

Mail completed form to:

PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD

0004-000

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MAY 14 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

COMPLAINT

COMPLETE INFORMATION IS REQUIRED - ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL OR BUSINESS* PERSON FILING COMPLAINT: Ginny Beck

COMPANY: Crooks Municipal Utilities ADDRESS: 108 East Main Street Crooks SD PHONE NUMBER: 543-5238

SIGNATURE OF COMPLAINANT: *Ginny Beck* DATE: 05/11/04 EMAIL ADDRESS: ginnybeck@juno.com

*If the complaint is files on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: First Dakota Horticulture PHONE NUMBER: 605 526 4428

ADDRESS: Hartford SD 57033

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #: _____

START DATE ON TICKET: _____

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? YES NO N/A

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? YES NO N/A

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: _____ OPERATOR OF FACILITY (IF KNOWN): _____

OPERATOR ADDRESS: _____ PHONE NUMBER: _____

DEPTH OF COVER: _____ PRESSURE: _____ VOLTAGE: _____ NUMBER OF CABLE PAIRS: _____

IV. MARKING

WERE FACILITIES MARKED? YES NO N/A

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES NO N/A

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES NO N/A

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO N/A

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES NO

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO

IS THERE AGREEMENT? YES NO IF NO, PLEASE EXPLAIN: _____

V. DAMAGE (IF ANY)

FATALITIES: _____ INJURIES: _____ LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE (\$): _____ NUMBER OF CUSTOMERS AFFECTED: _____

DAMAGED IN: PUBLIC PRIVATE (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES NO

ADDITIONAL INFORMATION: _____

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: 49-7a-5

ADDRESS/LOCATION OF PROBABLE VIOLATION: 209 West 9th Street, Crooks, SD 57020

DATE/TIME OF PROBABLE VIOLATION: 5/11/04 11:00am

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED

AGAINST: YES NO

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: ?

DESCRIPTION OF PROBABLE VIOLATION: No locates were called in! I was at 209 West 9th Street for a locate that was called in by Yellow Jacket Irrigation for irrigation system installation.(041310375).Upon arrival, I noticed that two First Dakota Horticulture trucks were parked in the driveway. There were men there planting trees and digging around the house placing landscaping brick. I approached a gentleman on a payloader and asked him if a ticket was called in on this. He said that he did not need one since they were hand digging. I told him that indeed he should have called in for locates. He appeared to be the supervisor of the group and was giving directions to two younger perhaps college age, men. Another locator was present and asked the gentleman on the payloader if he was from "Yellow Jacket Irrigation" since the only ticket he had as well was for Yellow Jacket. The man on the payloader indicated that he was from Dakota Horticulture. I noted that 5 trees were already planted in the backyard of the property and 2 in the front. There were also approximately 6 more trees in plastic containers waiting to be planted. These trees ranged from 3 foot pine trees to 6 foot high leafy type trees. The man on the payloader then asked me if any of the lines I was locating were in the rear of the property. I told him "no". I did however, notice that the two trees planted in the front yard were in close proximity of the gas service line and main. I find it interesting that I have gotten many calls from homeowners who are conscience enough to call One-call for planting just ONE tree but here is a business planting several trees plus installing landscaping brick and they don't understand the rules regarding One-call.