

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

Submitted at 08/25/23 3:10 AM

**Complaint filed on behalf of or by:** Accurate Locating Service

**Contact Person:** Dana Fetch

**Phone Number:** (605) 484-8065

**Ext:**

**Name or Company Name:** Accurate Locating service

**Street Address or PO Box:** 3606 hwy 44 # 5  
Rapid city, SD 57703

**Fax:**

**Email:** [accurateloc18@gmail.com](mailto:accurateloc18@gmail.com)

**Date:** Aug 25, 2023

**Name of excavator / facility operator:** Mike Davis/Charlie

**Phone:** (605) 341-6317

**Ext:**

**Name or Company Name:** CCS

**Street Address or PO Box:** 7200 SHADOWLAND CT  
BLACK HAWK, SD 57718

**Fax:**

**Email:**

[elaine@ccsincsd.com](mailto:elaine@ccsincsd.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.:**

MJike Davis 7/25/23 at 3:24 Pm the discussion was due to the fact no marks were visable at the time they were boring also that there were markers stating that power was in the area. That they had not walked there dig site and realized that marks were gone and needed to call in a repot or update and remark.

**Statutory Violations:**

20;25;03;05.02. Excavator Responsibilities for the preservation of markings. After the underground facility operator has marked the location of that operator's underground facilities in the proposed excavation area the excavator shall plan the excavation to avoid damage to, and minimize interference with the marks. The Excavator is responsible for protecting and preserving the staking, marking, or other designation until the marks are no longer required for proper and safe excavation work at or near the underground facilities.

**Other information to support your position:**

The Ticket was called in on July 11th and the markings were marked on July the 13th. On July the 17th we had severe thunderstorms with heavy rain. The excavator did not dig the site until July 24th with no respot or update and remarks called in for said area at all. However, the contractor set up their boring machine next to a West River Markers stated there was power in the area.

<b>Street Address / location of alleged violation:</b>	0 Hwy 1416 Box Elder, SD
<b>Date of alleged violation:</b>	Jul 24, 2023
<b>Time of alleged violation:</b>	03:15 PM
<b>Describe your allegation:</b>	The Excavator did not keep up the markings or walk the entire route to make sure no underground facilities were in the area. Had the excavator done so they would have seen faint markings and a marker stating there was power in said area.
<b>Do you believe the alleged violation to be intentional?:</b>	No
<b>Why or why not?:</b>	I do not feel it was intentional, I feel they failed to completely make aware of the surroundings and what could possible be in the area before they decided to dig.
<b>Was a locate requested from SD One Call?:</b>	Yes
<b>Locate ticket #:</b>	2319214337
<b>Start Date on Ticket:</b>	Jul 13, 2023
<b>Start time on ticket:</b>	08:00 AM
<b>Did the excavator wait until the start date / time on the ticket before commencing excavation?:</b>	Yes
<b>If no or not sure, when did excavation begin (date)?:</b>	

<b>If no or not sure, when did excavation begin (time)?:</b>	
<b>Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?:</b>	No
<b>Explain:</b>	Marks were no longer visible with in the working area
<b>Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:</b>	No
<b>Were facilities marked?:</b>	Yes
<b>Was the marking complete prior to the start time on the ticket?:</b>	N/A
<b>Did the excavator pre-mark with white paint?:</b>	No
<b>Was the facility marked accurately (within 18 inches)?:</b>	Yes
<b>Did the excavator use reasonable care to maintain locate marks for the life of project?:</b>	No
<b>Type of facility involved:</b>	Underground three phase power line
<b>Operator of facility (if known):</b>	West River Electric
<b>Operator address (Street or PO Box):</b>	3350 W hwy 44 Rapid City, SD 57703

<b>Operator Phone:</b>	(605) 393-1500
<b>Depth of Cover (If unsure put N/A):</b>	n/a
<b>Pressure (If none, write none):</b>	n/a
<b>Voltage (If none, write none):</b>	n/a
<b># of cable pairs (If none, write none):</b>	3
<b>Was the facility damaged?:</b>	Yes
<b>If yes, provide detail and an estimate of damage.:</b>	Recieved a bill from West river electric in the amount of \$15,000.00
<b>Were damages on public right of way or private property?:</b>	N/A
<b>Was anyone injured as a result of facility damage?:</b>	No
<b>If yes, provide detail.:</b>	
<b>Length of hospitalization:</b>	
<b>Were there fatalities?:</b>	No
<b>If yes, provide detail.:</b>	
<b>Was operator service affected? :</b>	Yes
<b>If yes, provide detail (how many customers for how long).:</b>	A whole subdivition was entirely out of servicee
<b>Was the one-call notification center immediately notified of</b>	Yes

**the damage, dislocation, or disturbance?:**

**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?:**

No

**If Yes, but if 911 was not called, or if you don't know, explain why.:**

**Please provide a Fire Department or Emergency Services incident report, if available :**

Not Available

**Attachment:**

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

[View File](#)