



Public Service Commission

State of North Dakota

COMMISSIONERS

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Fax 701-328-2410
TDD 800-366-6888 or 711

13 December 2010

Kindred Plumbing & Heating
302 Woodlawn Dr.
Kindred, ND 58051

Re: Third Party Damage Complaint
Case No. PU-10-649

Dear Kindred Plumbing & Heating Associate:

Enclosed is a copy of a Third Party Damage Complaint against Kindred Heating & Plumbing received by the ND Public Service Commission on December 9, 2010 from Otter Tail Power Company.

We are forwarding this complaint for your response by January 7, 2011. After receipt and review of your response the Commission staff will determine the next course of action. This may include discussions and negotiations to develop a resolution, staff filing a formal complaint requesting a penalty, or a staff recommendation to the Commission that no further action be taken and the case closed.

If you have any questions please call or e-mail me at 701-328-4077 or pfahn@nd.gov.

Best regards,

A handwritten signature in cursive script that reads "Patrick Fahn".

Patrick Fahn
Director, Compliance and Competitive Markets

Enclosures
C: Scott Fritz, Otter Tail Power Company

2 **PU-10-649** Filed: 12/13/2010 Pages: 8
Letter enclosing third party damage complaint



THIRD PARTY DAMAGE COMPLAINT

Public Service Commission
SFN 59067 (7-09)

RECEIVED

DEC 09 2010

PUBLIC SERVICE COMMISSION

PART A - WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Company*	Company/Organization Otter Tail Power	Person Filing Information Scott Fritz	Position One Call Admin	
Address of Person Filing Information 215 South Cascade St	City Fergus Falls		State Mn	Zip Code 56537
Telephone Number 218-739-8521	Email Address sfritz@otpc.com		Date 12/8/10	

PART B - DATE AND LOCATION OF THE EVENT

Date of Event 11/9/10	Description of Event No request for Locate Dig-in	Address of the Excavation and/or Damage 733 11th Ave South	
County Richland	City Wahpeton	State ND	Zip Code 58075

PART C - WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Kindred Plumbing and Heating		Telephone Number 701-428-3461	
Address 302 Woodlawn Dr	City Kindred	State ND	Zip Code 58051
Name of Entity for Which Excavation Was Performed Wahpeton ND Airport		Telephone Number 701-642-9393	
Address 733 11th Ave South	City Wahpeton	State ND	Zip Code 58075

PART D - ADDITIONAL INFORMATION

Was a locate requested from North Dakota One-Call?

Yes Locate Ticket Number _____ Start Date on Ticket _____
 No
 Unknown

Did excavator wait until the start date/time on the ticket before commencing excavation?

Yes No Unknown N/A

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?

Yes No Unknown N/A

PART E - FACILITY INVOLVED

Type of Facility Involved Underground Primary line	Operator of Facility and Contact Person (if known) Otter Tail Power Company		
Address 215 South Cascade Street	City Fergus Falls	State Mn	Zip Code 56537
Telephone Number 218-739-8521	Email Address (if known) sfritz@otpc.com		
Brief Description of Facility Involved Contractor digging without locate. Installation of Sewer. Dig-in to Primary e:			

PART F – MARKING

Were facilities marked?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Was the facility marked accurately (within 18 inches)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> N/A

PART G – DAMAGE (if applicable)

Fatalities 0	Injuries 0	Length of Hospitalization, If Applicable 0
Estimated Value of Property Damage: \$ \$500		Number of Customers Affected 6 - 8
Damaged In <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private		Photos of Damaged Facility <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please include copies)
Additional Information <i>FIRST</i> This is the <i>FIRST</i> time we have experienced a dig in without a locate with thi		

PART H – SIGNATURE

Signature of Person Filing Complaint Scott Fritz		Date 12/8/10
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Please include additional documents and photos, if applicable.

***If you are filing on behalf of a company, please provide information supporting your authority to file this complaint.**

Send Completed, Original Complaint To:
Public Service Commission
Testing and Safety Division
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
Telephone: (701) 328-2400

Email to the PSC



I WAS INFORMED THE FIRST EVENT THE CONTRACTOR HAD A LOCATE THEY DID NOT HOWEVER HAND-DIG WITHIN 18" OF MARKINGS

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpc.com

December 2, 2010

Kindred Plumbing and Heating
Box 25
Kindred ND 58051



Eric Merhiy:

Otter Tail Power Company Safety Services Department has processed two reports of property damage to company facilities as a result of dig-ins by Kindred Plumbing and Heating installation crews.

On July 27th, 2010, the first reported dig-in occurred in Enderlin, North Dakota. This resulted in damage to a transformer, underground cable, and underground accessories. This incident had the potential to be life threatening to your employees working in and near the trench. Everyone was fortunate that our facilities were de-energized at the time of the dig-in due to a system disturbance caused by a thunderstorm that had passed through the area earlier in the day. Otter Tail Power Company field personnel were in the process of restoring power when the dig in occurred.

North Dakota One Call (NDOC) states: *"excavators are required to maintain a minimum horizontal (side to side) clearance of two feet (24") between unexposed facility and cutting edge or point of any power operated excavating or earth moving equipment."* At this location, our facilities met the "hand dig zone" requirements set forth by NDOC.

The second reported damage occurred on November 9, 2010 in Wahpeton, North Dakota. A Kindred Plumbing and Heating underground crew was digging in a sewer system without the appropriate One Call notification. As you well know, North Dakota One Call also requires *"anyone who engages in excavation anywhere in North Dakota to provide notice of at least 48 hours in advance to North Dakota One Call."*

The actions at these job locations were unacceptable safety practices. Underground dig-ins have the potential to be catastrophic by causing injury, death, and creating liability hazards for your company, the general public, and our customers. Otter Tail Power Company upholds public safety and personal safety to be of the utmost importance.

I hope you recognize the safety concerns and understand why Otter Tail Power contacted North Dakota One Call following the damage to our facilities. In the coming weeks you will also be receiving separate billings for these dig-ins.

If you have any questions or comments relating to these incidents, feel free to contact me.

Thank You-

A handwritten signature in black ink that reads "Ryan Smith".

Ryan Smith
Otter Tail Power Company
Manager Safety Services
rsmith@otpc.com
218-739-8508

Fritz, Scott

From: Coyne, Geri
Sent: Wednesday, December 08, 2010 8:45 AM
To: Fritz, Scott
Subject: FW: Wahpeton, ND dig in

From: Paulson, Patrick
Sent: Wednesday, November 10, 2010 4:46 PM
To: 'nd1call@bektel.com'; Coyne, Geri; Smith, Ryan
Subject: Wahpeton, ND dig in

Chad Olson, I contacted you earlier this morning about a dig in we had in Wahpeton, ND on Tuesday, November 9th at around 2:40 pm. A contractor was installing a new storm sewer system at the Wahpeton airport without a locate and hit our primary underground cable. He hit the cable with his excavator and kept on digging. I came on the sight and asked if he had a ticket number for a locate and he said he didn't. The operator gave me his main office information and said to check with them. The Contractor is Kindred Plumbing and Heating out of Kindred, ND. Their office number is 701 428 3461. I'm sending you the information as you requested this morning. I am also sending it on to my supervisor and safety department.

Thanks,
Patrick Paulson
Wahpeton Service Representative
Otter Tail Power Company
(701) 671 6013

Fritz, Scott

From: Smith, Ryan
Sent: Friday, December 03, 2010 8:18 AM
To: Coyne, Geri; Krebs, Charles
Cc: Fritz, Scott; Jacobs, Kimberly
Subject: Kindred Plumbing and Heating
Attachments: 2435_001.pdf

All-

Attached is a letter to sent today to KPH recognizing their unacceptable work practices in Wahpeton and Enderlin while digging around (into) Otter Tail Power Company facilities.

Since we are aware and taken notice of their unsafe work practices, this would warrant not hiring KPH for any contracted work until they can prove that they have documented the appropriate steps towards corrective action for the safety concerns in this letter.

In other words we don't want to hire them, now that we have documented their unsafe work practices. Please see that appropriate personnel are aware of the circumstances.

Thanks-

Ryan

WAHPE TON, N.D.
GERI COYNE OM.



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