

Statement of Doug O'Bryan, President, Doug O'Bryan Contracting, Inc. (DOCI)
OSRWSS Pine Ridge Bypass Water Line Extension Project.
Pine Ridge, SD
NPPD Cable Cut 10/31/14

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On the morning of October 31, 2010 excavation crew called office to report a cable cut of unmarked electric power cable in area of SuAnn Big Crow Rec. Center at Pine Ridge, SD.

Office immediately contacted crew and Tom Ward, Project Manager for DOCI for Pine Ridge Projects. Tom Ward advised that he was aware and would contact Nebraska Public Power District (NPPD) to report damage. No injuries were reported.

I immediately left office to inspect the site. During my trip to the site (approximately 45 miles) I called crew foreman Clayton Faubion and project manager Tom Ward. Tom Ward advised that he was making attempt to contact NPPD but had not been successful. I made an attempt to contact NPPD via phone. The number stated on web site to report damage was for Nebraska One Call and I was unable to make the report as the construction site was in South Dakota. I then called South Dakota One Call phone number to report cable cut and was successful.

Upon arrival on scene, one representative personnel from NPPD was on scene to inspect damage. I had a discussion concerning the unmarked cable. NPPD representative questioned if the locate was completed and if kids had pulled the flags. I advised that I had observed the site on several occasions and did not ever observe flags in the area. I also pointed out that I had been inspecting the site for several days and the flags installed by Golden West Telephone were in place and had not been disturbed. NPPD representative stated that they had been having difficulties with personnel changes in the area and that it was possible the cable locate was not completed.

NPPD representative stated that a crew was on the way and that excavation crew was to stay away from the site until repair was completed. He also asked if anybody had been hurt and I stated that nobody had been injured.

I advised my excavation crew to remain on site out of the way until the repair had been completed.

Crew on site: Clayton Faubion, Equipment Operator/Excavation Crew Foreman, 4 Ea. Crew Member Equipment Operators/Laborers. Tom Ward, Pine Ridge Projects Manager.

Equipment on site: Vermeer T-655 Trencher, Kobelco 210 Excavator, Bobcat 863 Skid Steer Loader, Case 650 Dozer. Two Service/Crew Trucks, One Material Haul Trailer.

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When the NPPD crew arrived on site the foreman of the crew stated that the service was relatively new and was a short service. I again pointed out that there were no markings or flags for the cable and provided a copy of the One Call confirmation sheet to the NPPD representative.

I revisited the site thru-out the remainder of the day to check on progress of the repair until repair was complete and excavation crew was able to cover the ug water pipe and clean up the site.

A few days later I received a call at my office from representative of NPPD stating that they would be billing for the repair. I questioned why since the cable clearly had not been marked. The rep. agreed that it had not been marked but stated that it was still the responsibility of the excavator to make sure there were no cables in the area. I advised that my company had requested a One Call locate which was not completed and that I felt that was fully meeting my responsibility. He advised that since the one call had expired the day before the cable was cut that the excavator was responsible. I disagreed and advised him that I did not feel we had done anything wrong. He advised that they would let the attorney's handle the situation.

Doug O'Bryan, President
Doug O'Bryan Contracting, Inc.