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**From:** donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]  
**Sent:** Monday, September 22, 2014 2:29:57 PM  
**To:** PUC Docket Filings  
**Subject:** One Call Reply Form  
**Auto forwarded by a Rule**

**1. Complaint Docket Number:** OC14-018

## **2. Respondent Information**

**Complaint filed on behalf of (company name):** Q3 Contracting

**Contact Person:** Kim Kontz

**Phone:** 612-369-2928 **Ext:**

**Street Address or PO Box:** 3066 Spruce Street

**City:** Little Canada **State:** MN **Zip:** 55117

**Fax:** 651-202-3218

**Email Address:** kim.kontz@q3contracting.com

**Date:** 9/22/2014

**Were you previously aware of these allegations:** No

**Provide detail including whom you spoke with:** As Q3 Contracting's Safety Director, I was aware of the claim tendered to Q3 Contracting (Q3) by South Dakota Network (SDN) regarding this utility damage and that Q3's insurance carrier and SDN have been communicating about the claim. However, I was not aware of the complaint filed with the South Dakota One Call Notification Board by SDN until last Thursday. The person located in Sioux Falls (Jessica Cain) who submits locate requests and receives communications from South Dakota One Call for Q3 did not open the August 29th email from South Dakota One Call containing this Notice of Complaint until Thursday morning (9-18-14). As soon as she realized the content, she forwarded it to me.

## **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?:** Contrary to SDN's assertion, Q3 believes that the marking instructions provided with the locate request by Jessica Cain adequately included the excavation area where the damage occurred. This is supported by the fact that all other utilities were completely marked in the Northeast corner of the intersection as shown in the photos and drawing attached. Q3 safely spotted and crossed two Century Link fibers, a Midcontinent fiber, and a Century Link cable that were properly marked in the immediate area of the damage. All other utilities, except SDN's, were properly and completely marked in the

Northeast corner of the intersection.

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

**If yes, please explain:** The damage was caused by improper and incomplete marks provided by SDN. No action taken by Q3 caused damage to any facility in the area, including SDN's utility. This was clearly demonstrated by the fact that Q3 had called in a locate request, waited until after the start time and date before excavating, and safely spotted and crossed two Century Link fibers, a Midcontinent fiber, and a Century Link cable that were properly marked in the immediate area that the damage occurred. Furthermore, SDN's description of the violation they allege Q3 intentionally committed is only a general statement without any factual basis.

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

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

**If a locate was requested:**

**Locate ticket #:** 1414338137

**Start date and time on ticket:** 05/28/2014 10:30 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?:** Yes

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

**Were facilities marked?:** Yes

**Was the marking complete prior to the start time on the ticket?:** No

**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?:** Q3 Contracting's valid locate ticket provided marking instructions that included "also mark N along n a st to w Blackhawk st covering all row's". This description includes all four corners of the intersection of A Avenue and West Blackhawk Street, as demonstrated by the fact that all other utilities were properly and completely located in the Northeast corner of the intersection. The Q3 crew's belief that all affected utilities were completely and accurately marked according to the marking instructions was confirmed

by the paint marks of several other facilities in that corner of the intersection. The crew safely exposed all the cables that were completely and accurately marked, and complied with the statutes.

**Future Compliance:**

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: Q3**

Contracting has a written Damage Prevention Plan in place and the Safety Department conducts unannounced inspections of our excavation sights on a daily basis. Q3 inspectors conduct those audits using a checklist that is based on written Quality Assurance standards, which include Damage Prevention. Q3 currently participates in scheduled damage prevention meetings with our clients. Q3 also holds Monthly Damage Prevention Committee meetings to identify trends, root causes, and corrective actions. Q3's Safety Director serves as the chairman of that committee and is a member of Common Ground Alliance.

**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:** The attached drawing and photos confirm that all other facility owners, except SDN, marked their utilities properly and completely in the entire intersection, including the Northeast corner where the damage occurred. This fact demonstrates without a doubt that the marking instructions properly identified the excavation area. The photos also confirm that there were no SDN marks within several feet west of the damage location, and there were no SDN marks at all on the East side of the damage location. This damage was caused by SDN's failure to properly and completely mark their facility. Q3 Contracting safely spotted and crossed all properly marked facilities without damage and complied with the South Dakota One Call statutes.