

South Dakota

Know what's below.
Call before you dig.



TO: Mr. Kevin Ancell

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: January 27, 2016

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER

In the Matter of the Complaint OC16-001 filed by City of Pierre, against CenturyLink.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against CenturyLink. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on February 16, 2016 by filing the original copy of the answer electronically at <http://sdonecall.com/OneCallReplyForm.aspx>. This site can also be found by going to www.sdonecall.com, clicking on Complaints, Forms, and then the Online Reply form. **OR** You may also file your response at the address listed below **and** by serving a copy on the complainant.

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation referenced in the complaint.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19.

If any financial penalties are assessed in response to the complaint, the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage, degree of threat to the public safety, and inconvenience caused;
2. The respondent's plans and procedures to insure future compliance with statute and rules;
3. Any history of previous violations;
4. Other matters as justice requires.

You may address any of these items in your response, if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer this complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. **You are strongly urged to reply to this Notice** in the time frame described above **and** to obtain the advice of counsel should you have any legal questions.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director, South Dakota One Call Notification Board, at 605-339-0529 or by email to exedir@sdonecall.com. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint, since they may be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve the complaint. They have been advised by legal counsel not to discuss any pending complaint before the Board.

Enclosures: Copy of complaint
Operations Manual for Facility Operators and Excavators

cc: Mr. Dane Brewer (via email)

1. ACTION REQUESTED BY

Complaint filed on behalf of or by: City of Pierre

Contact Person: Dane Brewer

Phone: (605) 773-7448 **Ext:** 0

Street Address or PO Box: 222 E. Dakota Ave

Pierre, South Dakota 57501

United States

Fax: 605-773-7443

Email: dane.brewer@ci.pierre.sd.us

Date: Jan 24, 2016

2. ACTION REQUESTED AGAINST

Name of excavator / facility operator: CentryLink

Phone:(605) 339-5195 **Ext:** 0

Street Address or PO Box: 125 S. Dakota Ave

Sioux Falls, South Dakota 57104

United States

Fax:

Email Address: kevin.ancell@centurylink.com

Is this party aware of your allegations?: No

Provide detail including whom you spoke with:

3. BASIC FACTS

Street Address / location of alleged violation:Intersection of Sully and Cleveland

City: Pierre

State: SD

Date of alleged violation: Dec 20, 2015

Time of alleged violation: 07:12 AM

Describe your allegation: The City of Pierre Water Department had a water main break at the location on the ticket referenced in the complaint. USIC whom is locating for CentryLink did not show up until after 9am to locate the site. The city was clear to dig the leak at 7:15am

Do you believe the alleged violation to be intentional?: Not Sure

Why or why not?: Since the ticket was called in at 3:11am I don't know if the local USIC staff member got the call or not. I did receive a call from USIC staff member Robert(605-254-3841) from Rapid City at 5:44am and he stated that his staff in

Pierre wouldn't answer the phone and he was going to come from Rapid City but it would be 2.5 to 3 hrs before he would get there.

4. EXCAVATION / LOCATE INFORMATION: if applicable

Was a locate requested from SD One Call?: Yes

Locate ticket #: 1535475994

Start date on ticket: Dec 20, 2015

Start time on ticket: 07:15 AM

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

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:

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: NA

Were facilities marked?: NA

Was the marking complete prior to the start time on the ticket?: No

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?: Yes

Type of facility involved: Water

Operator of facility (if known): City of Pierre

Operator address (Street or PO Box): 222 E Dakota Ave

Pierre, South Dakota 57501

United States

Operator Phone: (605) 773-7448

Depth of Cover: 6"

Pressure: 100 psi

Voltage: ?

of cable pairs: ?

5. DAMAGES: (Please provide pictures)

Was the facility damaged?: No

If yes, provide detail and an estimate of damage:

Were damages on public right of way or private property?:

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?: Yes

If yes, provide detail (how many customers for how long): 12 customers for 6 hours.

6. STATUTORY VIOLATION (if known):

Specific statute(s) or rule(s) you believe were violated: 49-7A-8 and 49-7A-9 also to include Administrative Rules 20:25:03:10 Parts 1 & 2

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

[Complaint 12-20-15.pdf](#)

Attachment #2

Attachment #3

Attachment #4

Attachment #5

Attachment #6

Attachment #7

Attachment #8

Attachment #9

Attachment #10

2016-01-26 06:00:47

Dane Brewer

From: ticketsender@elmlocating.com
Sent: Sunday, December 20, 2015 5:01 AM
To: ELMTicketing
Cc: ELMTicketing
Subject: ELM Seq: 0001 PIE 1535475994.000 Dec 20 2015 4:00AM

South Dakota One Call SEQUENCE NUMBER 1 CDC = PIE

Type: Emergency Emergency

Transmit: 2015/12/20 03:11:24.590

Prepared: 2015/12/20 03:11:24.590 By: Portal Ticket

Ticket No.: 1535475994

Operators Notified:

U15 =/CTLQL-CenturyLink/PIE =/City Of Pierre/

MC3 =/Midcontinent Communications/MT2 =/Montana-Dakota Utilities Company/

Excavator Information:

Caller: DANE BREWER Phone: 6057737448

Excavator: City Of Pierre

Address: 222 E Dakota Ave

City: Pierre, SD 57501

Phone: 6057737448 Fax:

Email: DANE.BREWER@CI.PIERRE.SD.US

Contact: Dane Brewer Phone: 6057737448

Alt. Contact: Alt. Phone: (605) 280-0980

Location Information:

County: HUGHES City/Village: PIERRE

Map Ref: (TBD) Grids: (TBD)

Exc. Site Address: Sully

Nearest Intersection: Cleveland

Type of Work : Emer Water Main Repair

Work Being Done For: City of Pierre

Depth: 8' Explosives: false Tunnel/Bore: false

Start date: 2015/12/20 07:15:00.000 Duration: 5 hrs

Meeting Required: false Best Time to Contact: not provided

Meet Date/Time:

Exc. Site (Marking Instr.): (TBD)

GPS Lat/Long: 44.353341 -100.313927

GPS Secondary Lat/Long: 44.353385 -100.313856

GPS Lat/Long Caller Supplied: false Additional Locates: not provided

Remarks and Driving Directions: Leak is in the Soccer Field north of the intersection of Sully and Cleveland

Work Date: 12/20/2015 7:15:00 AM Mark a 30' radius of the orange cone north of the intersection of Sully and Cleveland in the soccer field.

Crew is on site, customers are without service. Water is visible.

Utilities must respond within 2 hours M-F and within 4 hours after working hours.

Grids: not provided

TRSQ:

End Ticket

On December 20th we had a water break
at the intersection of Sully and Cleveland. We
had the leak fixed and everything back to the shop
at 9:00 Am. I witnessed the USIC Locator at
the location about 9:30 Am.

Thom Jones

I was involved in the water leak on Dec. 20 2015.
The leak was called in and I responded around 2:30 Am
Dane had call the emergency Locates in at around 3:00 Am
ticket number 1535475994. AT that time I personally
tried to call Mark and Jordan from USIC
and neither one answered or call me back.
So I started at 7:15 am I dug without Locates
because USIC didn't show up to do their Locates.
We got done and I left the site around
8:45 Am. No utility was damaged.

Shawn Hussey

Crew Leader City of Pierre