



YOUR COMPLETE
AGGREGATE SOURCE!

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Public Service Commission
Attn: Patrick Fahn, Director
Compliance and Competitive Markets
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

RECEIVED

APR 01 2011

PUBLIC SERVICE COMMISSION

Re: Third Party Damage Complaint
Case No. PU-10-633

Dear Mr. Fahn:

In response to the damage complaint filed against us by Ottertail Power Company, I would like to begin by expressing my sincere apologies for the damages incurred by my company. I admit fault for the damages incurred to the 3-phase primary cable that my company hit on October 23, 2010. I would like to have the opportunity to better explain the circumstances of this instance.

I own a small construction company in rural Finley, ND. We offer a variety of services to our local surrounding communities, including, but not limited to, hauling of aggregates, gravel road construction, carpentry, and excavation. As such, I am aware of the ND One Call locator service. We routinely use the services provided by One Call before each job that we take on that would entail excavation. We typically put in a request for this service a few days prior to the date in which we plan to do the job. We are committed to the safety of our employees and customers and are grateful that this service exists.

In this particular case, I had scheduled this job to take place the first week in November 2010. However, I received a call from my customer, Mike Peterson, on Friday, October 22, 2010 requesting that we do this job for him as soon as possible. I explained to him that we had not called in a locate yet and would not be able to get to the job until after the locate was completed. Mr. Peterson explained to me that they were going to pour concrete for the bin on Monday, October 25, 2010 and that he needed the site prepped, stripped and filled prior to their arrival. Mr. Peterson assured me that there were no wires in the excavation area and that it was located on his private property. He told me he was sure that it would not be an issue and that if, for some reason, we would hit any wires that he would pay the damages. As I had done the ground work for the original bin site, I reluctantly agreed to do the work the following day, Saturday, October 23, 2010. We were trying to please a recurring customer and regretfully it ended in an unfortunate damage to wires.

I had sent an employee of mine, Jon Cooper, out to the job site with a bulldozer to strip the black dirt off of the bin site. The operator was stripping the dirt from the South side to the North. The operator had completed to strip the site and was using the bulldozer to clean up the excess dirt. As he was finishing this clean up, he went outside of the excavation area that we had planned on utilizing and caught a wire with the dozer blade. I was on the job site myself as this occurred. I ensured the safety of all those on the job site and called the local Ottertail Crew supervisor, Jerry Foss, immediately upon the wire being damaged. We stopped all work and secured the site until Mr. Foss arrived on site. Upon his arrival, we explained the incident and offered to help Ottertail Power in any way that we could. Mr. Foss evaluated the situation and went back to his shop to get parts. In the meantime, we further exposed the wires, at my expense, so that it could be more easily repaired. After Mr. Foss completed the repairs to the wires, we covered the wires with sand, also at my expense, as Mr. Foss requested. After all damages were repaired, I gave Mr. Foss my billing address and insurance information.

We have since paid the fees for the damages of the wires to Ottertail Power in the amount of \$1,559.98. Mr. Peterson has paid for half of the cost of this repair to my company. Since the incident, I have reviewed the job and have subsequently explained to my employees during our next safety training session the importance of staying within the charted excavation area. Had my employee stayed within the excavation area that we had sited, this damage would not have occurred. I have included a copy of my map of the excavation area. I have marked on the map approximately where the damages occurred as well.

Please take into consideration that this is the first time that we have had such an incident. We have learned a valuable lesson. My company routinely does, and will continue to, use the locator services of ND One Call. I am committed to the safety of my employees and the safety of all others involved. I am grateful that there were no injuries on the job site. We offer our sincere apologies for the damages incurred.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Strand". The signature is fluid and cursive, with a large, prominent initial "R" and a long, sweeping underline.

Richard C. Strand
President

Trees

N

Ottertail Power Wires
Only 18" covered usually 3' or more covered

New Bin Area
Stripped off

Existing East
Bins