

On June 8-, 2021 at the location of 33- and Minnesota in Sioux Falls, SD, Winter Contracting was accused of negligently digging through 600 fiber optic cable installed by Century Link. Based on the documentation provided, this was not located and we were given permission via Nick State at Ulteig after being in contact with Chris Adamson who was a Century Link Engineer. In a phone conversation that Nick State had with Chris Adamson they ran into the cables and at the request of Byron Pals he requested Nick State to call Chris Adamson on whether or not we could proceed with digging. Chris Adamson stated to Nick State that all the cables related to Century Link in that area were dead and that is why they were not located. Nick State informed me that he proceeded to ask Chris Adamson if they wanted to save the cables, Chris Adamson relayed that "No", they did not need to be saved, so Winter Contracting LLC continued to dig on site. Not only were these not properly located, we were given permission by an engineer working for Century Link to proceed because all cables were dead. We called in 8 locates prior to hitting that cable at 33rd and Minnesota. We have attached the tickets in the email.

Ticket Number: **2112396209** Date: 05/03/2021 Lat 43.521013 Long -96.733884 Second Lat 43.523261
Second Long: -96.72837 Expires 05/26/2021

Ticket Number: **2113001660** Date: 05/10/2021 Lat 43.521013 Long -96.733884 Second Lat 43.523261
Second Long -9672837 Expires 05/26/2021

Ticket Number: **2113103627** Date: 05/11/2021 Lat 43.521013 Long -96.733884 Second Lat 43.523261
Second Long -96.72837 Expires 05/26/2021

Ticket Number: **2113405982** Date: 05/14/2021 Lat 43.521013 Long -96.733884 Second Lat 43.523261
Second Long -96.72837 Expires: 05/26/2021

Ticket Number: **2113909748** Date: 05/19/2021 Lat 43.52103 Long: -96.733884 Second Lat: 43.523261
Second Long -96.72837 Expires 05/26/2021

Ticket Number: **2114514156** Date: 05/25/2021 Lat 43.520834 Long: -96.733597 Second Lat: 43.5233378
Second Long -96.72893 Expires: 06/17/2021

Ticket Number: **2115420476** Date: 06/03/2021 Lat 43.520834 Long: -96.733597 Second Lat: 43.5233378
Second Long -96.72893 Expires: 06/17/2021

Ticket Number: **21155822378** Date: 06/07/2021 Lat 43.520834 Long: -96.733597 Second Lat:
43.5233378

Second Long -96.72893 Expires: 06/30/2021

We located this site on 8 different occasions that were listed above. At no point during any of these locates was the cable in question marked. Even after repair of the cable by Century Link and backfill by Winter Contracting LLC, was the cable in question remarked by 811 Locate during Phase 2 of the project.

Thanks,

Winter Contracting LLC

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Monday, May 3, 2021, 10:48 AM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2112396209	Old Ticket:	
Source:	Portal Ticket	Date:	5/3/2021 10:48:30 AM
Type:	Normal	Update By:	5/24/2021 10:45:00 AM
Seq Num:	5	Expires On:	5/26/2021 10:45:00 AM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	byron pals
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/5/2021 10:45:00 AM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	0 33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	water and sewer install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

Remarks

Work Date: 5/5/2021 9:45:00 AM paint and flag starting at the intersection of spring ave and w 33rd st locate from row to row heading east until Dakota ave with a 300ft radius of all 3 intersections

Members

Code	Name	Manually Added
AGC	Augustana University	False
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.521013	Longitude:	-96.733884
Second Latitude:	43.523261	Second Longitude:	-96.72837

In the future you can submit your tickets quick and easy online at the [South Dakota 811 Portal Site](#).

The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Monday, May 10, 2021, 10:08 AM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2113001660	Old Ticket:	2112396209
Source:	Portal Respot	Date:	5/10/2021 10:08:17 AM
Type:	Respot	Update By:	5/24/2021 10:45:00 AM
Seq Num:	1	Expires On:	5/26/2021 10:45:00 AM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	byron pals
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/11/2021 10:15:00 AM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	0 33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	water and sewer install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

Remarks

RESPOT-2112396209 Work Date: 5/5/2021 9:45:00 AM paint and flag starting at the intersection of spring ave and w 33rd st locate from row to row heading east until Dakota ave with a 300ft radius of all 3 intersections

Members

Code	Name	Manually Added
AGC	Augustana University	False
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.521013	Longitude:	-96.733884
Second Latitude:	43.523261	Second Longitude:	-96.72837

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Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Tuesday, May 11, 2021, 08:20 PM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2113103627	Old Ticket:	2113001660
Source:	Portal Respot	Date:	5/11/2021 8:20:18 PM
Type:	Respot	Update By:	5/24/2021 10:45:00 AM
Seq Num:	1	Expires On:	5/26/2021 10:45:00 AM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	byron pals
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/12/2021 8:30:00 PM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	0 33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	water and sewer install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

Remarks

RESPOT-2113001660 Work Date: 5/5/2021 9:45:00 AM paint and flag starting at the intersection of spring ave and w 33rd st locate from row to row heading east until Dakota ave with a 300ft radius of all 3 intersections

Members

Code	Name	Manually Added
AGC	Augustana University	False
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.521013	Longitude:	-96.733884
Second Latitude:	43.523261	Second Longitude:	-96.72837

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Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Friday, May 14, 2021, 11:22 AM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2113405982	Old Ticket:	2113103627
Source:	Portal Respot	Date:	5/14/2021 11:22:12 AM
Type:	Respot	Update By:	5/24/2021 10:45:00 AM
Seq Num:	5	Expires On:	5/26/2021 10:45:00 AM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	byron pals
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/17/2021 11:30:00 AM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	0 33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	water and sewer install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

Remarks

RESPOT-2113103627 Work Date: 5/5/2021 9:45:00 AM paint and flag starting at the intersection of spring ave and w 33rd st locate from row to row heading east until Dakota ave with a 300ft radius of all 3 intersections

Members

Code	Name	Manually Added
AGC	Augustana University	False
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.521013	Longitude:	-96.733884
Second Latitude:	43.523261	Second Longitude:	-96.72837

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The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Wednesday, May 19, 2021, 01:44 PM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2113909748	Old Ticket:	2113405982
Source:	Portal Respot	Date:	5/19/2021 1:44:41 PM
Type:	Respot	Update By:	5/24/2021 10:45:00 AM
Seq Num:	2	Expires On:	5/26/2021 10:45:00 AM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	byron pals
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/20/2021 1:45:00 PM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	0 33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	water and sewer install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

Remarks

RESPOT-2113405982 Work Date: 5/5/2021 9:45:00 AM paint and flag starting at the intersection of spring ave and w 33rd st locate from row to row heading east until Dakota ave with a 300ft radius of all 3 intersections

Members

Code	Name	Manually Added
AGC	Augustana University	False
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Lic	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.521013	Longitude:	-96.733884
Second Latitude:	43.523261	Second Longitude:	-96.72837

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The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Tuesday, May 25, 2021, 02:15 PM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2114514156	Old Ticket:	
Source:	Portal Ticket	Date:	5/25/2021 2:15:17 PM
Type:	Normal	Update By:	6/15/2021 2:00:00 PM
Seq Num:	9	Expires On:	6/17/2021 2:00:00 PM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	BYRON FALLS
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	5/27/2021 2:00:00 PM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	watermain install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

starting at the intersection of spring ave and w 33rd st locate from row to row heading east until s dakota ave with a 200ft radius of all 3 intersections

Remarks

Work Date: 5/27/2021 2:00:00 PM paint and flag

Members

Code	Name	Manually Added
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.520834	Longitude:	-96.733597
Second Latitude:	43.523378	Second Longitude:	-96.72893

In the future you can submit your tickets quick and easy online at the [South Dakota 811 Portal Site](#).

The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Thursday, June 3, 2021, 02:49 PM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2115420476	Old Ticket:	2114514156
Source:	Portal Respot	Date:	6/3/2021 2:49:44 PM
Type:	Respot	Update By:	6/15/2021 2:00:00 PM
Seq Num:	1	Expires On:	6/17/2021 2:00:00 PM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	BYRON PALLS
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	6/4/2021 3:00:00 PM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	watermain install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

starting at the intersection of spring ave and w 33rd st locate from row to row heading east until s dakota ave with a 200ft radius of all 3 intersections

Remarks

RESPOT-2114514156 Work Date: 5/27/2021 2:00:00 PM paint and flag

Members

Code	Name	Manually Added
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

Work Location Bounding Box

Latitude:	43.520834	Longitude:	-96.733597
Second Latitude:	43.523378	Second Longitude:	-96.72893

In the future you can submit your tickets quick and easy online at the [South Dakota 811 Portal Site](#).

The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.

Locate Message

From: locates@sd811.com (locates@sd811.com)

To: nickwinter28@rocketmail.com

Date: Monday, June 7, 2021, 01:01 PM CDT

To update or view a map of the dig location click [here](#) to go to the South Dakota 811 Portal Site.

South Dakota 811 Locate Request

Ticket Number:	2115822378	Old Ticket:	2115420476
Source:	Portal Update	Date:	6/7/2021 1:00:49 PM
Type:	Update	Update By:	6/28/2021 1:00:00 PM
Seq Num:	1	Expires On:	6/30/2021 1:00:00 PM

Company Information

Excavator:	Winter contracting llc	Type:	Excavator
Address:	46124 US Hwy 14	Contact:	BYRON PALLS
City, St, Zip:	Volga, SD 57071	Contact Phone:	(605) 809-7363
Phone:	(605) 692-1883	Alt Phone:	(605) 692-1883
Fax:		Caller:	Nick Winter
Caller Email:	nickwinter28@rocketmail.com	Caller Phone:	(605) 360-1361
Contact Email:	nickwinter28@rocketmail.com		

Work Information

State:	SD	Work Date:	6/9/2021 1:00:00 PM
County:	MINNEHAHA	Done For:	city of sioux falls
Place:	SIOUX FALLS	Duration:	21 days
Address:	33rd st	Explosives::	No
Intersection:	minnesota ave	R.O.W.:	Yes
Nature of Work:	watermain install	Tunnel/Bore:	Yes
Meet Requested:	No	Meet Date/Time:	
TRSQ:		Depth:	20ft

Driving Directions

starting at the intersection of spring ave and w 33rd st locate from row to row heading east until s dakota ave with a 200ft radius of all 3 intersections

Remarks

UPDATE & REMARK-2115420476 RESPOT-2114514156 Work Date: 5/27/2021 2:00:00 PM paint and flag

Members

Code	Name	Manually Added
M01	Midamerican Energy Company Inc.	False
N04	Xcel Energy	False
SDN	Sdn Communications Llc	False
SFA	City Of Sioux Falls	False
SFC	Midcontinent Communications	False
UW1	CTLQL-CenturyLink	False

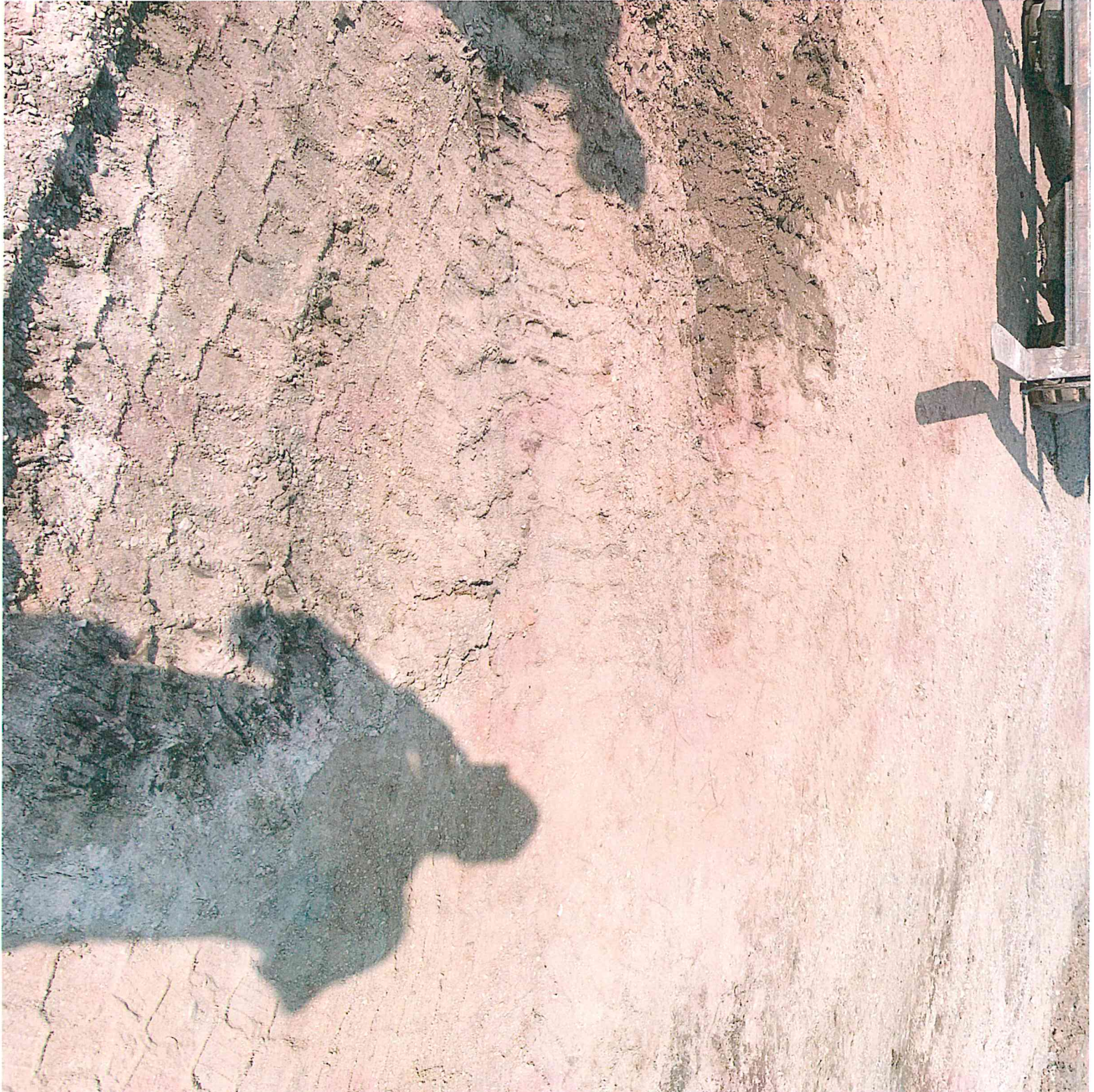
Work Location Bounding Box

Latitude:	43.520834	Longitude:	-96.733597
Second Latitude:	43.523378	Second Longitude:	-96.72893

In the future you can submit your tickets quick and easy online at the [South Dakota 811 Portal Site](#).

The start date and time on the ticket reflects the time zone for where the work is taking place.

Know what's below and also remember to be careful around overhead power lines.



Pictures
after
Locators
were
made
For
Phase 2

Still
not
Located



