

Formstack Submission For: [South Dakota One Call Reply Form](#)

Submitted at 07/08/21 12:47 PM

Complaint Docket Number: OC21-007

Reply filed on behalf of (company name): Winter Contracting, LLC

Contact Person: Nick Winter

Phone Number: (605) 360-1361

Ext:

Name or Company Name: Winter Contracting, LLC

Street Address or PO Box: PO Box 646
Brookings, SC 57006

Fax:

Email: wintercontractingllc@gmail.com

Date: Jul 08, 2021

Were you previously aware of these allegations?: No

Provide detail including whom you spoke with.:

Do you believe the statutes listed (if any) by the complainant were violated?: No

Why or why not?:	Locates were called. None were provided to Winter Contracting or anyone else that had worked on the project including the General Contractor (T&R Contracting) No markings had ever been made
Do you dispute the alleged violation of SD One Call statute or rule occurred?:	Yes
If yes, what specifically do you dispute?:	Locates were called No markings were provided
Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:	Yes
If yes, please explain.:	They told us that it was not our fault on site and said it was the locators fault and faulty maps
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
Copy of the locate ticket:	
If no, please explain why no locate request was made.:	
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? :	N/A
Were buried facilities exposed by hand or non-invasive equipment prior to excavation? :	N/A
Were facilities marked? :	No
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
Provide details:	nothing was from this utility in the area we were digging
Did the complainant correctly describe the damages that resulted	Yes

from the alleged violation?:

Provide details:

lines were cut to install pipe safely

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:

No

File:

If No, why not?:

we did not know they were active lines. We were hitting anywhere from 10-15 non active lines per day in this area. Why do the owners of these non active lines remove them? It costs us hours upon hours digging around lines that are not marked and non active

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:

No

If No, why not?:

same as above

Was there an escape of any flammable, toxic, or corrosive gas or liquid?:

No

If Yes, but if 911 was not called, or if you don't know, explain why.:

Did the complainant correctly describe the damages that resulted from the alleged violation?:

Yes

If no, provide details.:	
Were damages on public right of way or private property?:	Public
Did complainant correctly describe how operator service was affected?:	No
Provide Details:	none
Was anyone injured as a result of facility damage?:	No
If yes, provide details.:	
Length of hospitalization:	
Were there fatalities?:	No
If yes, provide details.:	
Other information regarding injuries or damages:	
Describe your plans and procedures to ensure compliance with SD One Call statutes and rules.:	I am not what we are supposed to do about non marked lines
Has a complaint been filed against you in the past for SD One Call violations?:	Yes, I don't recall the date
If yes, when was it filed?:	

Please provide any additional information to support your position.:

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

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