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

**Sent:** Friday, July 25, 2014 12:20:49 PM

**To:** PUC Docket Filings

**Subject:** One Call Reply Form

**Auto forwarded by a Rule**

**1. Complaint Docket Number:** oc14-014

## **2. Respondent Information**

**Complaint filed on behalf of (company name):** Action Electric

**Contact Person:** Kevin R Buehner

**Phone:** 605-334-8141 **Ext:**

**Street Address or PO Box:** 5200 W 9th St

**City:** Sioux Falls **State:** SD **Zip:** 57107

**Fax:** 605-336-2644

**Email Address:** [kevinb@actionelec.com](mailto:kevinb@actionelec.com)

**Date:** 7/25/2014

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

**Provide detail including whom you spoke with:** I spoke with no one from Centurylink. I was aware only due to the mailing to me of the complaint.

## **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 had a valid locate ticket. Many utilities were marked in the area. Many contractors were working in the same area and had valid locates. We had called that morning for a respot due to company procedures wherein we have a staff member who monitors our locates and the dates they are valid. This locate was due to be repotted.

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

**If yes, please explain:** There was no intent of damage. The line was not marked outside of the pavement area which on Centurylink's complaint is what was removed. We agree that this marking was removed. But there was no marking outside of the paved area which certainly should have been marked.

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

**Was a locate requested from SD One Call?:** Yes

**If a locate was requested:**

**Locate ticket #:** 1413431751

**Start date and time on ticket:** 05/16/2014 10:15 a.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?:** NA

**Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:** NA

**Were facilities marked?:** No

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

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

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

**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?:** 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?:**

## **Future Compliance:**

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

## **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:**