

ONE CALL COMPLAINT FORM  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, Sd 57501-5070

**COMPLAINT**

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On July 11, 2011 4:00 pm

**I. ACTION REQUESTED BY:**

COMPLAINT FILED BY: Company

PERSON FILING COMPLAINT: Sara Greff Dannen

COMPANY: NorthWestern Corporation d/b/a NorthWestern Energy

ADDRESS: 3010 West 69th Street, Sioux Falls, SD 57108

PHONE NUMBER: (605) 978-2942

EMAIL: sara.dannen@northwestern.com

DATE: July 11, 2011

**ii. ACTION REQUESTED AGAINST:**

NAME OF EXCAVATOR/FACILITY OPERATOR: Split Rock Contracting, Inc.

PHONE NUMBER: (605) 352-0785

ADDRESS: PO Box 1402, Huron, SD 57350

WAS A LOCATED REQUESTED FROM SD ONE CALL? Yes

LOCATE TICKET#: 111510134

START DATE ON TICKET: June 2, 2011

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? No

WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

**III. FACILITY INVOLVED (IF ANY)**

TYPE OF FACILITY INVOLVED: Gas Main

OPERATOR OF FACILITY: NorthWestern Energy

OPERATOR ADDRESS: 600 Market Street West, Huron, SD 57350

PHONE NUMBER: (605) 353-7527

DEPTH OF COVER: 30 inches

PRESSURE: 29 psi

VOLTAGE: N/A

NUMBER OF CABLE REPAIRS: N/A

Exhibit A

**IV. MARKING**

**WERE FACILITIES MARKED?** No

**WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET?** N/A

**DID EXCAVATOR PRE-MARK WITH WHITE PAINT?** N/A

**WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)?** N/A

**DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT?** N/A

**HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY?** Yes

**IS THERE AGREEMENT?** Yes

**IF NO, PLEASE EXPLAIN:**

**V. DAMAGE (IF ANY)**

**FATALITIES:**

**INJURIES:**

**LENGTH OF HOSPITALIZATION:**

**ESTIMATED PROPERTY DAMAGE:**

**NUMBER OF CUSTOMERS AFFECTED:**

**DAMAGED IN:**

**PHOTOS OF THE DAMAGED FACILITY:** No

**ADDITIONAL INFORMATION:**

**VI. PROBABLE VIOLATION**

**SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:** SDCL 49-7A-5, Notification of proposed excavation

**ADDRESS/LOCATION OF PROBABLE VIOLATION:** McDonald Drive (13th Street to 14th Street), Huron, SD

**DATE/TIME OF PROBABLE VIOLATION:** June 1, 2011 10:00 am

**HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST?** True

**IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:** Scott Olson

**DESCRIPTION OF PROBABLE VIOLATION:** Split Rock Contracting started work on the site prior to the due date on the locate ticket. On June 1, 2011, when NorthWestern Energy's technician arrived at the site to mark the locates, the crew from Split Rock Contracting had already completed digging at the site and was backfilling. Attached as Exhibit A is a copy of locate ticket number 111510134, which has a start date of June 2, 2011.

NorthWestern Energy previously filed complaints against Scott Olson Digging, Inc. in docket numbers OC10 006, OC10 007, and OC10 008. NorthWestern Energy believes that Scott Olson and Lori Olson operate both Scott Olson Digging, Inc. and Split Rock Contracting, Inc. See attached Affidavit of Sara Greff Dannen.