

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

Submitted at 12/08/23 1:08 PM

Complaint Docket Number: OC23-003

Reply filed on behalf of (company name): KTM Design Solutions, Inc.

Contact Person: Janelle Finck

Phone Number: (605) 791-5866

Ext:

Name or Company Name: KTM Design Solutions, Inc.

Street Address or PO Box: 18 E Kansas City Street
Suite 3
Rapid City, SD 57701

Fax:

Email: janelle@ktmsdi.com

Date: Dec 08, 2023

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?: No

Why or why not?:

Our ticket requests were called in as "excavating for property corners and mapping for design" which is the work that was performed

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

Yes

If yes, what specifically do you dispute?:

Our ticket request correctly identified the nature of the request and work - excavating for property corners and mapping for design

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

Yes

If yes, please explain.:

Our ticket request correctly identified the nature of the request and work - excavating for property corners and mapping for design.

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2307236108

Start date on ticket:

Mar 13, 2023

Start time on ticket:

04:00 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?:

No

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

No

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?:

Not Sure

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

No

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

Yes

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

Yes

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

No

Provide details:

There was no facility involved in the complaint.

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

No

Provide details:

There were no damages as a result of the alleged violation.

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:

No

File:

If No, why not?:

There were no damages, dislocation or disturbance to report.

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

No

If No, why not?:

There were no damages, dislocation or disturbance to report.

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 were no damages resulting from the alleged violation.

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

Did complainant correctly describe how operator service was affected?: No

Provide Details: Operator service was not affected.

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, fatalities or damages to property or facilities as the result of this request and the alleged violation.

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules.: We believe that we have correctly been identifying our requests as "excavating for property corners and mapping for design". In 2018 811 Director Larry Janes spoke at the state survey conference and directed 200 surveyors to use this language when submitting our requests. We have complied with that direction.

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 believe that we have correctly identified our locate requests and were following direction and instruction provided by the previous 811 Director. We responded accordingly to the complainant per my email of March 3, 2023. If the parameters of requests have changed from the direction that we received in 2018 then surely contact and/or discussion from 811 administration would have been more appropriate than filing of a formal complaint.

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

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