

Mail completed form to:

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

0005-004

RECEIVED  
MAY 20 2005  
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: Curt Grafing,  
Central Region Manager, Kaneb Pipe Line Company

COMPANY: Kaneb Pipe Line Company ADDRESS: 3721 South Grange Avenue, Sioux Falls, S.D. 57105-6389 PHONE  
NUMBER: 605-336-3158

SIGNATURE OF COMPLAINANT: Curt Grafing DATE: 5-18-05 EMAIL ADDRESS:  
curt.grafing@kaneb.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: Mebius Nursery & Garden Center PHONE NUMBER: 605-996-9198

ADDRESS: 1700 North Foster Street, Mitchell, S.D. 57301

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: none

START DATE ON TICKET: NA

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: 6" petroleum pipeline OPERATOR OF FACILITY (IF KNOWN): Kaneb Pipe Line Company

OPERATOR ADDRESS: 7340 West 21<sup>st</sup> Street North, Wichita, KS. 67205-1770 PHONE NUMBER: 316-773-9000

DEPTH OF COVER: 40" PRESSURE: 800 psi 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: Trees were planted in the pipeline ROW for the second time with NO One Call made. Kaneb personnel visited Mebius Nursery after the first incident, and they promised to remove the trees and use One Call in the future. The trees have not been removed. Thursday and Friday, May 12 and 13, Mebius planted more trees in the pipeline ROW, and again made NO One Call. Kaneb personnel again visited Mebius Nursery to advise them that the trees must be removed and a complaint would be filed with South Dakota One Call.

#### V. DAMAGE (IF ANY)

FATALITIES: NA INJURIES: NA LENGTH OF HOSPITALIZATION: NA

ESTIMATED PROPERTY DAMAGE (\$): NA NUMBER OF CUSTOMERS AFFECTED: NA  
DAMAGED IN: PUBLIC  PRIVATE  (RIGHT-OF-WAY)

PHOTOS OF THE DAMAGED FACILITY? YES  NO

ADDITIONAL INFORMATION: \_\_\_\_\_

#### VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED: § 49-7A-5. Notification of proposed excavation. No excavator may begin any excavation without first notifying the one-call notification center of the proposed excavation. The excavator shall give notice by telephone, facsimile, in person, or by other methods approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Hanson County, T103N, R59W, Sec. 8, SWNW - New home being built for Scott Kranz family on 413th Avenue approximately 1/2 mile south of 251th Street.

DATE/TIME OF PROBABLE VIOLATION: May 12 and 13, 2005.

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: Mark Mebius

DESCRIPTION OF PROBABLE VIOLATION: Trees have been planted in the pipeline ROW twice without first notifying the One Call notification center.