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**South Dakota One Call Notification Board
Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501**

RECEIVED
APR 28 2014
**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

RE: Complaint OC14-007 Montana-Dakota Utilities Co. against Lind Exco

South Dakota One Call Notification Board,

Described below is an account of the incident that took place on 3/27/2014. Also enclosed are the corrective and the self-imposed best practices and safety measures taken as a direct result from this incident. This should show how proactive Lind-Exco has been to ensure that this does not occur again. Through this: I believe the board will see that this act was neither intentional nor negligent and does not merit any financial implications or violation of compliance that attributed to hitting the gas line.

BACKGROUND:

Lind Exco was acting as the prime contractor and excavator when this incident occurred. Lind Exco's scope of work consists of site utilities, asphalt resurfacing and concrete flatwork at the jobsite located around Discovery Circle in Rapid City. Lind Exco was excavating to install storm sewer pipe and an outlet structure when the incident occurred.

The original ticket #1405001412 was called in on 2/19/2014 with the anticipation of work beginning the following week. Before Lind Exco was mobilized on site; I (Michael Volosin) drove throughout the site to verify the locates had been performed. I confirmed the locates were present in all of our working areas for the 8 weeks as I mentioned when submitting the original ticket.

INCIDENT:

As mentioned above, Lind Exco was excavating to install storm sewer pipe and an outlet structure when the incident occurred. Prior to starting excavation, The field superintendent (Wade Wasserberger) examined the same area that I (Michael Volosin) had examined weeks earlier. He confirmed that the locates were present and directed the crew to begin work on the storm line. This was done in good faith based on the fact that all utility locates were accurate. Unknown to Lind Exco at that time, only the



abandoned gas line was marked; Lind Exco had no knowledge that there was an active gas line parallel to the marked abandoned line.

During the course of excavating, Lind Exco excavated through MDU's active unmarked gas line in the work area (See attached photos). Once this occurred, Lind Exco followed their safety procedure. MDU was notified, an incident report was generated and the operator was taken in for a drug and alcohol screening which came back negative.

MOVING FORWARD:

On the morning of 4/11/2014 Lind Exco, (Michael Volosin and Wade Wasserberger) met with MDU (Wade Jutila and Rick Hemmuspalch. This was in response to receiving a notice of complaint from South Dakota One Call. MDU informed us it is now their standard practice to file a complaint against the excavator when a utility is hit when a ticket is not valid. MDU was made aware that the gas line was not located at the time of the incident and shared in our concern. MDU mentioned due to corporate policy, they must file a complaint if the ticket is not valid at the time of the incident. While Lind Exco respects their adherence to corporate policy, given the fact that the line was mislocated or not located to begin with, Lind Exco believes we should not be subjected to a financial fine or disciplinary action imposed by South Dakota One Call.

Although the expiration of the ticket did not attribute to Lind Exco hitting the gas line, the foresight of letting the ticket expire has been addressed internally by Lind Exco. As a professional excavator with a high standard of safety, workmanship and professionalism, Lind Exco has taken appropriate steps to ensure this will not happen again. Lind Exco has added and edited some of our best practices as outlined below. Although these best practices may not have prevented this particular incident, it highlighted area for improvement within our company.

1. Current Practice: Project Management will call in or use the online One call Portal to initiate a locate ticket.
2. New Practice: Once confirmation is received from South Dakota One call, Project Manager will add the ticket to their "Outlook Calendar" with a reminder 1 day before the "Update By" date listed in the ticket. This will serve as a reminder to update the ticket while work is still taking place. The Project Manager will also forward this same reminder to the Field Superintendent as well as the safety manager.
3. Editing and changing the excavation checklist (see attached)



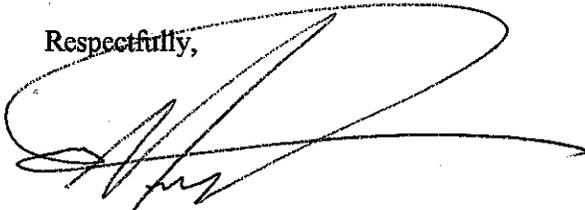
As listed in our company's mission statement:

"To provide a safe and rewarding work environment for our employees while providing top-quality workmanship at a fair price to our customers"

The South Dakota One Call Notification Board members can see that we are dedicated to a high standard of safety and workmanship. As such we are committed to continuous improvement and request that the board also recommend any best practices that would help us achieve that goal with respect to utility locates.

Due to the circumstances that took place on site as well this show of policy change, improved ticket tracking, good faith and attention to this incident- Lind Exco is requesting that this complaint be withdrawn. As such, Lind Exco is requesting to be relieved of any financial impact associated with this incident.

Respectfully,



Michael Volosin

Project Manager, Lind Exco