

South Dakota

Know what's below.  
Call before you dig.



**TO: Alliance Construction**

**FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD**

**DATE: July 1, 2021**

**RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER**

**In the Matter of the Complaint OC21-010 Filed by NorthWestern Energy vs Alliance Construction.**

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Alliance Construction. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, **you are required** to answer this complaint in writing, no later than the close of business on July 23, 2021. by filing the original copy of the answer electronically at <http://sdonecall.com/OneCallReplyForm.aspx>. This site can also be found by going to [www.sdonecall.com](http://www.sdonecall.com), clicking on Complaints, Forms, and then the Online Reply form. **OR** You may also file your response at the address listed below **and** by serving a copy on the complainant.

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

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation referenced in the complaint.

The One Call Board will make a determination of probable cause based on the complaint and associated response. If probable cause is determined, penalties may be recommended under SDCL 49-7A-18 or SDCL 49-19.

If any financial penalties are assessed in response to the complaint, the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage, degree of threat to the public safety, and inconvenience caused;
2. The respondent's plans and procedures to insure future compliance with statute and rules;
3. Any history of previous violations;
4. Other matters as justice requires.

You may address any of these items in your response, if you believe it would be of value to the Board when this complaint is considered.

Pursuant to SDCL 15-6-55, failure to answer this complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. **You are strongly urged to reply to this Notice** in the time frame described above **and** to obtain the advice of counsel should you have any legal questions.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site [www.sdonecall.com](http://www.sdonecall.com).

Procedural questions may be directed to Codi Gregg, Deputy Director, South Dakota One Call Notification Board, at 605-863-0951 or by email to [deputydirector@sd811.com](mailto:deputydirector@sd811.com). I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint, since they may be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve the complaint. They have been advised by legal counsel not to discuss any pending complaint before the Board.

Enclosures: Copy of complaint  
Operations Manual for Facility Operators and Excavators

cc: Mr. Jason Swanson  
NorthWestern Energy

**Formstack Submission For: South Dakota One Call Complaint Form**

Submitted at 06/29/21 4:42 PM

**Complaint filed on behalf of or by:**

Northwestern Energy

**Contact Person:**

Jason Swanson

**Phone Number:**

(605) 995-4423

**Ext:**

**Name or Company Name:**

Northwestern Energy

**Street Address or PO Box:**

300 S Burr St  
Mitchell, SD 57301

**Fax:**

**Email:**

[jason.swanson@northwestern.com](mailto:jason.swanson@northwestern.com)

**Date:**

Jun 29, 2021

**Name of excavator / facility operator:**

Alliance Construction

**Phone:**

(605) 770-7744

**Ext:**

**Name or Company Name:**

Justin Brown

**Street Address or PO Box:**

5809 S Remington Pl  
Sioux Falls, SD 57108

**Fax:**

Email: [justinb@alliancesf.com](mailto:justinb@alliancesf.com)

Is this party aware of your allegations?: Yes

The South Dakota One Call Board expects communication to occur between both parties before filing complaints. Please provide details of who you spoke with, including the date and time, and what was discussed.:

I spoke with Justin Brown on 6/29 regarding the complaint. I spoke about not hand exposing our facilities prior to operating equipment as well as not notifying Northwestern Energy for a standby prior to excavating near a HP facility.

Statutory Violations: 20:25:03:05.03  
20:25:03:10.02.

Other information to support your position:

The contractor was digging over our HP line with a large excavator to install rock for culvert drainage. Our technician happened to see the contractor working in the area of our line and stopped the contractor from digging any deeper until the line was exposed. After exposing the line it was found only 9" below the surface of the last bucket removed.

Street Address / location of alleged violation: 27220 472nd Ave  
Harrisburg, SD

Date of alleged violation: Jun 09, 2021

Time of alleged violation: 02:00 PM

Describe your allegation:

Alliance construction did not notify Northwestern Energy prior to digging around a high profile facility. They did not hand expose the facilities prior to digging over the top of the line.

Do you believe the alleged violation to be intentional?: No

**Why or why not?:**

I feel the contractor lost site of where they were digging and forgot the gas line was below the area. They had been working in this intersection and destroyed the locate marks loosing site of where the line was.

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

Yes

**Locate ticket #:**

2114715842

**Start Date on Ticket:**

Jun 01, 2021

**Start time on ticket:**

10:00 AM

**Did the excavator wait until the start date / time on the ticket before commencing excavation?:**

Yes

**If no or not sure, when did excavation begin (date)?:**

**If no or not sure, when did excavation begin (time)?:**

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

No

**Explain:**

The high pressure gas line was not exposed prior to digging with the excavator.

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

No

**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?: N/A

Was the facility marked accurately (within 18 inches)?: Yes

Did the excavator use reasonable care to maintain locate marks for the life of project?: No

Type of facility involved: High Pressure steel gas line

Operator of facility (if known): Northwestern Energy

Operator address (Street or PO Box): 300 s Burr St  
Mitchell, SD 57301

Operator Phone: (605) 995-4423

Depth of Cover (If unsure put N/A): 3 feet

Pressure (If none, write none): 780 PSIG

Voltage (If none, write none): None

# of cable pairs (If none, write none): None

Was the facility damaged?: No

If yes, provide detail and an estimate of damage.:

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

Was anyone injured as a result of facility damage?: N/A

If yes, provide detail.:

Length of hospitalization:

Were there fatalities?: No

If yes, provide detail.:

Was operator service affected? : No

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

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

If No, why not?: No damage was done to the line.

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

If No, why not?:

**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.:**

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

Not Available

**Attachment:**



# TICKET 2114715842



Ticket Number: 2114715842      Old Ticket:  
Source: Voice      Type: Normal  
Date: 5/27/2021 10:03 AM  
Update By: 6/17/2021 10:00 AM      Expires On: 6/22/2021 10:00 AM

## RESPONSE STATUS AS OF TUESDAY, JUNE 29, 2021 3:50 PM

STATUS	CODE	NAME	FACILITIES
Closed	LCR	Lincoln County Rural Water System Inc. • June 01, 2021 3:54 PM by lcrwlocates@lincolncoruralwater.com: Located	Water
Closed	SDN	Sdn Communications Llc • June 06, 2021 10:04 AM by ResponseProcess: No Response Closed by the system process for excessive age.	Electric, Cable, Fiber

COMPANY INFORMATION  
ALLIANCE CONSTRUCTION  
5809 S Remington Place Suite 101  
Sioux Falls, SD 57108

Phone: (605) 770-7744  
Fax:  
Type: Excavator

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
Caller	Justin Brown	(605) 770-7744	justinb@alliance-sf.com
Contact	Justin Brown	(605) 770-7744	justinb@alliance-sf.com
Alt Phone		(605) 900-6473	

## WORK INFORMATION

State:	SD	Work Date:	6/1/2021 10:00 AM
County:	LINCOLN	Done For:	HARRISBURG SCHOOL DIST
Place:	HARRISBURG	Duration:	3 WEEKS
Street:	S LOUISE AVE	Explosives:	False
Intersection:	272ND	Right of Way:	True
Nature of Work:	INSLT TURNING LNS & ASPHALT SURFACES	Tunnel/Bore:	False
Meet Requested:	False	Meet Date/Time:	
TRSQ:		Depth:	10FT

## DRIVING DIRECTIONS

REMARKS  
FROM THE INTER, LOCATE 75FT IN BOTH DIRECTIONS FROM CENTERLINE AND LOCATE S FOR APPX 0.75MI ON S LOUISE AVE

## MEMBERS

CODE	NAME
UW1	CTLQL-CenturyLink
HRC	City Of Harrisburg
LCR	Lincoln County Rural Water System Inc.

CODE	NAME
SFC	Midcontinent Communications
P35	Northwestern Energy *HP*
SDN	Sdn Communications, LLC
PRH	Vast Broadband
N04	Xcel Energy
P15	Northwestern Energy

\*HP\* - A high profile facility is in the area and a meet may be required. The operator may also require to be present when excavating. Please refer to Administrative Rule #20:25:03:10.02.