

January 5, 2015

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501
Attn: Erin Hayes, Chairman
Attn: Larry Janes, Executive Director

RECEIVED

JAN 07 2015

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: Complaint OC13-033 Filed by AGK Electric Against City of Vermillion

Dear Members of the Board:

The City of Vermillion was made aware of sewer service issues at 612 N. Norbeck Street on December 10, 2014. After sending a sewer line camera down the service line, local plumber Paul's Plumbing contacted the City Wastewater Department to aid in non-destructive excavation of the expected problem area. As the picture included in Mr. Kronaizl's complaint clearly indicates, the sewer service line was penetrated by conduit that was directionally drilled as a part of the street lighting project that had recently been completed by his company, AGK Electric.

In the City of Vermillion, each property owner is responsible for the maintenance and operation of their own service lines. The property owner is responsible for the water service line from the building to the curb stop and the sewer service line from the building to the sanitary sewer main. Though the service lines are not owned by the utility, it is understood by both the Water and Wastewater Departments that on August 11, 2008, the Attorney General ruled that as *operator* of the utility system, municipal utility departments are responsible for locating service lines, even though they do not claim ownership of the lines.

The City Water and Wastewater Departments are of the further understanding that, following the Attorney General's judgment, they are only responsible for locating service lines that are locatable, or installed after January 1, 2009. According to South Dakota One Call rule 20:25:03:01, all utility operators "Shall install an underground utility line in such a manner after January 1, 2009, that makes the line locatable by the operator for the purpose of this chapter." The sewer service line in question was not located by City Wastewater staff because it is a service line that was installed in 1985, and was not locatable.

In summation, City Water and Wastewater staff is of the understanding that they are not responsible for locating water or sewer service lines that are constructed prior to January 1, 2009. In this instance, the sewer service line at 612 N. Norbeck Street was not located because City staff did not have a method of locating the property's sewer service line. The service line was

installed prior to January 1, 2009—a time when sewer service lines were not installed to be locatable. Therefore, it is the contention of the City of Vermillion that the responsibility for reinstating the sewer service line lies with the contractor, AGK Electric.

If you have any further questions, I can be reached by phone at (605) 677-7084 or e-mail at JasonA@CityofVermillion.com. I appreciate and thank you for your time and consideration in this matter.

Sincerely,

CITY OF VERMILLION

A handwritten signature in black ink, appearing to read "Jason Anderson", with a long horizontal flourish extending to the right.

Jason Anderson
Asst. City Engineer

Enclosures: Official Opinion NO. 08-07
20:25:03:01. Operator participation

Cc: Tony Kronaizl, AGK Electric
John Prescott, City Manager
Randy Isaacson, Water Department Superintendent
Paul Brunick, Wastewater Department Superintendent