

# COSTELLO PORTER

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1923-2007

WILLIAM G. PORTER  
1926-2004

April 8, 2024

South Dakota One Call Notification Board  
c/o Cody Honeywell  
503 South Pierre Street  
PO Box 160  
Pierre, SD 57501

Accurate Locating Service  
Attn: Dana Fetch  
3606 Hwy 44 # 5  
Rapid City, SD 57703

South Dakota One Call Notification Board  
Attn: Mandy Benson  
PO Box 187  
Rapid City, South Dakota 57709

South Dakota One Call Notification Board  
Attn: Codi Gregg  
PO Box 187  
Rapid City, South Dakota 57709

Office of Hearing Examiners  
Attn: Catherine Williamson  
523 E Capital Ave  
Pierre, SD 57501

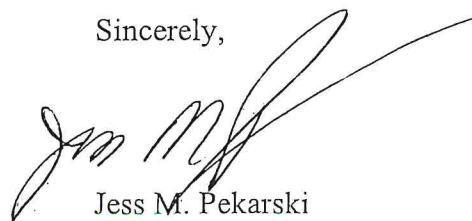
Re: Complaint OC23-007  
Our File No. 242062

All,

Please find enclosed Cable Communication Services, LLC's Witness List, Exhibit List, and Exhibits 1-12 for Complaint OC23-007.

Thank you for your time and attention to this matter.

Sincerely,



Jess M. PekarSKI

JMP/hew  
Cc: Client

**CERTIFICATE OF SERVICE**

On this the 8th day of April 2024, the undersigned hereby certifies that he served a copy of the **Witness List, Exhibit List, and Exhibits 1-12** upon the person herein next designated, on the date below shown, by placing the same in the service indicated, addressed as follows:

South Dakota One Call Notification Board [X] U.S. Mail  
c/o Cody Honeywell [ ] Hand Delivery  
503 South Pierre Street [ ] Facsimile  
PO Box 160 [ ] Odyssey File & Serve  
Pierre, SD 57501

South Dakota One Call Notification Board [X] U.S. Mail  
Attn: Codi Gregg [ ] Hand Delivery  
PO Box 187 [ ] Facsimile  
Rapid City, South Dakota 57709 [ ] Odyssey File & Serve

Accurate Locating Service [X] U.S. Mail  
Attn: Dana Fetch [ ] Hand Delivery  
3606 Hwy 44 # 5 [ ] Facsimile  
Rapid City, SD 57703 [ ] Odyssey File & Serve

Office of Hearing Examiners [X] U.S. Mail  
Attn: Catherine Williamson [ ] Hand Delivery  
523 E Capital Ave [ ] Facsimile  
Pierre, SD 57501 [ ] Odyssey File & Serve

South Dakota One Call Notification Board [X] U.S. Mail  
Attn: Mandy Benson [ ] Hand Delivery  
PO Box 187 [ ] Facsimile  
Rapid City, South Dakota 57709 [ ] Odyssey File & Serve

**COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP**

By: /s/ Jess M. Pekarski

Jess M. Pekarski  
*Attorneys for Respondent*  
704 St. Joseph Street  
P.O. Box 290  
Rapid City, SD 57709  
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jpekarski@costelloporter.com

STATE OF SOUTH DAKOTA

SOUTH DAKOTA

COUNTY OF PENNINGTON

ONE CALL NOTIFICATION BOARD

ACCURATE LOCATING SERVICES,  
Complainant,

Complaint OC23-007

-vs-

**WITNESS LIST**

CABLE COMMUNICATION SERVICES,  
LLC,  
Respondent.

Cable Communication Services, LLC discloses the following contemplated or potential witnesses:

1. **Chase Sanftner:** Chase will testify as to his personal knowledge on all issues related to this proceeding and the business practices of Cable Communication Services, LLC, including but not limited to the requests for markings and locates submitted, the onsite locates and markings and the location of the work.
2. **Matt Schmahl (West River Electric Representative):** Matt may testify as to their personal knowledge and business practices of West River Electric on all issues related to this proceeding including but not limited to their repair, costs, the condition of the property upon their arrival onsite, the markings onsite and the procedure and decision made to bill Accurate Locating Service for the damage to its facilities.
3. **Morgan Russell (Cable Communication Services, LLC Employee):** Morgan will testify as to his personal knowledge and the business practices of Cable Communication Services, LLC on all issues related to this proceeding, including but not limited to the markings and requests for markings submitted and the actual onsite locates and markings provided and the location of the work.
4. **Dana Fetch:** Dana will testify as to her personal knowledge and all issues related to this proceeding.
5. **Accurate Locating Service Representative:** Representative will testify as to their personal knowledge and all issues related to this proceeding.

Cable Communication Services, LLC reserves the right to supplement this disclosure as additional information may become available, to call rebuttal witnesses and reserves the right to call any witnesses disclosed by any other party, including expert witnesses.

Dated this 8th day of April 2024.

**COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP**

By: /s/ Jess M. Pekarski

Jess M. Pekarski

*Attorneys for Respondent*

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STATE OF SOUTH DAKOTA

SOUTH DAKOTA

COUNTY OF PENNINGTON

ONE CALL NOTIFICATION BOARD

ACCURATE LOCATING SERVICES,  
Complainant,

Complaint OC23-007

-vs-

**EXHIBIT LIST**

CABLE COMMUNICATION SERVICES,  
LLC,

Respondent.

Cable Communication Services, LLC discloses the following contemplated or potential exhibits:

Exhibit	Description
1.	South Dakota 811 Ticket 2319214337
2.	Pictures: (1) Route West and (2) Route West/S Ellsworth Rd <b>Ex. 2.1</b> (1) Route West (Enlarged) <b>Ex. 2.2</b> (2) Route West/S Ellsworth Rd (Enlarged)
3.	Pictures: (3) Route West/S Ellsworth Rd and (4) Route West/S Ellsworth Rd <b>Ex. 3.1</b> (3) Route West/S Ellsworth Rd (Enlarged) <b>Ex. 3.2</b> (4) Route West/S Ellsworth Rd (Enlarged)
4.	Picture: (5) Route West/S Ellsworth Rd <b>Ex. 4.1</b> (5) Route West/S Ellsworth Rd (Enlarged)
5.	Pictures: (6) and (7) Bore machine – looking West toward S Ellsworth Rd
6.	Pictures: (8) Bore machine set-up – picture facing East and (9) Post below/facing East
7.	Pictures: (10) and (11) West River Repair crew – picture taken facing East
8.	Picture: (12) Wrapped-up wire – picture taken facing West
9.	Picture: Accurate Locating photo – same post as photo (9)
10.	Overhead photo of area
11.	South Dakota 811 Ticket 2320524551
12.	A Map of the Area

Respondent reserves the right to add further exhibits as the evidence dictates; use Complainant's exhibits', rebuttal exhibits or use demonstrative exhibits.

Dated this 8th day of April 2024.

**COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP**

By: /s/ Jess M. Pekarski

Jess M. Pekarski  
*Attorneys for Respondent*  
704 St. Joseph Street  
P.O. Box 290  
Rapid City, SD 57709  
(605) 343-2410  
jpekarski@costelloporter.com

TICKET 2319214337



Ticket Number: 2319214337  
 Source: Portal Ticket  
 Date: 7/11/2023 8:54 AM  
 Update By: 8/1/2023 8:00 AM  
 Old Ticket:  
 Type: Normal  
 Expires On: 8/3/2023 8:00 AM

INSE STATUS AS OF: TUESDAY, JULY 11, 2023 9:24 AM

STATUS	CODE	NAME	FACILITIES
Closed	BOX	City Of Box Elder • July 12, 2023 4:11 PM by korterra.pr: Located Sewer along 14/16 runs straight from manhole to manhole - sewer painted and flagged. Water main located at 14/16 & Liberty	Water, Sewer
Closed	TCI	Midcontinent Communications • July 21, 2023 6:54 AM by ResponseProcess: No Response Closed by the system process for excessive age.	Fiber
Closed	TCI	Midcontinent Communications • July 21, 2023 6:54 AM by ResponseProcess: No Response Closed by the system process for excessive age.	Cable
Closed	TCI	Midcontinent Communications • August 09, 2023 10:48 AM by korterra.pr: Clear 2023/07/13 15:59 Attempted Phone Call tel:(605) 877-0150; 2023/07/14 07:40 CenturyLink to 400 pairs for marked CenturyLink 900 pair was marked to midco fibers marked Pennington County Light Mark no Pennington County Sewer house at the North End of 1416 and Liberty Boulevard has a CenturyLink pad all wires were cut including the main lines took pictures of it and connected it to the ticket; • July 21, 2023 6:54 AM by ResponseProcess: No Response Closed by the system process for excessive age.	Cable, Fiber
Closed	MTU	Montana-Dakota Utilities Company • July 12, 2023 12:13 PM by lrthsd.pr: Located	Gas
Closed	PEN	Pennington County Highway Dept • July 14, 2023 8:41 AM by sdusc.pr: Clear	Sewer
Closed	PEN	Pennington County Highway Dept • July 14, 2023 8:41 AM by sdusc.pr: Located	Electric
Closed	SDEDA	South Dakota Ellsworth Development Authority (SDEDA) - Farm Tap • July 21, 2023 6:54 AM by ResponseProcess: No Response Closed by the system process for excessive age.	Sewer
Closed	WRW	West River Electric • August 20, 2023 10:44 AM by sdboss.pr: Located • July 13, 2023 6:48 PM by sdboss.pr: Located	Electric

COMPANY INFORMATION  
 CCS  
 7200 SHADOWLAND CT  
 BLACK HAWK, SD 57718

Phone: (605) 341-6317  
 Fax:  
 Type: Excavator

Caller	Name	Phone	Email
Contact	Elaine Sanftner	(605) 341-6317	elaine@ccsincsd.com
Alt Phone	Morgan Russell	(605) 877-0150	kassie@ccsincsd.com
		(605) 341-6317	

INFORMATION

SD  
 County: PENNINGTON  
 Place: BOX ELDER  
 Street: 0 Hwy 1416  
 Intersection: Box Elder RD  
 Nature of Work: Install power  
 Meet Requested: False  
 TRSQ:

Work Date: 7/13/2023 8:00 AM  
 Done For: Bluepeak/Wilson Constr  
 Duration: 21 days  
 Explosives: False  
 Sign of Way: True  
 Tunnel, Bore: True  
 Meet Date/Time:  
 Depth: 6ft

DRIVING DIRECTIONS

starting at SW side of intersection (44.113911230891276, -103.07088759963976) continue EAST along the SOUTH side of HWY 1416 approx 2200 ft, cross Hwy 1416 to NE, continue EAST along NORTH side of Hwy 1416 for 3300 ft, crossing Libert Blvd. Route should turn NORTH on NE side of intersection. 2nd ticket to follow for route headed North along Liberty Blvd.

REMARKS

Work Date: 7/13/2023 8:00:00 AM Mark 50ft radius of flagged route with paint & flags.

MEMBERS

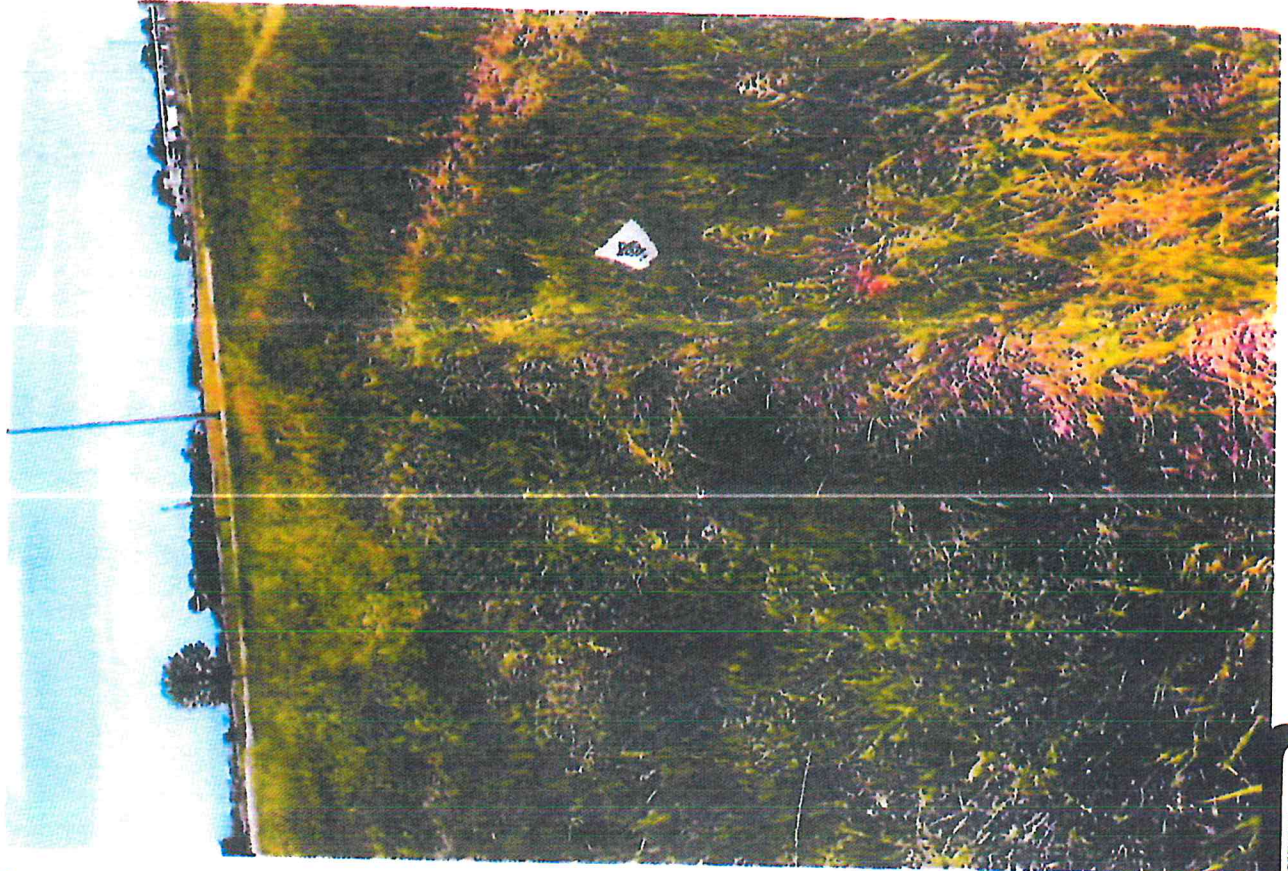
CODE	NAME
LWI	CTLQI -CenturyLink
BOX	City Of Box Elder
GT2	Golden West Communications
TCI	Midcontinent Communications
MTU	Montana-Dakota Utilities Company
SDT	Sdn Communications Llc
SDS	South Dakota Department Of Transportation
WRW	West River Electric
PEN	Pennington County Highway Dept
SDEDA	South Dakota Ellsworth Development Authority (SDEDA) - Farm Tap
OPE	Bluepeak





Route - west

①

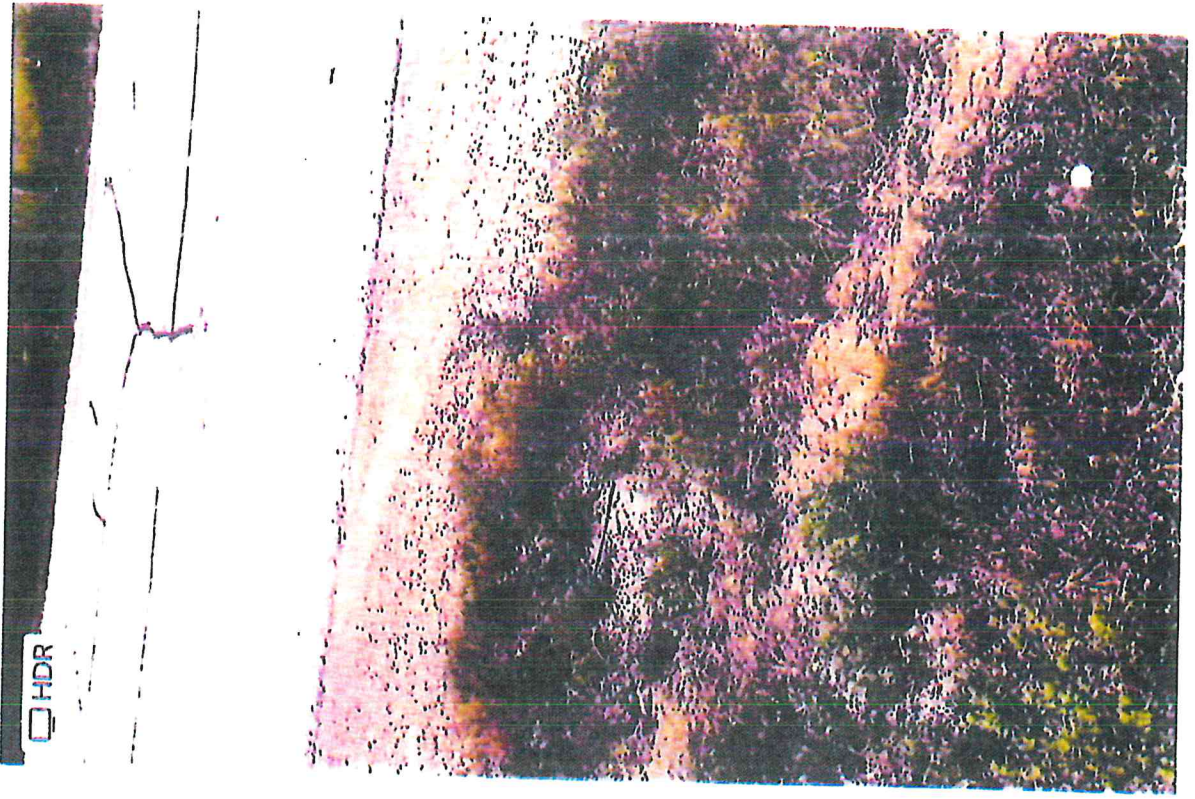


② Route - east of Ellison Rd

Box Elder  
July 24 12:51 PM

Edt 📷

HDR







EXHIBIT

A.1





Box Elder  
July 24 12:51 PM

Edit



HDR

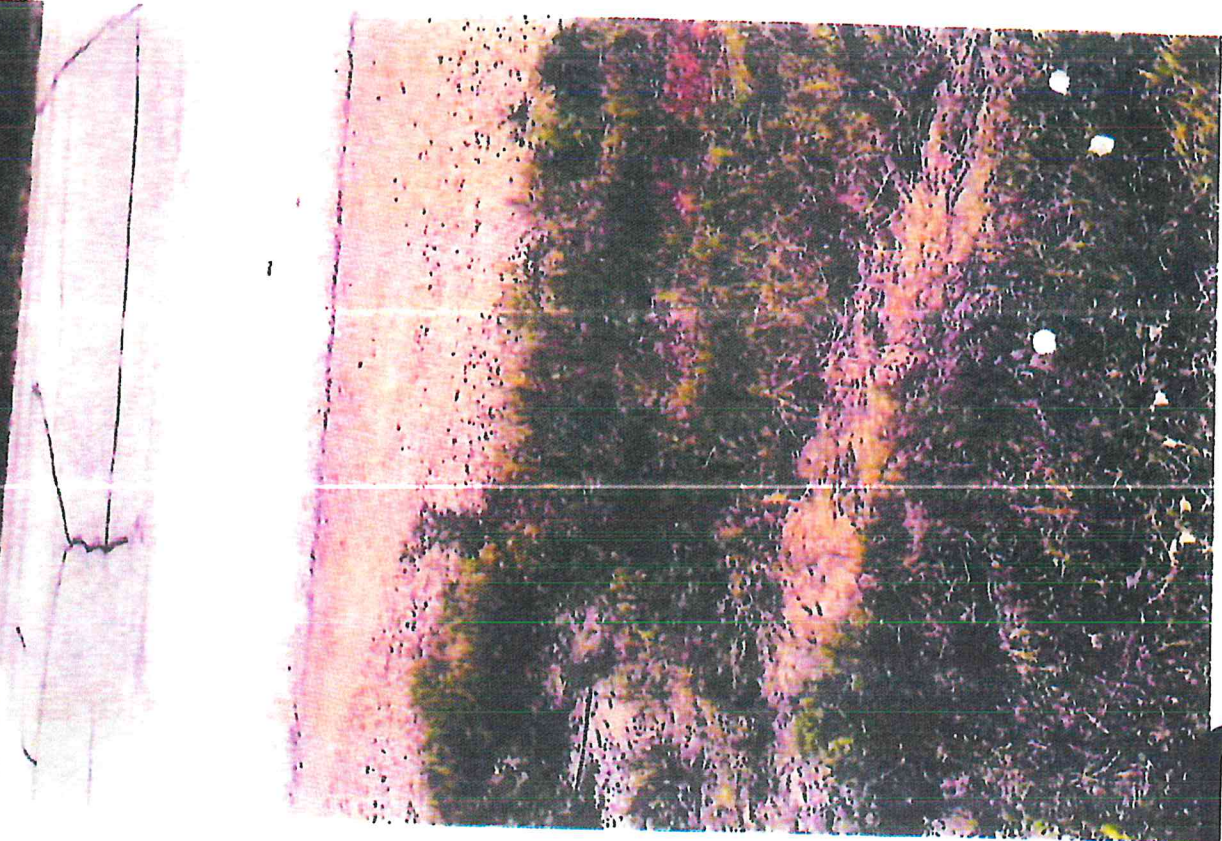


EXHIBIT  
A.2



② Route west / S Ellsworth Rd

HDR



③ Route west / S Ellsworth Rd

HDR







HDR

EXHIBIT  
3.1



HDR



EXHIBIT

3.2



(6) Route west - S Ellsworth Rd



HDR

EXHIBIT

4





EXHIBIT  
4.1



① Core machine - looking west toward S. Ellsworth Rd

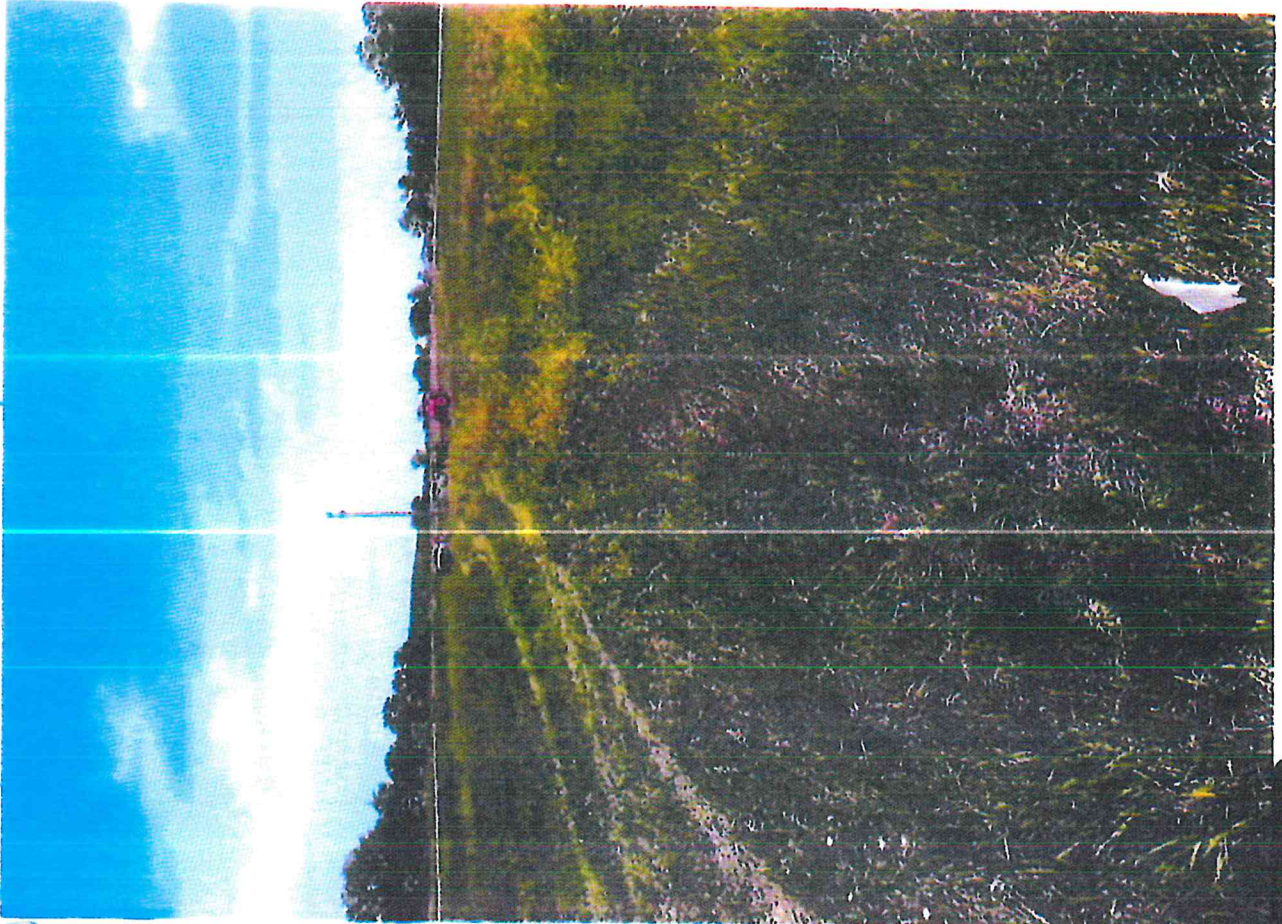


EXHIBIT

5



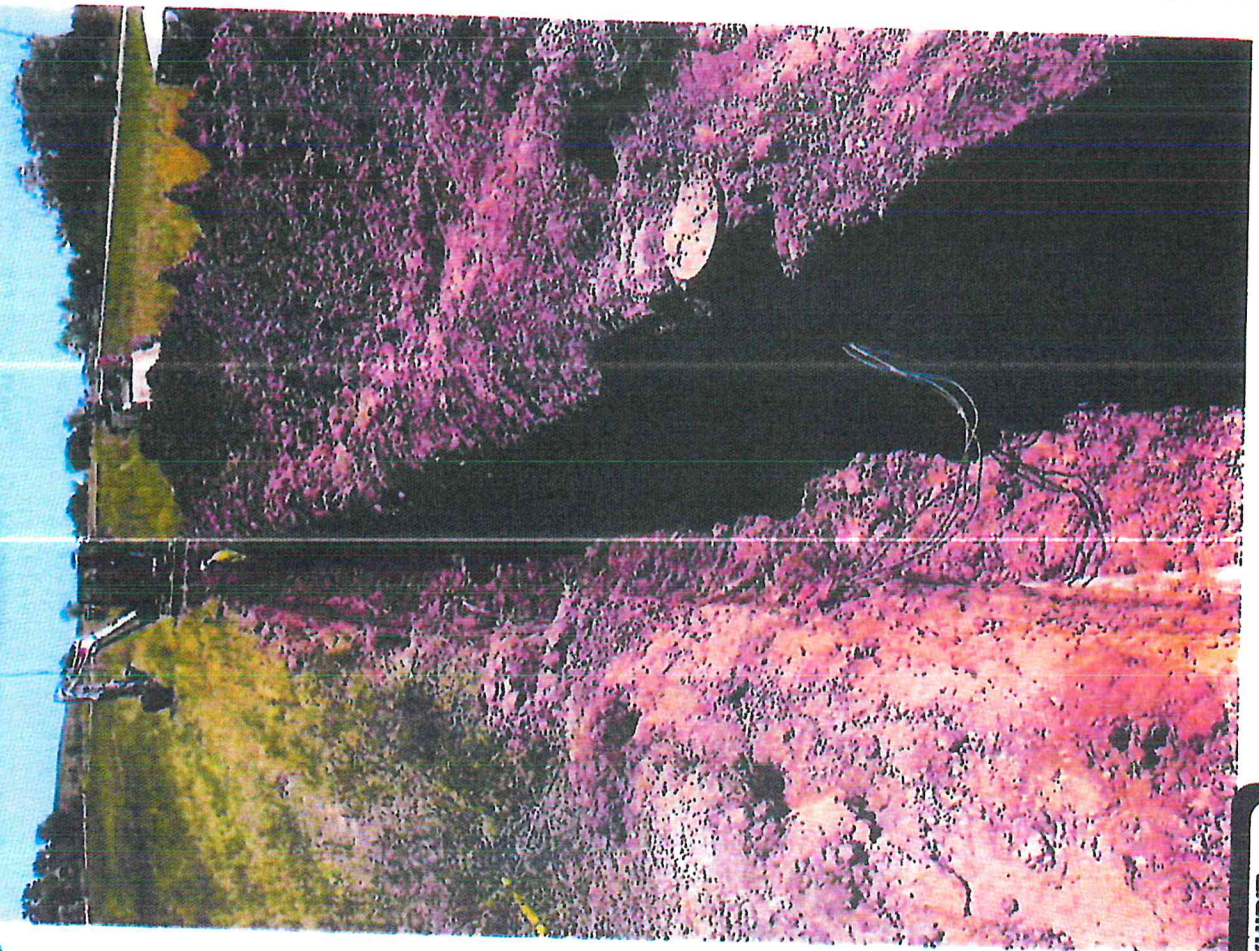
④ Bare machine setup - picture facing east. West below frame, east





West River Repair Crew: Picture taken during past

10



EXHIBIT



① wrapped up wire. picture taken looking west

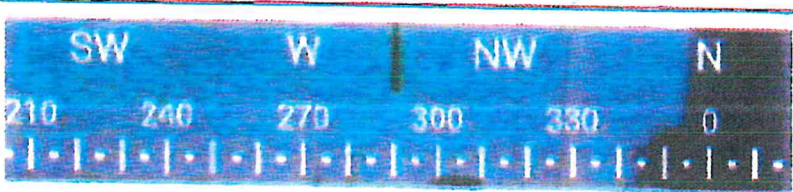


EXHIBIT

8



*Handwritten notes in blue ink, partially illegible.*



290°W 44.113598 N, 103.070282 W 2982ft



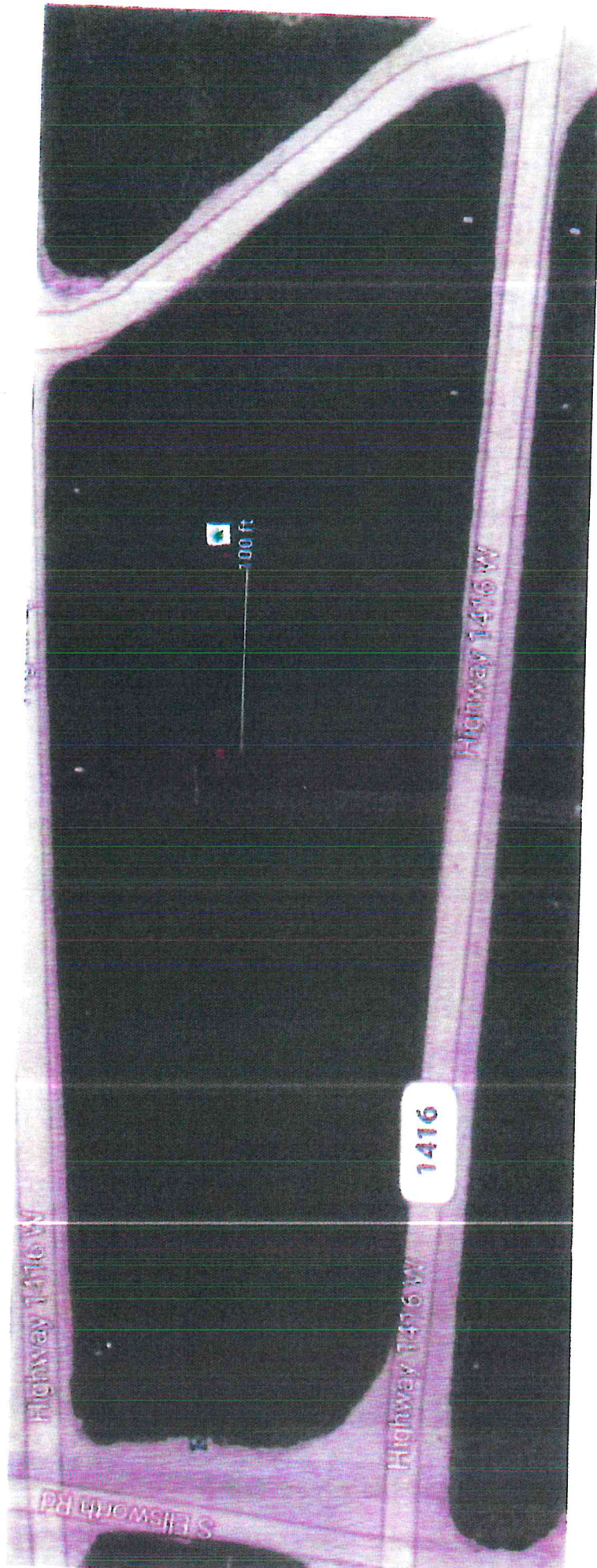
Accurate Locating Service  
Ticket 2319214337  
2023-07-15 17:57

Dana Fetch uploaded attachment Sun, 20 Aug 2023 04:45:22 AM



X - ... ..

- ... ..
- ... ..



# TICKET 2320524551



Ticket Number: 2320524551    Old Ticket:  
 SOURCE: Remote    Type: Damage  
 Date: 7/24/2023 4:13 PM  
 Expires On: 8/14/2023 5:15 PM

## RESPONSE STATUS AS OF WEDNESDAY, NOVEMBER 01, 2023 1:14 PM

STATUS	CODE	NAME	FACILITIES
Closed	BOX	City Of Box Elder • July 25, 2023 8:05 AM by korterra.pr: Clear	Water, Sewer
Closed	TC1	Midcontinent Communications • August 03, 2023 4:13 PM by ResponseProcess: No Response Closed by the system process for excessive age.	Fiber
Closed	TC1	Midcontinent Communications • August 03, 2023 4:13 PM by ResponseProcess: No Response Closed by the system process for excessive age.	Cable
Closed	TC1	Midcontinent Communications • August 09, 2023 10:57 AM by korterra.pr: Clear 2023/07/24 15:24 Attempted Phone Call tel:(605) 415-0150; 2023/07/24 15:58 remark CenturyLink In midco fiber: • August 03, 2023 4:13 PM by ResponseProcess: No Response Closed by the system process for excessive age.	Cable, Fiber
Closed	MTU	Montana-Dakota Utilities Company • July 24, 2023 6:43 PM by lrthsd.pr: Located	Gas
Closed	PEN	Pennington County Highway Dept • July 24, 2023 4:59 PM by sdusdc.pr: Clear	Sewer
Closed	PEN	Pennington County Highway Dept • July 24, 2023 4:59 PM by sdusdc.pr: Clear	Electric
Closed	SDEDA	South Dakota Elsworth Development Authority (SDEDA) - Farm Tap • July 24, 2023 4:40 PM by patrick.wright@projectsolutionsinc.com: Clear	Sewer
Closed	WRW	West River Electric • July 25, 2023 12:27 AM by sdboss.pr: Located	Electric

## COMPANY INFORMATION

CCS  
 7200 SHADOWLAND CT  
 BLACK HAWK, SD 57718

Phone: (605) 341-6317  
 Fax:  
 Type: Excavator

Caller	Name	Phone	Email
Contact	Elaine Sanfner	(605) 341-6317	elsine@ccsincsd.com
Alt Phone	Mike David	(605) 415-0150	kdodie@ccsincsd.com
		(605) 341-6317	

## WORK INFORMATION

State: SD  
 County: PENNINGTON  
 Place: BOX ELDER  
 Street: 0 Hwy 1416  
 Intersection: Box Elder RD  
 Nature of Work: Install power  
 Masts Requested: False  
 TRSQ:

Work Date: 7/24/2023 5:15 PM  
 Done For: Bluepeak/Wilson Constr  
 Duration: 21 days  
 Explosives: False  
 Right of Way: True  
 Tunnel/Bore: True  
 Mast Date/Time:  
 Depth: 6ft

## DRIVING DIRECTIONS

\*\*\*Unmarked power hit at 44.113856, -103.069213. Customers are affected. Unknown how wide outage is. Crew on site.\*\*\*

starting at SW side of intersection (44.113911230891276, -103.07088759963976) continue EAST along the SOUTH side of HWY 1416 approx 2200 ft, cross Hwy 1416 to NE, continue EAST along NORTH side of Hwy 1416 for 3300 ft, crossing Libert Blvd. Route should turn NORTH on NE side of intersection. 2nd ticket to follow for route headed North along Liberty Blvd.

## REMARKS

Work Date: 7/13/2023 8:00:00 AM Mark 50ft radius of flagged route with paint & flags.  
 Utilities must respond within 2 hours M-F and within 4 hours after working hours.

## MEMBERS

CODE	NAME
LW1	CTLQL-CenturyLink
BOX	City Of Box Elder
GT2	Golden West Communications
TC1	Midcontinent Communications
MTU	Montana-Dakota Utilities Company
SDT	Sdn Communications Lic
SDS	South Dakota Department Of Transportation
WRW	West River Electric
PEN	Pennington County Highway Dept
SDEDA	South Dakota Elsworth Development Authority (SDEDA) - Farm Tap
OPE	Bluepeak





