

Mail completed form to:

**PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD**

COMPLAINT

COMPLETE INFORMATION IS REQUIRED - ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL ___ OR BUSINESS* PERSON FILING COMPLAINT (Please print): Tim Chance
COMPANY (if applicable) Southeastern Electric Cooperative, Inc...
ADDRESS 501 S Broadway Marion, SD 57043 PHONE NUMBER 605-648-3619
SIGNATURE OF COMPLAINANT: Tim Chance DATE: 8-23-2011
EMAIL ADDRESS: tchance@southeasternelectric.com

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Don Runge PHONE NUMBER: 605-940-0686
ADDRESS: 5204 W 12th Street Sioux Falls, SD 57107
WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #: 11400320 or 111440285
START DATE ON TICKET: 05/24/2011 or 5/26/20011
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION?
YES NO
WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION?
YES NO

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Electric Distribution
OPERATOR OF FACILITY (IF KNOWN): Southeastern Electric Cooperative Inc...
OPERATOR ADDRESS: 501 S Broadway Marion SD 57043
PHONE NUMBER: (605) 648-3619
DEPTH OF COVER: 3 ft. PRESSURE: N/A VOLTAGE: 12470/7200 Volts
NUMBER OF CABLE PAIRS: Duct Bank of 4 - 5 inch PVC w/3 1/0 cables, w/3 - 4/0 cables, 6 - 500 MCM copper cables and 1 fiber optic cable

Exhibit A

IV. MARKING

WERE FACILITIES MARKED? YES NO WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES NO

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES NO

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES NO

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO

IS THERE AGREEMENT? YES NO IF NO, PLEASE EXPLAIN: They are no agreements.

V. DAMAGE (IF ANY)

FATALITIES: _____ INJURIES: _____ LENGTH OF HOSPITALIZATION: _____

ESTIMATED PROPERTY DAMAGE (\$): \$78,783.01 NUMBER OF CUSTOMERS AFFECTED: 174

DAMAGED IN: PUBLIC PRIVATE (RIGHT-OF-WAY) PHOTOS OF THE DAMAGED FACILITY? YES NO

ADDITIONAL INFORMATION: We have included pictures with our explanation of the damage that occurred on May 31, 2011 by Mr. Don Runge. I have attached a map or overhead view of the area. "Map .pdf" The attached picture (Img-0468.jpg) shows the location of Southeastern's cables and the location marks. The cables and/or duct bank where mostly installed under the sidewalk and you can see the red marks on the sidewalk where the locator located the cables and/or duct bank. The work or the construction being completed is east of 69th street and Tall Grass Avenue widening 69th Street from S Medical Court west to Tall Grass Avenue. We have attached the locate tickets as noted in the attachment titled "One Call Tickets.pdf" with ticket number 111400320 (Page 1 of One Call Tickets.pdf) which was received 5-20-2011 and 111440285 (Page 2 of One Call Tickets.pdf) that was received on 5-24-2011. Even though there are One Call tickets from Runge, the description is wrong or is not in this area where he hit the cables. First ticket #111400320 says 500 feet east of the corner of Tallgrass on 69th Street and the area where he hit our cables is more than 500 feet. The second #111440285 is very vag or hard to understand where this locate is. Part of this construction or the widening out of the road involved removal of the sidewalk, but Southeastern's Cables where to remain in place due to the fact that Southeastern had completed its facility relocation in 2009 at the request of the City of Sioux Falls. On May 31, 2011 Southeastern dispatch received a call from another contractor and our SCADA monitoring system indicated that we had an outage at 18:49. When Southeastern's foreman made it to the site where the damage had occurred Mr. Don Runge was still digging with his track hoe on top of Southeastern's cables and/or duct bank even though there were cables torn out from the ditch as shown in (Picture Img-0457.jpg). Southeastern's Foreman asked Mr. Runge to stop digging upon accessing the situation and Mr. Runge told our foreman that he had permission to dig through the lines and he was going to continue to dig. When Mr. Runge insisted that he was going to continue digging our foreman reached into his track hoe, shut off his machine and took the keys out of the ignition to make him stop. During that event the foreman smelled alcohol and noticed an open bottle of beer in the track hoe as shown in pictures "Img-0463.jpg", and "Img-0466.jpg". Southeastern's foreman then proceeded to call 911 for support to have the Sioux Falls Police department come out for additional help with Mr. Runge as his attitude turned hostile. Once the Sioux Falls Police arrived to the scene Southeastern's foreman gave the keys to them and continued switching lines to get electricity on to our members in that area while assessing the damages done by Mr. Runge. The main feeder lines into this area consist of two 500MCM copper three phase main lines, one 4/0 & one 1/0 three phase supply sub feeders and a fiber optic control cable that operates our SCADA monitoring system for that area. If the Southeastern foreman would not have stopped Mr. Runge when he did, we would have experienced even more extensive damage meaning an extended outage for Southeastern and our members before power could be restored to that area. Mr. Runge damaged one of these two main 500 MCM copper main feeder lines and two of the sub feeder lines. The lines that he hit affected Avera Heart Hospital, many individual businesses and hundreds of residential accounts in that area as shown in pictures "Img-0455.jpg", "Img-0456.jpg" & "Img-0458.jpg". Mr. Runge told the Southeastern foreman that during the preconstruction meeting he had permission to dig through the lighting circuit and that the cables were not energized. We have attached the pre-construction minutes noted as "Precon Meeting Minutes.pdf" and in these minutes he is instructed to "expose and verify the elevation of this crossing prior to doing" any work and nowhere does it state that theses cables are a lighting circuit, de-energized or that he is allowed to cut through them.

VI. PROBABLE VIOLATION

SPECIFIC STATUTE(S) OR RULE(S) THAT WAS VIOLATED:

49-7A-9 Liability for damage to underground facility
20:25:03:05:03 Excavator responsibilities when excavating near markings
And basically no locate - 49-7A-5 Notification of proposed excavation.

ADDRESS/LOCATION OF PROBABLE VIOLATION:

By Medical Court approximately 100 feet west on 69th Street

DATE/TIME OF PROBABLE VIOLATION

May 31, 2011 at 18:19 :

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES

NO X

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION:

Digging with a mechanical means within 18 inches of a flagged locate and the liability for the damage to underground facility.
Basically no locate ticket

Mail completed form to:

**PUBLIC UTILITIES COMMISSION
500 EAST CAPITOL AVENUE
PIERRE, SD 57501
ATTN: SOUTH DAKOTA ONE CALL BOARD**

COMPLAINT

COMPLETE INFORMATION IS REQUIRED - ADDITIONAL PAGES MAY BE USED IF REQUIRED

ALLEGATION OF PROBABLE VIOLATION(S) OF SOUTH DAKOTA ONE CALL LAWS

I. ACTION REQUESTED BY:

COMPLAINT FILED BY INDIVIDUAL ___ OR BUSINESS* PERSON FILING COMPLAINT (Please print): Tim Chance

COMPANY (If applicable) Southeastern Electric Cooperative, Inc...

ADDRESS 501 S Broadway Marion, SD 57043

PHONE NUMBER 605-648-3619

SIGNATURE OF COMPLAINANT: Tim Chance DATE: 8-19-2011

EMAIL ADDRESS: tchance@southeastemeletric.com

*If the complaint is filed on behalf of a Company, the person signing this form should have the proper authority to file the complaint.

II. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Don Runge PHONE NUMBER: 605-940-0686

ADDRESS: 5204 W 12th Street Sioux Falls, SD 57107

WAS A LOCATE REQUESTED FROM SD ONE CALL? YES NO LOCATE TICKET #:

START DATE ON TICKET: _____

DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION?
YES _____ NO _____

WERE BURIED FACILITIES EXPOSED BY HAND OR WITH NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION?
YES _____ NO

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: Electric Distribution

OPERATOR OF FACILITY (IF KNOWN): Southeastern Electric Cooperative Inc...

OPERATOR ADDRESS: 501 S Broadway Marion SD 57043

PHONE NUMBER: (605) 648-3619

DEPTH OF COVER: 3 ft. PRESSURE: N/A VOLTAGE: 12470/7200 Volts

NUMBER OF CABLE PAIRS: Duct Bank of 4 - 5 inch PVC w/3 - 4/0 cables, 6 - 500 MCM cables and 1 fiber optic cable

IV. MARKING

WERE FACILITIES MARKED? YES NO _____ WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? YES _____ NO _____

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? YES _____ NO

WAS THE FACILITY MARKED ACCURATELY (WITHIN 18 INCHES)? YES NO _____

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? YES
NO X

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? YES NO X

IS THERE AGREEMENT? YES NO X IF NO, PLEASE EXPLAIN: They are no agreements.

V. DAMAGE (IF ANY)

FATALITIES: INJURIES: LENGTH OF HOSPITALIZATION:

ESTIMATED PROPERTY DAMAGE (\$): \$5,602.11 NUMBER OF CUSTOMERS AFFECTED:

DAMAGED IN: PUBLIC PRIVATE X (RIGHT-OF-WAY) PHOTOS OF THE DAMAGED FACILITY? YES X
NO

ADDITIONAL INFORMATION: We have included pictures with our explanation of the damage that occurred on June 13, 2011. I have included a map or overhead view of this area, "Map .pdf" In the picture titled "Runge dig-in Tallgrass001.jpg" it shows the location of Southeastern's cables or what was to be found, one red flag and a yellow sign way to the west. The cables and/or duct bank shown are going west of the corner of Tallgrass Avenue and 69th Street. The work or the construction that is going on is widening 69th Street to the east of Tallgrass Avenue. The only One Call Tickets we have in this area are shown in the attachment titled "OneCallTickets.pdf" and are 111400320 and 111440285. As you will note, neither of these tickets requests Southeastern to locate west of Tallgrass Avenue on 69th Street. 69th Street was located a short distance to the west by Southeastern's locator just to show the cable direction and not because it was requested on a One Call ticket. On 6-13-2011 we received a call from engineer at the site Southeastern's cables and duct bank indicating that it was again hit by Mr. Don Runge. The duct bank was damaged with the cables inside of the duct and luckily the cables were not damaged too as shown in attachment "Runge dig-in (Tallgrass) 004.jpg and tallgrass and 69th.hit pipe 007.jpg". Not only was there damage to Southeastern's facilities at this location, but there was a hydrant and a fiber optic vault also hit by Mr. Runge as noted in attachments "Runge dig-in (Tallgrass)006.jpg & Runge dig-in (Tallgrass)005.jpg". There are two 500MCM three phase main feeders that supply power in this area, also two supply feeders, a fiber optic control cable and if he could have damaged the cables in the duct and the main circuits this would have been detrimental to Southeastern to get the power back on for this area. Another damaged cable would have affected the Avara Heart Hospital, many business places and many other residential members again similar to the May 31, 2011 dig in. After this second incidence the City of Sioux Falls placed a restraining order on Mr. Runge requesting him to not operate any equipment at this job site as noted in attachment "SFLetter.pdf"

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED:

49-7A-5 Notification of proposed excavation.

49-7A-9 Liability for damage to underground facility

20:25:03:05:03 Excavator responsibilities when excavating near markings

ADDRESS/LOCATION OF PROBABLE VIOLATION:

Just west of Tallgrass Ave. on 69th Street

DATE/TIME OF PROBABLE VIOLATION 6-13-2011

HAVE YOU DISCUSSED THIS PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST: YES

NO **X**

IF YES, NAME OF THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION:

DESCRIPTION OF PROBABLE VIOLATION:

No locates called in, digging with a macanical means within 18 inches of a flaged locate and the liability for the damage to underground facility.

Attach additional pages if required

