
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]
Sent: Tuesday, January 13, 2015 8:45:28 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: Doug O'Bryan Contracting, Inc.
Contact Person: Doug O'Bryan
Phone: 605-685-6281 **Ext:**
Street Address or PO Box: 21617 US Highway 18
City: Martin
State: SD
Zip: 57551
Fax: 605-685-6960
Email Address: doci@gwtc.net
Date: 1/13/2015

2. Action Requested Against:

Name of excavator / facility operator: Nebr. Public Power District
Phone: 308-432-9210 **Ext:**
Street Address Or PO Box: 120 Chadron Ave.
City: Chadron
State: Neb
Zip: 69337
Fax: --
Email Address: customerservice@nppd.com

Is this party aware of your allegations?: Yes

Provide detail including whom you spoke with: Doug O'Bryan Contracting, Inc. (DOCI) made SD One Call request Oct. 7, 2014 for 13,690 LF underground Water Utilities installation project. Local utilities were notified including Nebraska Public Power District (NPPD) via One Call confirmation (attached). DOCI personnel drove the area several times during project to inspect for located utilities. All flagged utilities were noted. When installation reached end of project, utilities were again noted as being only phone cable marked. Power in area was noted as overhead in highway right-of-way and out of the area of water utility installation. No under ground

power was visibly marked or noted during any inspections. As trenching activity approached the end of project, under ground power line was cut approx. 150 yards off highway right-of-way. No marking flags were present in the area of cable. Called SD One Call to report cutting of unmarked utility. NPPD responded and took all day to repair shutting down excavation crew during the whole day for which no work in the area could be completed by excavator. Received billing for cable cut from Neb. Public Power District approx. 12-3-14 after call from NPPD to advise that they were going to bill for repair to which DOCI advised that cable was not marked and did not feel DOCI was responsible for repair cost. Called NPPD again 1-8-15 to advise of SD statute 49-7A-9 which states responsibility for unmarked cables. A Mr. TJ Rutledge representing NPPD advised that no matter what they were billing for the repair and that excavator was responsible even though One Call was made by excavator and never completed by Utility. NPPD stated that a "All Clear" would have been posted if locate had been completed and because one was not the excavator is responsible. Excavator cannot confirm if all clear was placed in area and was not aware that NPPD posted a "All Clear" as numerous locates in past were not marked "All Clear". No "All Clear" was observed at time of cable cut by any personnel on site or at any other area of the 13,690 LF of water utility installation area. When questioned concerning "All Clear" not a common practice on other locate sites, NPPD spokesman advised he would check on that. Since time of this cable cut DOCI personnel have clearly seen and noted "All Clear" posted on other sites in the area. NPPD is the most difficult utility in the area to work with concerning cable locates and other matters of customer service. No coordination or followup nor is there an easy method that can be utilized to confirm or check on utilities present or for questions concerning utilities in an area. Other utilities provide phone or personal contact to confirm cable locates and confirm the area is clear or to confirm cables in the area and provide assistance when crossing. NPPD does not provide any easy contact phone number or easy other method of contact for that service by excavators. When contact is made, it is like pulling teeth to get any customer or additional service.

3. Basic Facts:

Street Address / location of alleged violation: 43 01 38.58N, 102 31 05.49W

City: Pine Ridge

State: SD

Date of alleged violation: 10/31/2014

Time of alleged violation: 9:00 a.m.

Describe your allegation: NPPD did not following State Statute 49-7A-8 concerning locating buried cables and 49-7A-9 concerning Liability for cost to repair unmarked cut cable. NPPD is rude and dismissive during followup conversations. Additional and more user friendly means of contact of locate personnel for the excavators in the area needs to be provided so easy contact to confirm locates and details can be made.

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

Why or why not?: Several excavation crew personnel on site as was Utility Inspector. Nobody suspected any underground utilities in the area nor were any markings ever seen in the area.

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 1428009976

Start date and time on ticket: 10/07/2014 11:38 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?: Yes

Explain: Utility was not marked. For utilities marked, clearance was maintained.

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?: No
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: Electric Power
Operator of facility (if known): Nebraska Public Power District
Operator address (Street or PO Box): 120 Chadron Ave.
City: Chadron
State: Neb
Zip: 69337
Phone: 308-432-9210

Depth of Cover: 4'
Pressure:
Voltage: Unknown
of cable pairs: 2

5. Damages

Was the facility damaged?: Yes
If yes, provide detail and an estimate of damage: Billed \$7,547.07
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?: 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 49-7A-9
Other information to support your position: First on scene NPPD personnel agreed that no flags were on site and the cable had possibly not been located due to the fact that they had some recent personnel issues for the area. He questioned if the flags had been removed by kids but DOCI personnel pointed out that all the flags for the phone locate 200 ft away were still in place and undisturbed. DOCI personnel did not get the name of that NPPD individual. NPPD also stated that the One Call 30 day time frame had expired by one day when the cable was cut. DOCI advised that there was no locate completed during the original period. The cable could have been cut the day before if trencher had reached the area and NPPD is using this for excuse to duck responsibility for their failure to perform.