

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

Submitted at 08/01/22 4:51 PM

Complaint filed on behalf of or by:

Palisade Park/ Hunts Family construction LLC

Contact Person:

Eric Hunt

Phone Number:

(605) 641-2757

Ext:

Name or Company Name:

Hunts Family Construction

Street Address or PO Box:

338 Evans Lane Box 5
Spearfish, SD 57783

Fax:

Email:

huntsfamilyconstruction@gmail.com

Date:

Aug 01, 2022

Name of excavator / facility operator:

Eric S Hunt

Phone:

(605) 641-2757

Ext:

Name or Company Name:

Palisade Park/ Hunts Family Construction LLC

Street Address or PO Box:

338 Evans Lane Box 5
Spearfish, SD 57783

Fax:

Email:

huntsfamilyconstruction@gmail.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 Darnell Jones from vast broadband(bluepeak) when he came out to do a damage inspection after I called in a hit line with mini excavator which was 28 to 30 inches off from their mark. He told me that we are suppose to or should be potholing before we dig. I mentioned 811 does not require us to pot hole if we are 18 inches or more away from mark.

He than showed me where his mark was only 12 inches away form line further back. I told him the only reason that was exposed, was because we dug back about 10 ft after line was hit at point where it was 28 plus inches off. We did that to give severe man more room to work and make easier to make repairs even thought we didn't need to. Darnell's customer service was very poor. He treated us as if this was our fault. Even Gary Hunt my Dad. mentioned his poor behavior and customer service. Now the repair man was great to work with. After the dealing with Darnell from vast. I asked for his supervisors name. I went and spoke with Chad Lutz in person within a few days at their spearfish shop. I explained to him Darnell's behavior and how disappointment I was that he was trying to say it was out fault even thought they were at least 28 inches plus off their locate. He mentioned he would visit with Darnell. Later on I spoke with Phoenix Loss control and explained to them what happened. Thought that would be the end of it. Then on Monday July 25 we receive a invoice stating they are billing us \$906.63 to fix line they were off on. They are saying its because we didn't pot hole line. From the way the law reads you only have to pot hole when digging within 18 of mark. We always dig more

	<p>than 18 inches away from marks then dig by hand over till we find a utilities lines. There were also 5 other lines that were marked for power, midco, and century link that we dug 24 inches away from with excavator than dug over by hand and found without hitting. So it shows if marks are close to where they should be we don't have a problem but when locates are 28 inches off it causes problems.</p>
Statutory Violations:	49-7A-8, 49-7A-10
Other information to support your position:	Vast broadband/ bluepeak locates(marks) were off more than the 18 inches required by law. Will also be sending pictures.
Street Address / location of alleged violation:	338 Evans Lane Lot 13 Spearfish, SD
Date of alleged violation:	Jun 18, 2022
Time of alleged violation:	04:30 PM
Describe your allegation:	We are alleging that vast broadband/bluepeak locates(marks) were off by more than the 18 inches required by law. So we should not be responsible to pay them the \$906.63.
Do you believe the alleged violation to be intentional?:	No
Why or why not?:	Not sure why someone would try to purposely locate improperly unless they were just being lazy.
Was a locate requested from SD One Call?:	Yes
Locate ticket #:	2216617591
Start Date on Ticket:	Jun 17, 2022

Start time on ticket:	09:15 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?:	Yes
Explain:	We were digging 24 plus inches horizontally away from vast/bluepeaks marks when hit their lines.
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?:	Yes
Did the excavator pre-mark with white paint?:	No
Was the facility marked accurately (within 18 inches)?:	No

Did the excavator use reasonable care to maintain locate marks for the life of project?:	Yes
Type of facility involved:	Cable Service
Operator of facility (if known):	Bluepeak
Operator address (Street or PO Box):	Unknow
Operator Phone:	(605) 722-2000
Depth of Cover (If unsure put N/A):	32"
Pressure (If none, write none):	NA
Voltage (If none, write none):	NA
# of cable pairs (If none, write none):	2
Was the facility damaged?:	Yes
If yes, provide detail and an estimate of damage.:	\$906.63
Were damages on public right of way or private property?:	Private
Was anyone injured as a result of facility damage?:	No

If yes, provide detail.:	
Length of hospitalization:	
Were there fatalities?:	No
If yes, provide detail.:	
Was operator service affected? :	Yes
If yes, provide detail (how many customers for how long).:	Unknown
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:	Yes
If No, why not?:	
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?:	Yes and 911 was not called
If Yes, but if 911 was not called, or if you don't know, explain why.:	
Please provide a Fire Department or Emergency	Not Available

Services incident report, if available :

Attachment:

Attachment Information: File names should not include symbols. Example:(\$, &, *, %,) etc. If submitting multiple files, please zip all files into one folder.: