
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]

Sent: Monday, May 19, 2014 10:49:50 AM

To: PUC Docket Filings

Subject: One Call Reply Form

Auto forwarded by a Rule

1. Complaint Docket Number: OC14-009

2. Respondent Information

Complaint filed on behalf of (company name): First Rate Excavate

Contact Person: Jay Wright

Phone: 605-331-5626 **Ext:**

Street Address or PO Box: 1509 E 39th St N

City: Sioux Falls **State:** SD **Zip:** 57105

Fax: 605-331-5608

Email Address: jayw@firstrateexcavate.com

Date: 5/19/2014

Were you previously aware of these allegations: Yes

Provide detail including whom you spoke with: On 10/24/2013 I contacted Jerry Anderson with SDN after being invoiced for damages to the fiber line. After discussing First Rate's position on the matter I emailed pictures showing the locate was mismarked.

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?: The utility that was hit was outside of the marked locates by more than 18"

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

If yes, please explain:

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 132530524

Start date and time on ticket: 09/12/2013 3:15 p.m.

Did excavation begin before the start date / time on the ticket?: No

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

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

Were facilities marked?: Yes

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

Was the excavation site pre-marked with white paint?: No

Was the facility marked accurately (within 18 inches)?: No

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

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?: Public

Did complainant correctly describe how operator service was affected?: Yes

If no, provide detail:

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?: No

Why or why not?: SDN claims that our operator had exposed their conduit prior to damaging it and that the markings were accurate. Both of these statements are false, when the SDN conduit was damaged the operator was cleaning around the steel conduit above the SDN conduit. The operator did not know the SDN line was there until he had hit it with the machine. After the line was hit the locator came back and relocated the line which can be seen as large orange dots in the attached photos. I have also attached photos showing a story pole in line with the original locates and a pole indicating the location of the line. I've also attached a statement from the operator describing the incident. SDN has misrepresented the statements of our operator in an attempt to place blame for damage that was caused by an improperly marked utility.

Future Compliance:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: First Rate

Excavate trains all of our employees to use caution when digging around utilities. We hold monthly safety meetings and do frequent site inspections to ensure our employees follow all laws and regulations.

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: