

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

Submitted at 06/10/22 8:58 AM

Complaint Docket Number: OC22-004

Reply filed on behalf of (company name): Midcontinent Communications

Contact Person: Patrick Mastel

Phone Number: (605) 271-0594

Ext:

Name or Company Name: Midcontinent Communications

Street Address or PO Box: 3901 N Louise Ave
Sioux Falls, SD 57107

Fax:

Email: pat.mastel@midco.com

Date: Jun 10, 2022

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?: Yes

Why or why not?:

Unfortunately, there is a technical violation here. USIC does all of Midco's locates in Sioux Falls. They have admitted to Midco they did receive the ticket. USIC did attempt to call the complainant Mr. Kaiser and left a voicemail (and an email) requesting an extension of time to complete the locate due the the extremely high volume of tickets. Mr. Kaiser did reply to USIC via email and said no, he would not grant an extension-the law required locates to be completed within 48 hours and he wanted his locate done within the time allowed by law. Unfortunately, USIC did not follow up and complete the locate. Nor did USIC follow-upo with Mr. Kaiser or with Midco.

Do you dispute the alleged violation of SD One Call statute or rule occurred?:

No

If yes, what specifically do you dispute?:

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?:

No

If yes, please explain.:

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2211779084

Start date on ticket:

Apr 29, 2022

Start time on ticket:

03:15 PM

Copy of the locate ticket:

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| | |
|---|----------|
| If no, please explain why no locate request was made.: | |
| Did excavation begin before the start date / time on the ticket?: | N/A |
| 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? : | Yes |
| Was the marking complete prior to the start time on the ticket?: | Not Sure |
| Was the excavation site pre-marked with white paint?: | N/A |
| Was the facility marked accurately (within 18 inches)?: | N/A |
| Was there reasonable care to maintain locate marks for the life of project?: | N/A |

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| Did the complainant correctly describe the type of facility involved?: | Yes |
| Provide details: | Locate not completed before excavation begun according to complaint. Midco has no reason to dispute this statement. |
| Did the complainant correctly describe the damages that resulted from the alleged violation?: | Yes |
| Provide details: | No damages according to complaint. |
| Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?: | No |
| File: | |
| If No, why not?: | No damages according to complaint. |
| Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?: | No |
| If No, why not?: | No damages according to complaint. |
| 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?:

Private

Did complainant correctly describe how operator service was affected?:

Yes

Provide Details:

No damages according to complaint.

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:

N/A

Describe your plans and procedures to ensure

Midco has given USIC a verbal warning and advised them to do better prioritize and track locate tickets to

| | |
|--|--|
| <p>compliance with SD One Call statutes and rules.:</p> | <p>ensure completion within the legal time-frames. Midco has also requested it be notified by USIC when the locate cannot (or has not) been completed in a timely manner. Midco has reminded USIC it expects this will not happen again.</p> |
| <p>Has a complaint been filed against you in the past for SD One Call violations?:</p> | <p>No</p> |
| <p>If yes, when was it filed?:</p> | |
| <p>Please provide any additional information to support your position.:</p> | |
| <p>Attachment Information: File names should not include symbols. Example:(\$, &, *, %,) etc.:</p> <p style="text-align: right;">View File</p> | |

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