

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

Submitted at 01/15/24 12:47 PM

Complaint filed on behalf of or by: LL & Sons Excavating, Inc.

Contact Person: Loren Beld

Phone Number: (605) 881-8168

Ext:

Name or Company Name: LL & Sons Excavating, Inc.

Street Address or PO Box: PO Box 43
Hazel, SD 57242

Fax: (605) 628-1361

Email: loren@llsons.net

Date: Jan 15, 2024

Name of excavator / facility operator: Midcontinent Communications

Phone: (605) 271-4144

Ext:

Name or Company Name: Midcontinent Communications

Street Address or PO Box: 3901 N Louise Ave
Sioux Falls, SD 57107

Fax:

Email:	patrick.mccann@midco.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.:	<p>A damage one-call was called in on 11/16/23. Sent Invoice #13460 to Midco for downtime on 12/27/23. Received an acknowledgement the same day.</p> <p>Left a voicemail for Patrick McCann on 1/4/24. Received an email/letter from Midco/Patrick McCann on 1/15/24 admitting improper marking.</p>
Statutory Violations:	SDCL 49-7A-8 - Operator failed to mark within 18 inches horizontally from the exterior sides of the underground facilities.
Other information to support your position:	<p>We were working on a water & sewer line at Marina Bay Drive on 11/15/23 when we noticed the Midco line was not marked all the way to the home.</p> <p>We called in a respot and Midco came out and told us that the cable turned and went to the house with the power line.</p> <p>11/16/23 we continued digging and hit their line, which was 15' off their marks.</p>
Street Address / location of alleged violation:	Marina Bay Drive Watertown, SD
Date of alleged violation:	Nov 16, 2023
Time of alleged violation:	08:55 AM
Describe your allegation:	<p>Unmarked/mismarked line.</p> <p>We were working on a water & sewer line at Marina Bay Drive on 11/15/23 when we noticed the Midco line was not marked all the</p>

	<p>way to the home</p> <p>We called in a respot and Midco came out and told us that the cable turned and went to the house with the power line.</p> <p>11/16/23 we continued digging and hit their line, which was 15' off their marks.</p>
Do you believe the alleged violation to be intentional?:	No
Why or why not?:	They thought their line followed the power line.
Was a locate requested from SD One Call?:	Yes
Locate ticket #:	2331796278
Start Date on Ticket:	Nov 15, 2023
Start time on ticket:	10:45 AM
Did the excavator wait until the start date / time on the ticket before commencing excavation?:	Yes
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?:	Yes
Explain:	The excavator maintained a distance of 18" from the marks, but the marks were 15 feet

off. In Midco's response to our Invoice 13460, they admitted that we "hit our cable which was improperly marked." See attachments.

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?:

Yes

Did the excavator pre-mark with white paint?:

Yes

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

No

Did the excavator use reasonable care to maintain locate marks for the life of project?:

Yes

Type of facility involved:

Fiber

Operator of facility (if known):

Midcontinent Communications

Operator address (Street or PO Box):

3901 N Louise Ave
Sioux Falls, SD 57107

Operator Phone:

(605) 271-4144

Depth of Cover (If unsure put N/A):

N/A

Pressure (If none, write none):

none

Voltage (If none, write none):

none

# of cable pairs (If none, write none):	none
Was the facility damaged?:	Yes
If yes, provide detail and an estimate of damage.:	The Midco fiber line was cut. If the cut was the excavator's fault, they would have billed for a minimum of \$16,000, as that is what they billed us for a break in a coax cable (which is much less expensive than fiber).
Were damages on public right of way or private property?:	Public
Was anyone injured as a result of facility damage?:	No
If yes, provide detail.:	
Length of hospitalization:	
Were there fatalities?:	No
If yes, provide detail.:	
Was operator service affected? :	Yes
If yes, provide detail (how many customers for how long).:	Unknown
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:	Yes
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 Information: File names should not include symbols. Example:(\$, &, *, %.) etc. If submitting multiple files, please zip all files into one folder.:

[View File](#)