

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

Submitted at 01/03/24 3:54 PM

<b>Complaint filed on behalf of or by:</b>	NorthWestern Energy
<b>Contact Person:</b>	Frank Luczak
<b>Phone Number:</b>	(605) 995-4429
<b>Ext:</b>	
<b>Name or Company Name:</b>	NorthWestern Energy
<b>Street Address or PO Box:</b>	400 S Capital St Mitchell, SD 57301
<b>Fax:</b>	
<b>Email:</b>	<a href="mailto:frank.luczak@northwestern.com">frank.luczak@northwestern.com</a>
<b>Date:</b>	Jan 03, 2024
<b>Name of excavator / facility operator:</b>	Pro Contracting
<b>Phone:</b>	(605) 996-8350
<b>Ext:</b>	
<b>Name or Company Name:</b>	Chase Johns
<b>Street Address or PO Box:</b>	1905 West Havens Mitchell, SD 57301
<b>Fax:</b>	

Email: [procontractinginc@live.com](mailto:procontractinginc@live.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 Chase Johns on site of the hit line on December 20, 2023 at approximately 1330. I explained that I was concerned about the fact that they hit the same line twice within one week in the exact same spot and they had not called located either time. I informed him that they are required to call for locates even if they are only driving forming stakes. I told Chase at the time that I intended to file a complaint with 811 based on them not calling locates.

Statutory Violations: 49-7A-5

Other information to support your position: I verified through the 811 search that no locates had been called for that address by Pro Contracting.

Street Address / location of alleged violation: 1504 W 20th St  
Mitchell, SD

Date of alleged violation: Dec 20, 2020

Time of alleged violation: 01:00 PM

**Describe your allegation:** On December 20th NorthWestern Energy was informed of another hit line at the same address and upon investigation discovered the exact same thing had happened. A 24" wooden forming stake had been driven into the same section of gas line as previously hit. In talking with Chase Johns the work had been performed on December 18, 2023 and the leak was not discovered until his crew returned the morning of the 20th of December.

Do you believe the alleged violation to be intentional?: Yes

**Why or why not?:**

As a well established contractor, Pro Contracting should be well aware of their obligations to call for locates.

Additionally, having hit the same line in the exact same spot only a few days earlier they were well aware that the gas line was there.

**Was a locate requested from SD One Call?:**

No

**Locate ticket #:**

**Start Date on Ticket:**

**Start time on ticket:**

**Did the excavator wait until the start date / time on the ticket before commencing excavation?:**

No

**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?:**

N/A

**Explain:**

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

No

<b>Were facilities marked?:</b>	N/A
<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>	N/A
<b>Was the facility marked accurately (within 18 inches)?:</b>	N/A
<b>Did the excavator use reasonable care to maintain locate marks for the life of project?:</b>	N/A
<b>Type of facility involved:</b>	Natural Gas
<b>Operator of facility (if known):</b>	NorthWestern Energy
<b>Operator address (Street or PO Box):</b>	400 S Capital St Mitchell, SD 57301
<b>Operator Phone:</b>	
<b>Depth of Cover (If unsure put N/A):</b>	16"
<b>Pressure (If none, write none):</b>	40 Psi
<b>Voltage (If none, write none):</b>	none
<b># of cable pairs (If none, write none):</b>	none
<b>Was the facility damaged?:</b>	Yes

<b>If yes, provide detail and an estimate of damage.:</b>	The 3/4" gas line was punctured and a 2 foot section was cut out and replaced. Estimated cost of \$200
<b>Were damages on public right of way or private property?:</b>	Public
<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>	No
<b>If yes, provide detail (how many customers for how long).:</b>	
<b>Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:</b>	No
<b>If No, why not?:</b>	A damage ticket was not called in until after I spoke with Chase Johns after repairs had been made.
<b>Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:</b>	Yes
<b>If No, why not?:</b>	

**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.:**

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

Not Available

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

[View File](#)