

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

Submitted at 12/07/23 5:51 PM

**Complaint Docket
Number:**

OC23-012

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

Blackburn Foundation Repair, LLC

Contact Person:

Kevin Gabriel

Phone Number:

(605) 222-0954

Ext:

**Name or Company
Name:**

Blackburn Foundation Repair, LLC

**Street Address or PO
Box:**

2101 293rd Ave
Pierre, SD 57501

Fax:

Email:

k.gabriel@blackburnbasementrepair.com

Date:

Dec 07, 2023

**Were you previously
aware of these
allegations?:**

Yes

**Provide detail
including whom you
spoke with.:**

Rayn Jones (foreman on project) contacted me on the day the incident occurred. He had already called 911, the fire department arrived, and then MDU arrived to shut off the gas.

Blackburn's protocol when a gas line is hit is to call 911

immediately, evacuate the premises and adjoining properties.

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

No

Why or why not?:

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?:

Yes

If yes, please explain.:

Rayn Jones is a new excavator operator, and he knows that if there is not a utility mark there, then he should be in the clear. We did not know that someone had mowed the grass and pulled the flags prior to our arrival. The phone line and cable line were still clearly marked. While this was an accident, it certainly was not intentional.

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2326866491

Start date on ticket: Sep 27, 2023

Start time on ticket: 12:30 PM

Copy of the locate ticket: [View File](#)

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? : Yes

Were facilities marked? : No

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)?:

No

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:

When Rayn Jones, the excavator operator arrived, the phone line and cable line were clearly marked. There were no markings for the gas line, so Mr. Jones proceeded as per Blackburn's protocol. He exposed the gas line at the meter location prior to excavating, and he assumed that the line went north to the street. He stopped excavating at that point, and when he excavated his anchor holes, he hit the gas line. That's when he realized that the gas line went to the neighbor's house instead of to the street.

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

Yes

Provide details:

Damages were correctly described, and the cost of the damage repair has been paid by Blackburn to Montana Dakota Utilities to satisfy invoice # 52908. Ck # 990148897 in the amount of \$2,326.02 was paid on 10/11/2023.

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

No

File:

If No, why not?:

We did not believe it was necessary to call 811 at this point because we already had a locate ticket on the job, and all first responder parties were already on site following hitting the gas line.

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 contacted by an Operator

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?:

Yes

If no, provide details.:

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

Private

Did complainant correctly describe how

Yes

operator service was affected?:

One residential customer was affected with interruption of gas service for approximately 48 hours.

Provide Details:

The gas line was hit on 10/04/2023 and was attempted to be repaired immediately same day by MDU. It was not passing pressure tests, so MDU returned to replace 16 feet of line and the meter riser. I (Kevin Gabriel) went to the job site to inspect why the line was hit and was not holding pressure. I wanted to determine if Blackburn was at fault for pressure tests failing.

I was not allowed to inspect the riser or the pipe that was replaced by MDU.

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:

No injuries occurred; all services have resumed, and all damages have been repaired MDU and paid for by Blackburn Foundation Repair, LLC.

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

Blackburn Foundation Repair, LLC will continue to train excavator operators to be aware of surrounding utilities and make sure every utility has been located. If questions arise, we will be more proactive to call 811 for a relocate or respot prior to excavating.

Has a complaint been filed against you in the past for SD One Call violations?:

Yes, I don't recall the date

If yes, when was it filed?:

Please provide any additional information to support your position.:

There was a serious incident in June, 2015. When we attempted to enter this into item # 8, the look-back period only goes back to 2018. Blackburn Basement Systems had a different owner at that time, but was at fault for that very unfortunate incident.

Under the new ownership that occurred December 1, 2022, Blackburn Foundation Repair, LLC production employees are safety trained weekly on how to avoid accidents as well actions to take and how to properly report should an accident occur. Rayn Jones thought he was acting appropriately when he began excavation on this job. When he realized he hit the gas line, he followed Blackburn's protocol exactly to make sure that no injuries or further property damage occurred.

Blackburn Foundation Repair will attend the annual 811 classes and safety trainings facilitated by SD One Call as an additional resource to prevent any future incidents.

Please see attached picture showing there were no gas line utility markings before the gas line was hit.

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

[View File](#)