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Public Service Commission

FEB 09 2012

State of North Dakota

**PUBLIC SERVICE COMMISSION**

To Whom it May Concern;

In reference to the Third Party Damage Complaint filed against our company, Edwards Gravel and Trucking, we have the following follow up and response for you to consider.

In regards to the work done, Edwards Gravel was working in Parshall under MBS Construction out of Utah. We were told that the licenses and permits on the job would all be ready for us and that MBA was going to take care of doing a ND One Call. We were working in two areas in Parshall and while we were in the 2<sup>nd</sup> area, RTC put in their fiber and no one asked us if it could be done nor did anyone tell us it had been done. I believe RTC damaged the curb stop we had just put in when they put the fiber in the ground. We were called back to fix the curb stop but nobody ever said how it was damaged or who damaged it. The fiber cable was actually touching the curb stop which is what leads me to believe that RTC damaged it. It was when we went back to fix the damaged curb stop that we caught the fiber cable and pulled it. I informed MBA Construction of the matter and informed them they needed to handle it since they had control of this project. I also contacted RTC and informed them that we worked under MBA Construction and that ND One Calls were supposed to be the responsibility of MBA. We acknowledge that the pulling of the fiber cable was caused by our operator however the fiber was laid in an incorrect matter by RTC from the beginning and if they hadn't damaged the curb stop then we wouldn't have had to go back and dig it up again.

Edwards Gravel and Trucking does not have a history of prior complaints or violations. We have sent a check to RTC for the total amount due of \$5109.15 on February 6, 2012 even though we haven't been paid from MBA for this project. Every time we have received notice from RTC on this matter we have contacted MBA and advised them as well, however, they are trying to skirt out of their responsibility to pay us for this project. In the future we will have to check and double check that all ND One Calls have been made by our company and not trust other people's word that things have been done. We believe that if anyone should be penalized for this incident that it should be MBA Construction who has the responsibility to pay RTC as well as Edwards Gravel and Trucking for the work done.

We want to maintain the good name we have built with our business and wish that this matter had never gone this far.

Thank you for your attention to this matter.

Robbie Edwards

Case No. PU-12-54

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Response to informal third party damage complaint