

1. ACTION REQUESTED BY

Complaint filed on behalf of or by*:

Contact Person:

Phone:

Ext:

Address or PO Box

Fax

Email

Date:

Corey and Britt Samson

Britt Samson

(605) 350-2557

0

904 E 70th

Sioux Falls, South Dakota

57108

United States

csamson6@midco.net

Oct 02, 2015

2. ACTION REQUESTED AGAINST

Name of excavator / facility operator:

Address:

Fax:

Email:

Is this party aware of your allegations?

Provide detail including whom you spoke with:

First Rate Excavate

1509 E 39th St

Sioux Falls, South Dakota

57104

United States

Yes

On 9/30/15 I spoke to 2 people, but didn't get the name of the first. I asked for the owner, who was out. I asked for the boss when he's gone. I spoke with Mary (who after going through the whole situation finally told me she was the payroll clerk). She said she would call Jay and he would come out and look and call me. As of 10/2/15 I have heard nothing back. I advised her on the phone I was going to complete a complaint form. Prior to 9/30/15, I spoke to the backhoe operator on 9/11/15 and the man who came to pick up the backhoe on Saturday the 12th. We got

the run around. The backhoe operator told us he is "low man on the totem pole" and spent the time we talked to him convincing us our fence is actually over the property line and that they did not dig in our land (which is clearly untrue--see attachments). The guy who came to pick up the backhoe couldn't give us any information other than the name Jason Bennett for the contractor. I went in the house to find him online and the only number I could find was disconnected (see notes in PDF attachment). We have also called city building inspector and engineer offices, both of whom tell us there is nothing they can do. I asked how to file a complaint with them and they told me I cannot. I asked if they license excavators, and they said, "No, the state does." So I began searching for the right place to file a complaint online.

3. BASIC FACTS

Street Address / location of alleged violation:

904 E 70th St

City:

Sioux Falls

State:

South Dakota

Date of alleged violation:

Sep 10, 2015

Time of alleged violation:

06:00 PM

Describe your allegation:

Not sure of time, but it is a required field. This is the approximate time my husband found the hole in our yard.

The backhoe operator dug

outside the work zone into our property. Nobody spoke with us prior to ask permission and nobody came to talk to us afterward. We had to seek them out to find out what was going on.

Do you believe the alleged violation to be intentional?

Yes

On Saturday, 9/12, we strung a line between the boundary markers because it wasn't sitting right. The hole is clearly on our property and the gas line within our property. When my husband saw the owner (Jason Bennett) and his wife on Sunday morning (9/13), he went out to talk to them. He said, "As you can see, it is clearly over our property line." Jason's response was, "Yeah, we had to do that." The backhoe operator also knew as he had told us (while indicating his white paint), "They wanted me to go to here, but that is obviously on your property, so I wouldn't dig that far." It is obvious to us that the only reason he stopped short of the white line is the gas line. Jason also made another comment to my husband that they "had to dig on your property because your lot is too high." Clearly, they all knew they were digging on our land and nobody ever came and spoke to us before or after--we had to catch them when they were here. The backhoe operator assured us he would have been knocking on our door if

Why or why not?

he were going to dig on our lot (yet the property stakes were clearly marked and visible to him).

4. EXCAVATION / LOCATE INFORMATION: if applicable

Was a locate requested from SD One Call?

unknown

Locate ticket #

{element_28}

Start date on ticket:

Start time on ticket:

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

Not Sure

If no or not sure, when did excavation begin (date)?

If no or not sure, when did excavation begin (time)?

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?

NA

Explain

I am not sure and cannot give a ticket number as it was Jason Bennett's lot and either his or First Rate's request for the locate. Our complaint is that he dug on our property and exposed our gas line. I called the gas company on Saturday 9/12 and they sent someone over to check it. He said he cannot believe it wasn't damaged. When he asked why the gas line wasn't marked, and I told him "because it's our lot and they shouldn't have been digging here." He agreed that they were clearly over the line. The following week somebody called for a locate and marked everything AFTER the fact (see photos of dig with no paint/flags on our lot). They have since marked them. We did not

call for the locate on our lot, nor did we give permission for it. Nobody approached us about a locate. We came home to find paint/flags on our lawn.

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?

Yes

Did the excavator pre-mark with white paint?

Yes

Was the facility marked accurately (within 18 inches)?

No

Did the excavator use reasonable care to maintain locate marks for the life of project?

No

Type of facility involved:

gas line

Operator of facility (if known):

MidAmerican Energy

Street Address

United States

Operator Phone

Depth of Cover

Pressure:

Voltage:

of cable pairs:

5. DAMAGES: (Please provide pictures)

Was the facility damaged?

No

If yes, provide detail and an estimate of damage:

Damage is to our lawn, not facility. It is an extreme stroke of luck that the line was not ruptured.

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:

Again, only by sheer luck.

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):

6. STATUTORY VIOLATION (if known):

Specific statute(s) or rule(s) you believe were violated:

Digging outside the work zone. No locate had been done on our lot (where gas line was exposed) as they were not supposed to be digging there and had no permission whatsoever to be on our land. Nobody talked to us before or after. The operator blamed contractor (I'm low guy on the totem pole, this is where they told/wanted me to dig).

Photos and PDFs of documentation are being emailed directly to complaints@sd811.com as I am unable to continue after attaching them to this form. The form freezes when attachments are added. Please contact me at 605-350-2557 if you would like additional photos or information. MidAmerican will also have documentation of the gas line exposure if it is needed. Thank you for your assistance.

Other information to support your position:

LOCATE TICKETS, PHOTOS, WITNESS STATEMENTS AND ANY OTHER DOCUMENTATION TO SUPPORT YOUR ARGUMENT MUST BE ATTACHED WHEN SUBMITTING THIS FORM.

Attachment #1

Attachment #2

Attachment #3

Attachment #4

Attachment #5

Attachment #6

Attachment #7

Attachment #8
Attachment #9
Attachment #10

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