

VanderPol Dragline Inc

A SD DOT Certified WBE Company

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OCT 02 2008

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

October 1, 2008

**South Dakota One Call Notification Board
C/O Public Utilities Commission
500 E Capital Avenue
Pierre SD 57501**

**RE: Notice of Complaint OC08-006
Filed by Northwestern Energy**

Dear Sir/Madam

I am responding to the Matter of the Complaint OC08-006 in regards to the incident on August 25, 2008.

The underground service in question was installed prior to the removal of the curb and gutter in the intersection. When removing curb and gutter and excavating to the subgrade depth of 1.42 feet (1 foot of gravel surfacing and 5 inches of asphalt) the conduit was struck by the skid loader. The underground service, at the depth it was installed, would have been going through the new curb and gutter, which is 12 inches in depth. I feel if the underground service would have been install after the curb and gutter was removed, it could have been properly installed instead of trying to spade under the old curb and gutter and this situation would have been avoided. They would have plenty of time to install the service after the curb and gutter was removed, since on September 26 the underground service was still not connected to anything, just stubbed out of the ground.

I feel the lack of communications between the utility company and the contractor led to the incident. If they would have communicated, we could have removed that section of curb and gutter so they could have gotten to a depth deeper than 12 inches, especially since it was well known that there was excavation yet to be done.

In response to Complaint Form OC08-006, we do have a ticket number of 080980243. The entire project has utilities marked and this underground service was marked also but the depth of installation is in question.

VanderPol Dragline always has projects on going and almost all of them require locates for utilities. We try very hard to avoid these situations and to work with utility companies.

VanderPol Dragline tries very hard to maintain a safe work area for our workers, co-workers and the public around us. We feel that we have a good safety record, with very few incidents.

Sincerely,

**Bryan VanderPol
Manager**