

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

RECEIVED

JUL 14 2011



7/13/11

PUBLIC SERVICE COMMISSION

Public Service Commission

600 Boulevard Ave. Dept. 408

Bismarck, ND 58505

Re: Third Party Complaint

Case No. PU-10-649

Dear Public Service Commission:

This is in response to the letter sent to you dated April 5, 2011 from Eric Merhiy of Kindred Plumbing and Heating.

I was not made aware of the letter sent to the PSC by Mr. Merhiy, until one of our regulatory staff ran across it while looking at additions to the dockets. That is the reason for my late response.

All contractors are required to request a locate prior to doing any excavating. Kindred Plumbing and Heating's work in the area 6 months prior does not diminish the need to call in a locate. The hand dig rules also apply in this instance as well.

On record with the PSC, is a letter sent to Kindred Plumbing and Heating in July of last year by Ryan Smith of our Safety Department expressing concern over safety issues. Some of the other information included in that document pertains to complaints that have been filed..

Mr. Merhiy states this is the first instance of a complaint by Otter Tail Power, however there have been three. One was a dig-in at Enderlin, Nd. in December of last year. The bill to KP&H on 1/3 of this year for the Enderlin dig-in was paid in full for \$4944.00. The second was paid as well and is for the event being questioned. That bill total was approximately \$616.94. The third was a dig-in at Kindred. That complaint was filed 6/20/11. In that instance KP&H had a locate, but not for the area in question.

4 **PU-10-649** Filed: 7/14/2011 Pages: 2
Response to Erick Merhiy's April 15, 2011 letter

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)



Once again, I would like to apologize for not responding sooner. As mentioned, I did not receive a copy of the letter from KP&H until late last week.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Fritz". The signature is stylized with several loops and a long horizontal stroke at the end.

Scott Fritz

One Call Administrator

Otter Tail Power Co.