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**From:** [donotreply@sdonecall.com](mailto:donotreply@sdonecall.com)[SMTP:[DONOTREPLY@SDONECALL.COM](mailto:DONOTREPLY@SDONECALL.COM)]

**Sent:** Wednesday, April 30, 2014 3:22:12 PM

**To:** PUC Docket Filings

**Subject:** One Call Reply Form

**Auto forwarded by a Rule**

**1. Complaint Docket Number:** OC14-600

## **2. Respondent Information**

**Complaint filed on behalf of (company name):** Brewer Construction

**Contact Person:** Sam Brewer

**Phone:** 605-209-1003 **Ext:**

**Street Address or PO Box:** 14990 W Hills View Dr

**City:** Piedmont **State:** sd **Zip:** 57769

**Fax:** 605-787-6437

**Email Address:** [mbrewerco@gmail.com](mailto:mbrewerco@gmail.com)

**Date:** 4/30/2014

**Were you previously aware of these allegations:** Yes

**Provide detail including whom you spoke with:** Spoke with Wade Jutila from MDU who stated it was dug more than the 4" in which it was found.

## **3. Basic Facts**

**Do you dispute the alleged violation of SD One Call statute or rule occurred?:** Yes

**If yes, what specifically do you dispute?:** We admit to not having had the locates call on this job as the main contractor Mark Bailey stated they were outside of the patio that needed to be poured that day. Normally we would have called locates but was told it had to be finished that day so they could close on the property. The dig would have been done by hand if it was known that the line was placed only 4" below grade not the 18" it is supposed to be laid at. We feel it is a combined fault of both Brewer Construction and MDU for not placing the line the depth it should have been. Brewer Construction will pay the fee to MDU for the break as per the bill received but feel we should not be fined and will make sure that all locates are completed before do work.

**Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:** Yes

**If yes, please explain:** This was not done intentionally and this was the first home in this location where any lines were placed where there was to be concrete poured.

## **4. Excavation / Locate Information:**

**Was a locate requested from SD One Call?: No**

**If a locate was requested:**

**Locate ticket #:**

**Start date and time on ticket:**

**Did excavation begin before the start date / time on the ticket?: NA**

**Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment?: NA**

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

**Were facilities marked?: No**

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

**Was the excavation site pre-marked with white paint?:**

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

**Was there reasonable care to maintain locate marks for the life of project?:**

**Did the complainant correctly describe the type of facility involved?: Yes**

**If not, provide detail:**

## **5. Damages:**

**Did the complainant correctly describe the damages that resulted from the alleged violation?: Yes**

**If no, provide detail:**

**Were damages in public right of way or private property?: Private**

**Did complainant correctly describe how operator service was affected?: No**

**If no, provide detail:** The home owner had not been allowed to move into the property until this was completed and they could close on the property

**Was anyone injured as a result of facility damage?: No**

**If yes, provide detail:**

**Length of hospitalization:**

**Were there any fatalities?: No**

**If yes, explain:**

**Other information regarding injuries or damages:**

## **6. Statutory Violation**

**Do you believe the statutes listed (if any) by the complainant were violated?: Yes**

**Why or why not?:** we did not call locates on this project and where wrong in doing so.

## **Future Compliance:**

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:** Brewer Construction has placed a policy that there will be no reason excepted for not having locates called prior to a dig.

## **Past Violations:**

**Has a complaint been filed against you in the past for SD One Call violations?: No**

**If yes, when was it filed?:**

## **Other Information:**

**Please provide any additional information to support your position:**