

South Dakota

Know what's below.
Call before you dig.



TO: Beck Plumbing

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: April 26, 2016

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER

In the Matter of the Complaint OC16-004 filed by Watertown Municipal Utilities, against Beck Plumbing.

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 May 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. Todd Chambers (via email)

1. ACTION REQUESTED BY

Complaint filed on behalf of or by: Watertown Municipal Utilities

Contact Person: Todd Chambers

Phone: (605) 882-6233

Ext: 147

Street Address or PO Box: 901 Fourth Avenue SW

Watertown, South Dakota 57201

United States

Fax: 6058826238

Email: tchambers@watertownmu.com

Date: Apr 20, 2016

2. ACTION REQUESTED AGAINST

Name of excavator / facility operator: Beck Plumbing

Phone:(605) 881-0908

Ext: 0

Street Address or PO Box: 915 6th Avenue SE

Watertown, South Dakota 57201

United States

Fax:

Email Address:

Is this party aware of your allegations?: Yes

Provide detail including whom you spoke with: Jerry Burns with WMU spoke with Steve Beck of Beck Plumbing and determined no locate ticket was requested because the plumber was in a hurry.

3. BASIC FACTS

Street Address / location of alleged violation:1604 13th Avenue SE

City: Watertown

State: SD

Date of alleged violation: Apr 14, 2016

Time of alleged violation: 02:40 PM

Describe your allegation: Beck plumbing deliberately dug without requesting a locate ticket.

Do you believe the alleged violation to be intentional?: Yes

Why or why not?: Steve Beck admitted that he was in a hurry and did not request a locate ticket because he was only digging a short distance.

4. EXCAVATION / LOCATE INFORMATION: if applicable

Was a locate requested from SD One Call?: No

Locate ticket #:

Start date on ticket:

Start time on ticket:

Did the excavator wait until the start date / time on the ticket before commencing excavation?: No

If no or not sure, when did excavation begin (date)?: Apr 14, 2016

If no or not sure, when did excavation begin (time)?: 02:00 PM

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?: No

Explain: He did not conduct a proper site evaluation to determine potential conflicts before digging and did not request a ticket to excavate.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: No

Were facilities marked?: NA

Was the marking complete prior to the start time on the ticket?: NA

Did the excavator pre-mark with white paint?: No

Was the facility marked accurately (within 18 inches)?: NA

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

Type of facility involved: 3/4" gas service

Operator of facility (if known): Watertown Municipal Utilities (WMU)

Operator address (Street or PO Box): 901 Fourth Avenue SW

Watertown, South Dakota 57201

United States

Operator Phone: (605) 882-6233

Depth of Cover: 30 inches

Pressure: 10 psi

Voltage: NA

of cable pairs: NA

5. DAMAGES: (Please provide pictures)

Was the facility damaged?: Yes

If yes, provide detail and an estimate of damage: 3/4" gas service line cut. Replaced about 2' of damaged line and tracer wire. Approximate cost of damages \$350.

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:

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): One customer was without natural gas for about 1 1/2 hours

6. STATUTORY VIOLATION (if known):

Specific statute(s) or rule(s) you believe were violated: 49-7A, 49-7A-5, 49-7A-19

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.

2016-04-20 09:42:49