

Mail completed form to:

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

RECEIVED

JUN 11 2007

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,  
Area Operations Manager, Kaneb Pipeline Operating Partnership, L.P.

COMPANY: Kaneb Pipeline Operating Partnership, L.P. ADDRESS: 3721 South Grange Avenue, Sioux Falls, S.D.  
57105-6389 PHONE NUMBER: 605-336-3158

SIGNATURE OF COMPLAINANT: Curt Grafing DATE: 6-7-07 EMAIL ADDRESS:  
Curt.Grafing@nustarenergy.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: Landscape Garden Center PHONE NUMBER: 605-338-0706

ADDRESS: 26971 South Minnesota Avenue, Sioux Falls, S.D. 57108

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES  NO  LOCATE TICKET #: 071200489

START DATE ON TICKET: 5-2-07

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" steel petroleum pipeline OPERATOR OF FACILITY (IF KNOWN): Kaneb Pipeline Operating Partnership, L.P.

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

DEPTH OF COVER: 28"-34" PRESSURE: 400 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: Owner Erik Helland agreed to give proper advance notice and allow Kaneb to have personnel on site for future excavations across the pipeline.

#### 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: This complaint is being filed despite the agreement between the parties because of the egregious nature of the excavator's actions. Property damage, environmental damage, and bodily injury were narrowly averted when the trencher passed only 18 inches above the pipeline. Had the trenching machine hit the pipeline, it is probable that the pipeline would have been damaged, and it is possible that a release of petroleum to the environment, fire, and bodily injury could have occurred. The One Call ticket, # 071200489, had expired 5-23-07, and the excavation was done 6-4-07. It was a serious error in judgment to excavate over the pipeline with a trenching machine without hand digging across the pipeline and without allowing Kaneb personnel to be present during the excavation. There are permanent pipeline markers near the trench, but we had not been given the opportunity to flag the pipeline and probe for depth of cover at the exact location of the trench prior to the excavation. The excavator actually crossed our pipeline twice in that same area without giving proper notice to Kaneb.

#### VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: § 49-7A-5. Notification of proposed excavation. - The excavator failed to provide the required 48 hour notice prior to commencing excation activity on One Call number 071200489. In addition, the ticket had passed its expiration date prior to the excavation commencing.

ADDRESS/LOCATION OF PROBABLE VIOLATION: Lincoln County, T100N, R50W, Sec. 15 SE, approximately 248 feet south of the center line of Landscape Place in Kaneb ROW.

DATE/TIME OF PROBABLE VIOLATION: June 4, 2007 8:30 a.m.

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: Erik Helland

DESCRIPTION OF PROBABLE VIOLATION: The excavator dug across the pipeline with a trenching machine without the required 48 hour notice.

South Dakota One Call

SEQUENCE NUMBER 0021 CDC = KAN

Type: \*\*\* R O U T I N E \*\*\*

Transmit: 04/30/07

At: 1135 CDT

Prepared: 30-APR-07

Time: 1131 CDT By: OEL

Ticket No.: 071200489

Operators Notified:

KAN=/KANEB PIPELINE / LCR=/LINCOLN RRL WTR/ N06=/XCEL ENERGY /  
UWS=/QWEST LOCAL-ELM/ N11=/XCEL ENERGY / M08=/MEC-SIOUX FALLS/  
SFA=/SIOUX FALLS WTR/ SFC=/MCC SIOUX FALLS/

Excavator Information:

Caller: LANCE MEYERINK Phone: 605-338-0706

Excavator: LANDSCAPE GARDEN CENTERS  
Address: P.O. BOX 1669  
City: SIOUX FALLS, SD 57101  
Phone: 605-338-0706 Fax: 605-338-2040  
Email: LANCE@LANDSCAPEGARDENCENTERS.COM

Contact: LANCE MEYERINK Phone: 605-338-0706  
Alt. Contact: LANCE MEYERINK Phone: 605-231-6201

Location Information:

County: LINCOLN City/Village: SIOUX FALLS

Map Ref: 43286-096436 Grids: 8  
Exc. Site Address: 0 S LYNCREST PL  
Nearest Intersection: W 77TH ST  
Type of Work : INSTL IRRIGATION  
Work Being Done For: GARDEN VILLGE DEVELOPMENT  
Depth: 3 FT Explosives: N Tunnel/Bore: N  
Start Date: 05/02/07 Time: 1128 CDT Duration: 21 DAYS  
Meeting Required: N Best Time to Contact: 0800 - 0500  
Exc. Site (Marking Instr.): R.O.W.: Y TRSQ:  
MARK FROM ABOVE INTER S APPX 1500FT, MARKING THE W SIDE OF S  
LYNCREST PL, AREA IS MARKED WITH GREEN FLAGS

GPS Lat/Long:

Remarks and Driving Directions:

EXPIRES MAY 23 @ 11:28 CDT

*Ticket expired 5-23-07.  
Excavation done 6-4-07.*

End Ticket