



LLOYD COMPANIES
101 S. Reid Street, Ste 201
Sioux Falls, SD 57103
P 605 323 2820
FAX 605 323 2824
lloydcompanies.com

To whom it may concern;

I am writing this letter on behalf of Schoenfelder Construction regarding the cable incident that occurred on my job site located on west 8th street.

I was approached a gentleman with Mitchell Telecom about bringing their services to my site and into each of the four buildings being constructed. After a short conversation with him, with some hesitation I decided to let Mitchell Telecom come in as an alternate provider to the site, using Midcontinent as the main provider as we had requested directly to Midcontinent.

That being said, I did not care to use Mitchell Telecom nor did I request their service. I was honestly somewhat put off by their aggressive approach and demanding needs, which seemed fairly odd for a company who relies on contractors like myself to enable them to provide their services. Reluctantly, I agreed to let them bring their services in but on the condition that they MUST work around my schedule and current excavations that were already taking place on my job site.

This was made very clear to the gentleman as I specifically told him they needed to wait until I was ready for them to come in.

His response was, that's fine, my contractor will not be available for a couple weeks.

To which I said, it will more likely be a month or better until we are ready. Make sure you confirm your scheduling with me before you schedule your contractor. He agreed and that was the end of our conversation.

Next thing I knew, as Schoenfelder was excavating storm sewer on the west end of our lot, Norman informed me that a line had been dug up. He was not very happy with me about this due to the fact that he specifically asked me to hold off on any other utilities until he was finished, which is exactly what I did. Norman then proceeded to tell me that he spoke to a gentleman that was boring cable in underground, Norman told him that if he was going to bore through before Mitchell Telecom was approved to be on site, that they need to be 6 feet deep to be clear of any excavations that were previously planned and had specific set elevations. It was made obvious that the contractor for Mitchell Telecom did not follow that instruction, nor did he seek me out to find another solution, instead proceeded to bury the line directly where he was instructed that we needed to excavate through. The boring was done after the locates were marked so there was no possible way for Schoenfelder to know where Mitchell Telecom's line was buried nor how deep it was. Again, Mitchell Telecom was specifically instructed to wait to do any underground work on my job site until I gave permission to do so. They neglected to communicate with me so we carried on as originally planned and ran into their line on the west end of the site without having any idea it was there.

A short time later, Schoenfelder was excavating storm sewer on the east end of the site and ran into the same situation. This time, there was a locate marked for the cable, again it was not buried to the depth that was suggested in order for us to be at the correct elevation for our pipe.



LLOYD COMPANIES
101 S. Reid Street, Ste 201
Sioux Falls, SD 57103
605 323 2820
605 323 2824
lloydcompanies.com

I personally watched the excavation of this area to make sure that we did not run into the same situation that we had on the opposite end of the site. Schoenfelder was carefully removing material from the area and snagged the cable much shallower than anticipated, as the cable was not buried much past 12" deep. Again, if Mitchell Telecom's contractor installed anything other than what was requested by Norman, which was a depth of 6 feet, then they should have waited until we were complete with our underground work as they were originally instructed. Mitchell Telecom did not have permission to install when they did, and did not have permission to bury their cable at a depth other than what was requested.

I see this situation that happened on the east end of the site as an honest mistake. Schoenfelder was making a conscious effort to dig down carefully to a depth of 18" to 36" which is typical for this application, and happened to catch the line with a tooth of the bucket shallower than expected.

In my personal opinion, by the cable contractor not heeding multiple instructions, they placed their cable willingly and knowingly directly in the path of large diameter pipe which must be set at specific elevations. I consider the situation somewhat fortunate that the cable did not have to be completely abandoned and re-bored to another depth due to not waiting for my ok to start or burying the line at the elevation which was suggested.

I believe that Mitchell Telecom had a small window of opportunity to get their contractor in to do the work so they ended up bringing them in too early to do the underground work. By not abiding by the direct instruction from me, to contact me before scheduling, and also the direct instruction to bury the cable at a specified depth by Schoenfelder, I see that Mitchell Telecom is at fault just as much if not more in this situation and this is not quite as one sided as the claim is stating. As it stands today, no one from Mitchell Telecom has reached out to me to verify that I was ready for them to come on site and install their lines.

If you have any further questions about this situation, please feel free to call me directly on my cell, or email below. Thank you for your time,

Sincerely,

Jason Baker
Construction Project Manager
Lloyd Construction Company
(605) 759-6297
Jason@lloydcompanies.com