

Formstack Submission For: South Dakota One Call Complaint Form

Submitted at 01/15/24 4:58 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:

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.net

Is this party aware of your allegations?:

No

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 have not specifically visited with them about this instant, but I have about many other inaccurately marked lines.

Statutory Violations:

SDCL 49-7A-8 Locator failed to mark within 18" horizontally from the exterior sides of the underground facility.

Other information to support your position:

After LL & Sons exposed Midco's line, another contractor called in locates for their purpose. Midco did not mark them right even when their line was clearly visible in our excavated area. See attached picture.

Street Address / location of alleged violation:

1096 S Lake Dr
Watertown, SD

Date of alleged violation:

Nov 06, 2023

Time of alleged violation:

10:00 AM

Describe your allegation:

After LL & Sons exposed Midco's line, another contractor called in locates for their purpose. I was at the job site and noticed Midco did not mark their lines correctly even when their line was clearly visible in our excavated area. See attached picture. In the picture, the power line is

marked right on, and Blue Peak is marked right next to the power. Midco marked 2 feet away, although their line (clearly visible) is right next to the power line.

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

Why or why not?: If it's not intentional, it's extreme negligence.

Was a locate requested from SD One Call?: Yes

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?: Not Sure

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: No damage was incurred. Mark was at least 2' off.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:	N/A
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?:	N/A
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:	coax cable
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?:	No
If yes, provide detail and an estimate of damage.:	
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? :	No
If yes, provide detail (how many customers for how long).:	
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:	No
If No, why not?:	No damage occurred
Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:	No
If No, why not?:	N/A

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](#)

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