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

Sent: Wednesday, July 02, 2014 12:46:20 PM

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: Montana-Dakota Utilities Co.

Contact Person: Wade Jutila

Phone: 605-355-4034 Ext:

Street Address or PO Box: PO Box 1060

City: Rapid City

State: SD

Zip: 57709

Fax: 605-355-4036

Email Address: wade.jutila@mdu.com

Date: 7/2/2014

2. Action Requested Against:

Name of excavator / facility operator: Hardeneye Concrete - Joe Kuhlman

Phone: 605-484-3045 Ext:

Street Address Or PO Box: 11812 Wildhorse Ct

City: Rapid City

State: SD

Zip: 57703

Fax: --

Email Address:

Is this party aware of your allegations?: No

Provide detail including whom you spoke with:

3. Basic Facts:

Street Address / location of alleged violation: 22956 Candlelight Dr.

City: Rapid City

State: SD

Date of alleged violation: 04/23/2014

Time of alleged violation: 3:40 p.m.

Describe your allegation: Excavator augered through a 3/4" plastic service line without obtaining locates.

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

Why or why not?: Joe Kuhlman owner of Hardeneye Concrete was contacted on 2/11/14 by MDU representative Wade Jutila regarding a no locate hit on MDU facilities at 4714 Misty Woods Lane occurring on 1/27/14 in Rapid City. Hardeneye workers at the time of damage had refused to give company name, phone numbers or mailing info for damage that had occurred. Contractor was tracked down through name on pickup door and contacted regarding one call laws. During the conversation on 2/11/14 Mr. Kuhlman indicated that he believed he did not need locates because he was only driving concrete pins and not excavating. One call laws and the necessity to obtain locates for all excavation work were explained and Mr. Kuhlman indicated he would begin obtaining locates for all work. To date there have been NO one call locate tickets obtained in Hardeneye's business name and it can only be assumed no locates are being obtained for their work.

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 the excavator wait until the start date / time on the ticket before commencing excavation?:

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?: NA

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

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: Natural gas service line

Operator of facility (if known): Montana-Dakota Utilities Co.

Operator address (Street or PO Box): PO Box 1060

City: Rapid City

State: SD

Zip: 57709

Phone: 605-355-4034

Depth of Cover: 18"

Pressure: 50 PSIG

Voltage:

of cable pairs:

5. Damages

Was the facility damaged?: Yes

If yes, provide detail and an estimate of damage: 3/4" plastic service line was cut in two. Estimate of damage \$350.00

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

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?: Yes

If yes, provide detail (how many customers for how long): 1 Customer for 1 hour.

Other information regarding injuries or damages:

6. Statutory Violation

Specific statute(s) or rule(s) you believe were violated: Statute 49-7A-5 Notification of proposed excavation.

Other information to support your position: Due to the fact that MDU has previously reached out to excavator to educate and explain one-call laws and the excavator has chosen not to obtain ANY locates for work performed to date we would petition for the maximum fine of \$5000.00 for this intentional violation be imposed.