

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

Submitted at 07/07/22 9:24 AM

Complaint Docket Number: OC22-007

**Reply filed on behalf of
(company name):** Toy Litzel

Contact Person: Toy Litzel

Phone Number: (605) 662-7416

Ext:

Name or Company Name: Litzel Ranch LLC

Street Address or PO Box: PO Box 212
Edgemont , SD 57735

Fax:

Email: toynbren@yahoo.com

Date: Jul 07, 2022

**Were you previously aware
of these allegations?:** Not Sure

**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?: Yes because I did not call one call.

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?:

No

Locate ticket #:

Start date on ticket:

Start time on ticket:

Copy of the locate ticket:

If no, please explain why no locate request was made.:

I did request one after talking with a representative from Magellan midstream. I was then contacted by someone from sd one call or a locator, not sure which. He said according to the lat and longitude coordinates I gave them I was good to continue work. I never received a locate ticket from them. I would have to research phone records in order to find the date or who I talked to.

Did excavation begin before the start date / time on the ticket?:

Yes

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?:	No
Was the excavation site pre-marked with white paint?:	No
Was the facility marked accurately (within 18 inches)?:	N/A
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:	It's a high pressure petroleum pipeline.
Did the complainant correctly describe the damages that resulted from the alleged violation?:	No

Provide details:	There was not any damage.
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:	No
File:	
If No, why not?:	There was no damage
Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:	No
If No, why not?:	There was no damage
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?:	No
If no, provide details.:	There was no damage.
Were damages on public right of way or private property?:	Private

Did complainant correctly describe how operator service was affected?:	No
Provide Details:	Their services were not interrupted.
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:	There were no injuries or damage.
Describe your plans and procedures to ensure compliance with SD One Call statutes and rules.:	I will call sd one call when we do future excavation.
Has a complaint been filed against you in the past for SD One Call violations?:	No
If yes, when was it filed?:	
Please provide any additional information to support your position.:	I was trenching water line in for additional livestock water. I know where Magellans pipeline is for two reasons. First it is clearly marked with their test risers. Second it is on my property and I know where their easement is. I have lived here thirty four years and know exactly where their pipeline is. I did cross their pipeline several years ago and did call one call because

I knew I would be crossing it. Point being that I do call one call when necessary. I agree with everything in the complaint except for the statement when Magellan said there was no damage but was a near miss. If 300 to 500 feet is a "near miss" then I guess we disagree on the definition of near miss. I do not feel I did anything malicious or even intentional.

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

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