male was operating an SUV that stalled directly over the damaged gas line. When he attempted to restart the engine, the gas fumes ignited under and around the vehicle. The SUV was completely destroyed by fire and the male sustained minor burn injuries as he exited the vehicle. A nearby tree and bushes were burned, as well as overhead utility power lines.

6. Statutory Violation

Specific statute(s) or rule(s) you believe were violated: Damaged gas line was not located or marked in violation of SDCL 49-7A-8.

Other information to support your position: There were two separate locate requests as listed above: tickets #1415342686 and #1415342690, both of which encompassed the area and location of the gas line under the street asphalt that was not located/marked. See attached photos of the street documenting no yellow paint markings of the asphalt at or near the location of the damaged line. When the gas line was hit, Jeff Hahn of May Construction saw a MidAmerican Energy flag on the other side of the street and immediately called the phone number on the flag as required. The phone number on the flag was for the locating service, USIC. See attached photo of flag. Mr. Hahn was put on hold for several minutes and was not able to report the gas line break. At 10:15 a.m. Mr. Hahn dialed SD One Call 811 and pressed "1" (emergency) to report the gas line hit. See Ticket #1416148001. For reasons unknown, this report was not marked as an "emergency" by 811 personnel. At 11:09 a.m., MidAmerican Energy personnel reported the gas line hit to SD One Call. See Ticket #1416148084. At that time the report was classified as an emergency. Other utility personnel that arrived at the scene noted that the area of the damaged gas line in the street/asphalt had not been marked with yellow paint.