

Safe digging is no accident. Always call 811 before digging.



**Know what's below.
Call before you dig.**



October 19, 2011

Steve Kolbeck
CenturyLink
125 South Dakota Ave.
Sioux Falls, SD 57102

Carl V. Carlson
Carl V. Carlson Company
27278 Verhey Place
Tea, SD 57064

Gentlemen:

Please find attached a copy of the South Dakota One Call Enforcement Panel conference call scheduled for Friday, October 28, 2011 at 2 PM Central Time. You are welcome to join the call, but as the Agenda states no comments from either party will be taken at this time. Only the written information provided by the complainant and the defendant will be considered per SDCL 49-7A-25.

If you have any procedural questions, please feel free to contact me.

Thank you.

Larry L. Janes
Executive Director
South Dakota One Call
(605) 339-0529
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AGENDA

**South Dakota One Call Notification Board
Enforcement Panel Conference Call
Friday, October 28, 2011
2:00 PM Central Time, 1:00 PM Mountain Time**

The Enforcement Panel will consider each of the following South Dakota One Call Complaints:

OC11-007 In the Matter of the Complaint filed by Southeastern Electric Cooperative, Inc. against Don Runge. Southeastern Electric filed a complaint on August 23, 2011 alleging that Don Runge (i) improperly dug within 18 inches of a flagged locate, by the Medical Court 100 feet west on 69th Street in Sioux Falls, SD, and (ii) failed to properly and adequately request a utility locate. Southeastern claims the alleged violations, resulted in damage to underground facilities and loss of service to 174 customers on May 31, 2011. Roger Sudbeck replied on behalf of Mr. Runge on October 11, 2011 stating that the cable was hit due to inaccurate information provided by Southeastern Electric Cooperative, Inc. at the preconstruction meeting held on May 20, 2011. **Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Don Runge violated SDCL 49-7A-5, Administrative Rule 20:25:03:05:03 or any other statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?**

OC11-008 In the Matter of the Complaint filed by Southeastern Electric Cooperative, Inc. against Don Runge. Southeastern Electric filed a complaint on August 23, 2011 alleging that Don Runge dug without a locate request just west of Tallgrass Avenue on 69th Street, Sioux Falls, SD, which resulted in damage to underground facilities on June 13, 2011. Roger Sudbeck replied on behalf of Mr. Runge on October 11, 2011 stating that the cable was hit due to inaccurate information provided by Southeastern Electric Cooperative, Inc. at the preconstruction meeting held on May 20, 2011. **Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Don Runge violated SDCL 49-7A-5, Administrative Rule 20:25:03:05:03 or any other statute or rule under the jurisdiction of the Board, and if so shall a civil penalty be assessed?**

OC11-009 In the Matter of the Complaint filed by Watertown Municipal Utilities against Hobart Construction/Wyatt Kever. Watertown Municipal filed a complaint on September 12, 2011 alleging that Hobart Construction did not request a locate for work at Angus Palm 315 Airport Drive, Watertown, SD on August 24, 2011. As a result Hobart Construction hit an abandoned gas line, and continued to dig after being instructed by Watertown to call in a locate request. Mr. Kever responded on October 2, 2011 that he was aware of the abandoned gas line when excavating. He assumed a locate request had been made and continued excavating. **Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that Hobart Construction violated any statute or rule under the jurisdiction of the Board and if so, shall a civil penalty be assessed?**

OC11-010 In the Matter of the Amended Complaint filed by Carl V. Carlson Company against CenturyLink dba Qwest Communications. Carl V. Carlson Company filed a complaint on September 20, 2011 alleging that Qwest provided incomplete and haphazard locates at 2020 W. 10th, Sioux Falls, SD on August 12, 2011. He states that the 18" locate window on each side of a utility should be decreased to 5" and that the repair bill from Qwest was exorbitant. Steve Kolbeck responded on October 13, 2011 on behalf of Qwest requesting the complaint be dismissed. He states Administrative Rule 20:25:03:05:04, Operator Responsibilities when marking underground facilities, was followed. He goes on to state that

Administrative Rule 20:25:03:04(6) allows an excavator to request off-set markings to maintain an accurate record of the facility locations, and that SDCL 49-7A-10 mandates an excavator be held liable for damage to facilities. He also cites SDCL 49-7A-12 "No excavator may conceal or attempt to conceal damage..." He states that Mr. Carlson ignored Administrative Rule 20:25:03:05.03, Excavator responsibilities when excavating. **Today, shall the Enforcement Panel of the South Dakota One Call Notification Board find that there is probable cause that CenturyLink dba Qwest Communications violated any statute or rule under the jurisdiction of the Board for failure to provide adequate markings and if so, shall a civil penalty be assessed?**

You are welcome to listen in to this call, however only the written information provided by the complainant and the written response from the defendant will be considered per SDCL 49-7A-25. No comments from either party involved will be taken during the call.

Note: Please call (605) 339-0529 at least 10 minutes prior to the call for call-in instructions. We have limited ports available on the conference bridge, so if you do plan to call in, please conference in on one line.

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