

South Dakota One Call Notification Board
PO Box 187
Rapid City, SD 57709

IMPORTANT: This form is provided only as assistance in preparing your South Dakota One Call Complaint. Although it is not required, we encourage you to use this form. Please be as thorough as possible to assist the Enforcement Panel in making its determination. You may include additional information as necessary.

Complaint filed on behalf of or by:	CenturyLink
Contact Person:	Joe Muth
Phone	(605) 370-2584
Name or Company Name	CenturyLink
Street Address or PO Box	312 S Cliff Ave Sioux Falls, South Dakota 57103 United States
Email	joseph.muth@centurylink.com
Date	Jun 10, 2021
Name of excavator / facility operator:	Winter Contracting LLC
Phone	(605) 809-7363
Name or Company Name	Byron Palls
Street Address or PO Box	46124 US Hwy 14 Volga, South Dakota 57071 United States
Email	nickwinter28@rocketmail.com
Is this party aware of your allegations?	Yes

Provide detail including whom you spoke with:

Contractor onsite that we spoke with is Byron Palls. Contractor is working on Project for Sioux Falls doing a storm sewer expansion/tie in. As part of the project, we had 2 duct systems running between Manholes from 33rd and Minnesota to 33rd and Dakota with cables that were 1800, 1500, 1100, 1100, 600 and a 72 strand Fiber. The contractor exposed the duct runs and could have dug back to work around them and get all pipe under them without having to make any adjustments. The contractor tore through the duct runs and tore out the pipe starting on Tuesday 6/8. This hit caused damage to the 1800, 1100, 1100 copper lines and 72 fiber strand. At this time, we arrived onsite in the afternoon and told him there were active lines there and that we needed to get the cables going again. When we left on Tuesday, we informed him of the second duct system that had active lines which contained the 600pr and 1500pr cables. We were repairing the lines from the Tuesday cut into Thursday morning when we identified that 600pr line had no service that we had validated on Wednesday morning. At this time, we drove to the site and identified the contractor negligently tore out the second duct run and lines. When we arrived, we informed him of what we would need to do and that we would need to have guys in the construction site to work and he would need to avoid the area. The contractor told us he didn't have to

stop working at any point because the lines were "not marked" and we had to have the City of Sioux Falls engineer come down to get involved for Safety purposes. The contractor negligently tore through both duct systems that could have been worked around as they were not in direct conflict of the work path and then failed to call in a damage ticket to 811 for either hit on Tuesday or Thursday. This outage caused over 1 week of work for restoral of services to 960+ customers in the city including major businesses that did not have phone lines due to the cuts.

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-10 - Liability for damage to underground facility
49-7A-12 - Notification of Damage to Underground Facilities - Damage on 6/8
49-7A-12 - Notification of Damage to Underground Facilities - Damage on 6/9 or 6/10 (unsure of which day they tore out the second duct system)

Other information to support your position:

The contractor could have worked around the two duct systems as they were well above the pipe system that was going in. We have pictures to support the area from placement of their pipes as well.

Street Address / location of alleged violation:	33rd St and Minnesota Ave
City	Sioux Falls
State	SD - South Dakota
Date of alleged violation:	Jun 08, 2021
Time of alleged violation:	11:00 AM
Describe your allegation:	The contractor negligently cut the duct systems for CenturyLink services that were running in the area to avoid having to work around them. This outage took down service for over 1 week to customers.
Do you believe the alleged violation to be intentional?	Yes
Why or why not?	They could have worked around the duct systems and after the first duct pack was cut with cables, we told them the second one was there with active lines. They proceeded to cut that after which caused more issues for outage.
Was a locate requested from SD One Call?	Yes
Locate ticket #:	2115420476
Start date on ticket:	Jun 04, 2021
Start time on ticket:	03:00 PM
Did the excavator wait until the start date / time on the ticket before commencing excavation?	Yes

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?

No

Explain

They cut through the duct systems (two separate runs) to place storm system.

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?

Yes

Did the excavator pre-mark with white paint?

No

Was the facility marked accurately (within 18 inches)?

No

Did the excavator use reasonable care to maintain locate marks for the life of project?

No

Type of facility involved:

1800 Copper, 1500 Copper, 1100 Copper, 1100 Copper, 600 Copper - All Copper was PULP - 72 Strand Fiber

Operator of facility (if known):

CenturyLink

Operator address (Street or PO Box):

125 Dakota Ave
Sioux Falls, South Dakota 57103
United States

Operator Phone

(605) 370-2584

Depth of Cover (If unsure put N/A)

N/A

Pressure: (If none, write none)

None

Voltage: (If none, write none) None

of cable pairs: (If none, write none) 6,172

Was the facility damaged? Yes

If yes, provide detail and an estimate of damage:

Damaged PULP cables for all lines (1800, 1500, 1100, 1100, 600) and 72 Fiber. Damages estimated at \$120,000 for replacement of lines.

Were damages on public right of way or private property? Public

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Was operator service affected? Yes

If yes, provide detail (how many customers for how long):

1,000 customer out for 1 week. Customers on 72 Fiber were out for 24 hours.

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance? No

If No, why not?

The excavator never called in a damage ticket and claimed he did not have to because it was not marked in that location.

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance? No

If No, why not?

We identified the cut due to outages coming in, the excavator never called 811 or CenturyLink, they continued working.

Was there an escape of any flammable, toxic, or corrosive gas or liquid? No

Please provide a Fire Department or Emergency Services incident report, if available

Not Available

Attachment Information

File names should not include symbols. Example:(\$, &, *, %,) etc.