

- **1. ACTION REQUESTED BY**

- 1. COMPLAINT DOCKET NUMBER: 1713454001

- **2. RESPONDENT INFORMATION**

- Reply filed on behalf of (company name): Underground Communications
- Contact Person: * Paula
- Phone *715-299-4076

- Address or PO Box

N1635 West Rd

Waupaca, WI 54981

- Fax
- Email * constructionorange@gmail.com
- Date *06/14/2017

- Were you previously aware of these allegations? *

- Provide detail including whom you spoke with:

This is what I am aware of. We buried a line for vast customer of a cable TV drop 6" average depth. Customer named rick hoff (referred to as sub) was there the entire time drop bury was buried. Never had issue with customer. Drop got done and I left. About a week later this same customer calls into vast complaining on how bury got done even though no issues while we were there. I go out to customer to see what's going on. Customer is now very abrasive and abusive to me and my workers. He mentions nothing to me about anything to do with the bury. Instead he starts claiming damage to his house. I proved to the sub that what he's claiming was a physical impossibility for us to do what he was claiming. So as a minor disagreement started due to in the nicest way I could, I basically was calling sub that he was lying. So I ended up leaving not to escalate situation. As I was leaving customer started saying that IM GONNA GET YOU FIRED AND IM GONNA GET VASTS KICKED OUT OF WATERTOWN!!! Then within a week this sub contacted this Todd Chambers guy. He also talked to vast after I explained situation to vast myself. I was told by my contractor, customer already admitted to vast that he was lying about any damage to his property. The end result to please positions to purposely follow through with his threats to get me fired. Also his comment to me of IM GONNA GET VAST KICKED OUT OF WATERTOWN. I've learned that here are ties between this customer, Todd Chambers, Midco, and the former contractor of 30 years in this town is related as a family member, and that these people are mad vast came in and let that contractor go. I'm aware vast has a build project going on soon in area, and Midco would jump at the chance to not have vast do it. So when this all started and Todd Chambers jumped on board, it's not like he called in any professional way when he talked to Paula. He instead called extremely aggressive at her over the phone yelling at how crappy of a company we are and that I'm putting over 50 thousand dollars' worth of fines on you and getting you kicked out of Watertown. Completely hostile to a female over the phone when she had no idea who he was or why he was losing his mind. To her recollection he never once mentioned anything about rules or regulations. All he kept going was aggressively threatening her livelihood. So when Todd chambers says we were aware of it is a false accusation from his one sided point of view of what actually transpired in that first phone call we ever got. And I understand this might be explaining more than you want in this section, but there's more of a background going on that Todd Chambers is leading you to believe.

- **3. BASIC FACTS**

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

- If yes, what specifically do you dispute?

no

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

- If yes, please explain:
yes –

The fact of it being done before date is not a will full act to defy rules. It was a clerical error i n the office. Paula has been doing this for the last 17 years. Unfortunately at the age of 41 she is going blind. We were also training a new person to take ove r. They were issued early on accident because Paula put the 16th clear date instead of 19th. Nothing more than a clerical issue, which every single contractor or cable or phone company I have ever worked for or dealt with always has a constant clerical issues on a daily bases. EVEN MIDCO. So I apologize that my workers are not perfect workers in your eyes and it was a mistake that is easily corrected as much as possible minus human error. Also knowing that for whatever reason Todd chambers has it in for my company he is going to make everything seem more malicious to his board of peers because he hold s a position amongst you.

- **4. EXCAVATION / LOCATE INFORMATION: if applicable**

- Was a locate requested from SD One Call? *

- **If a locate was requested, TICKET NUMBER, DATE, AND TIME ARE MANDATORY.**

- Locate ticket # 1713454001
- Start date on ticket: 05/17/2017
- Start time on ticket: 12:00

- **IMPORTANT: IF A LOCATE TICKET IS TO BE CONSIDERED AS EVIDENCE, A COPY OF THE LOCATE TICKET MUST BE ATTACHED WHEN SUBMITTING THIS FORM.**

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

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? *

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

Were facilities marked? *

Was the marking complete prior to the start time on the ticket? *

Was the excavation site pre-marked with white paint? *

Was the facility marked accurately (within 18 inches)? *

Was there reasonable care to maintain locate marks for the life of project? *

Did the complainant correctly describe the type of facility involved? *

- If not, provide detail:
answers-
no

no
yes
yes
dont know
dont know
dont know what that means
yes
yes

• **5. DAMAGES: (Please provide pictures)**

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

• If no, provide detail:

no

Todd Chambers knows that NO DAMAGE OCCURED. HIS WORDING IS TO GIVE THE ASSUMPTION and as stated multiple times it was his opinion THAT MAYBE IT DID, WHEN HE KNOWS THERE WAS NONE, just to make it appear more malicious and intentional to the board.

• Were damages on public right of way or private property?

Did complainant correctly describe how operator service was affected? *

• If no, provide detail:

no damages no service affected

• Was anyone injured as a result of facility damage? *

• If yes, provide detail:

no

• Length of hospitalization:

none

• Were there fatalities? *

• If yes, provide detail:

no

• Other information regarding injuries or damages:

• **6. STATUTORY VIOLATION (if known):**

• Do you believe the statutes listed (if any) by the complainant were violated? *

• Why or why not?

Because of a Clerical error, and not understanding fully what the South Dakota procedures were, since I've never dug in this state before, and its simple 6 to 8" cable TV bury. I have never had any issues in the 100s of cities I bury for in 4 states until Todd Chambers and his connections, in the last 17 years. When Todd Chambers talked with my contractor, my contractor

expressed that all Todd Chambers says to questions asked (well in my opinion) giving no reasonable answers to what he is asking us to do. He skates around the fact of demanding us to dig down 3 feet to expose utilities to bury 6". When the answer he won't say is when using MACHINE over the markings. From after about 4 different people between Todd Chambers, 2 Midco higher ups and a board member, 3 out of the 4 keep saying you have to dig 3 feet deep in ground when they know that is not the law. Only excavating over line you have to, not if you just hand dig over it. The 3 saying it are the ones that will not answer that question straight up. WHY? I have since figured out on my own. Not with the help of the people that could have been more professional about this versus a second agenda they might have, and I just happen to be their target. Again I have learned what I should actually be doing have corrected all issues that are in my control. I apologize for not knowing the SD rules, but have only followed what I have done for the last 17 years with not one issue ever arising in the manner of the malicious attracts by Todd Chambers and Midco, who Todd Chambers got them involved to back him up to make it look worse, then all this happen in one route all in one day. So if was being done on one job than its common sense it involved all jobs that day.

● **7. FUTURE COMPLIANCE:**

- Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:

As of 6-8-17 all know requirements have been followed since this date since it took me 4 different people to figure out correct rules. Todd Chambers and Midco both miss represented what we were actually able to do. Suggesting we do way more work than needed when both entities are aware of how cable gets buried at 6 inch depth.

● **8. PAST VIOLATIONS:**

- Has a complaint been filed against you in the past for SD One Call violations? *
- If yes, when was it filed?

● **9. OTHER INFORMATION:**

Paula and I have been in this industry for 17 years. We are a tiny company with Paula and myself with occasional help when we can get it. So to be threatened that I will get shut down over somebody's vindictive accusations is extremely disheartening knowing that people in power trample on a little company. Only because somebody has pull to create a nightmare for us is all that's going on. Midco knows damn well that there are crews who do not follow the same rules by exposing utilities for a simple cable drop. I have run into several jobs since being in Watertown this year that has been buried by Midco sub contractors and they bury same ways I do. So for Midco to say otherwise they are full of it. I have one now in Sioux Falls where Midco cut vast line due to not hand digging over vast line, in the same manner I'm being yelled at for. For never being in Watertown SD before and this being the only problem city, I would know what is expected and have made the corrections as soon as it was possible after retrieving what info I found out. So I can only apologize for clerical error in office and not understanding the difference between what I have always done versus what SD requires. I would hope you would address with Todd Chambers of how this all started not that he will be truth to you, and that if he wants to threaten some female over the phone who has no clue what's going on, then he can deal with ME directly, instead he came at my wife on the street like that, he'd probably have issues, not by me but my wife would shred his dignity in every way because he feels he has the right to demean her and who she works for. I have more choice words that I will restrain from saying about how disgusting of a person this Todd Chambers is. I apologize that this issue has been blown up by these two entities. Problem has been resolved and no issues after the 6-8-17. Remember this all started with a customer that lied, threatened, and trying to follow through with his threats based off who he knows, which is Todd Chambers, who then Calls Midco to get them involved. If it wasn't for this line of events none of this would still be doing the job I have always done in the manner of how it's always been done. Now I know of different rules they will be complied with.

Also this letter is covering all complaints cuz they fall under the same days the work was completed and due to the miscommunication given by Todd chambers and Midco executives.

Complaint numbers are OC17-004 WATERTOWN MUNICIPAL UTILITIES

OC17-005 WATERTOWN MUNICIPAL UTILITIES

OC17-014 WATERTOWN MUNICIPAL UTILITIES

OC17-007, 008, 009, 010, 011 MIDCO

I apologize for my anger but when you know your being verbally attacked and threatened of your livelihood by somebody who is pulling a power trip with an alternative motive, I tend to get a little angry. I will say again issues have been resolved since 6-8-2017.

Just quick insight for my company—17yrs, over 40,000 plus buries in ground and less than \$15,000 worth of damages which are 99% all private utility damages. That's over \$2 million(estimated) worth of business, with less than \$15,000 worth of damages. Show me a company that has that kind of perfection rate.

Watertown vast jobs completed this year---114 BURIES

Watertown utilites damaged--- NONE

Watertown Midco damages--- NONE

Phone company damages—NONE

ROAD BORE DAMAGES—NONE

DRIVEWAYBORE DAMAGES-- NONE

PRIVATE UTILITY (WHICH ARE 99.9% NEVER MARKED) DAMAGES-- NONE

SPRINKLERS—NONE

DOGFENCE—NONE

PRIVATE ELECTRIC—NONE

DISGRUNTLED CUSTOMER---1 WHO MADE THREATS AND STARTED THIS WHOLE THING. Which I also have some emails in regards to dealing with rick hoff and his slanderous accusations against me personally and his lies between what he said to me than changed it when talking to vast. Gets todd chambers involved, who gets midco involved to destroy my business for kicks because they can, with false accusations that todd can go back to rick and say I got em for ya!!! IN MY OPIONION NOTHING BUT A BIG WASTE OF TIME AND MONEY FOR EVERY SINGLE ONE OF US INVOLVED.

I completely understand this might come off a little combative, which its not ment to. I take all the pride in the world over the work I do, and to have someone do this to me and my family is way overboard. All that needed to be done was Inform me in a professional way that im doing something wrong, I get it corrected with the correct info and move on. Im sure everybody has way more important things to get done then play in someones game of power. Again if rick hoff did not know todd chambers none of this would not have happened in my opinion. I understand now what I was doing did not go with sd811. It has been corrected.

Ty

Chad Schwerdtfeger

Underground communications