
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]
Sent: Monday, February 16, 2015 1:33:07 PM
To: PUC Docket Filings
Subject: One Call Reply Form
Auto forwarded by a Rule

1. Complaint Docket Number: OC15-005

2. Respondent Information

Complaint filed on behalf of (company name): 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: 2/16/2015

Were you previously aware of these allegations: Yes

Provide detail including whom you spoke with: Spoke with Mr. TJ Rutledge of Nebr. Public Power District (NPPD) concerning allegations of who is at fault for cable cut. Advised Mr. Rutledge that the cable was never located after One Call was submitted.

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?: I maintain that NPPD was negligent in that the UG line was not located after one call was originally placed. The onsite crew maintained all cable locates by other utilities and was in constant contact with other utilities who had service in the area. NPPD is mostly overhead in the area. Since no markings were made, it appeared there were no UG lines to worry about owned by NPPD. NPPD surely knew we were working in the area due to the high viability of our crews yet did nothing to mitigate the problem.

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

If yes, please explain:

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: 10/09/2014 10:00 a.m.

Did excavation begin before the start date / time on the ticket?: No

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment?: No

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

Was the excavation site pre-marked with white paint?: No

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

Was there reasonable care to maintain locate marks for the life of project?: Yes

Did the complainant correctly describe the type of facility involved?: Yes

If not, provide detail:

5. Damages:

Did the complainant correctly describe the damages that resulted from the alleged violation?: Yes

If no, provide detail:

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:

6. Statutory Violation

Do you believe the statutes listed (if any) by the complainant were violated?: No

Why or why not?: My crews maintained constant and thorough contact and surveillance of all utilities who had active cable locates within the excavation area. Existing marked cables were not disturbed during excavation period. Local NPPD personnel should have been well aware of the work performed by my crews due to the high visibility of the construction area and existing cable locates in the highway right-of-way. No contact by NPPD was made with my crews during the extended period of highly visible work.

Future Compliance:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: NPPD has instituted a more thorough method of marking excavation sites by clearly marking "All Clear" on new sites. This is something that NPPD claims was in effect prior to this cable cut but was not being done. All the sites we have completed since the time of the cut have been clearly marked since the date of the cable cut.

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: NPPD claims my company is responsible for the repair cost because the time for the cable locate had expired by less than one full day. My crews had maintained the existing cable markings and were in contact with other utilities concerning any cable locates to make sure all existing locates were viable and accurate. Due to the fact that we were in contact with other locators and verified existing locates were still viable, no follow-up One Call was necessary. We maintain that NPPD should have been aware of our work in the area yet did nothing to locate or inform my crews of any possible UG Cables in the area of work. The location of our work was clearly marked by orange painted wooden stakes along the route of excavation. My crews had mowed the grass along the entire route of the to be installed UG Water Line and highly visible orange flagging to mark other utility cabling in the area was clearly visible. My crews were highly visible working during a 20 day period from the main highway (US Highway 18) adjacent to the work area of which NPPD crews would have passed several times during the work period yet nothing was said by NPPD. NPPD was working in the same exact area to design new UG and overhead lines to mitigate a future road construction project during the time period of which our work was in progress and our work was clearly marked by stakes (see attached date of staking) and the mowed grass route yet nothing was said concerning possible UG utilities in the area. I believe NPPD was not aware of the UG facility and thus made no effort to mark the facility or warn my company of the facility.