



Public Service Commission

State of North Dakota

COMMISSIONERS

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Fax: 701-328-2410
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19 June 2012

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

Re: Third Party Damage Complaint
Case No. PU-12-303

Dear Mr. Merhiy:

Enclosed is a copy of a Third Party Damage Complaint against Kindred Plumbing and Heating (Kindred) received by the ND Public Service Commission on June 15, 2012 from Otter Tail Power Company.

Please respond to the Commission **by July 6, 2012**, with your written account of the event. Your response, the complaint, and other available information will be reviewed to determine whether Commission staff will file a formal complaint.

Your response should also address the following criteria used to determine the amount of civil penalty, if any, to be recommended by Commission staff as part of a formal complaint:

- a) The nature, circumstances, and severity of the complaint;
- b) The degree of suspected fault on the part of Kindred;
- c) Kindred's history of prior violations or complaints;
- d) Kindred's ability to pay;
- e) Any good faith effort by Kindred in attempting to achieve compliance; and
- f) The effect the penalty may have on Kindred's ability to continue in business.

If you have any questions please call or e-mail me at 701-328-4052 or camarohl@nd.gov.

Best regards,

Christopher Marohl
Public Utility Analyst

Enclosures

C: Scott Fritz, Otter Tail Power Company

2 PU-12-303 Filed 06/19/2012 Pages: 9
Letter enclosing Third Party Damage Complaint
Public Service Commission Staff
Christopher Marohl, PSC Analyst



THIRD PARTY DAMAGE COMPLAINT
Public Service Commission
SFN 59067 (12-11)

RECEIVED

JUN 15 2012

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 Administrator	
Address of Person Filing Information 215 S Cascade St	City Fergus Falls	State Mn	Zip Code 56537	
Telephone Number 218-739-8521	Email Address sfritz@otpc.com	Date 6/13/12		

PART B - WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Kindred Plumbing and Heating		Telephone Number 701-361-3191	
Address 302 Woodlawn Dr.	City Kindred	State ND	Zip Code 58051
Name of Entity for Which Excavation Was Performed Wahpeton Airport		Telephone Number 701-842-5567	
Address 733 11th Ave. So.	City Wahpeton	State ND	Zip Code 58075

PART C - DATE AND LOCATION OF THE EVENT

Date of Event 6/11/12	Address of the Excavation and/or Damage Wahpeton Airport		
County Richland	City Wahpeton	State ND	Zip Code 58075

PART D - FACILITY INVOLVED

Type of Facility Involved Underground Electric	Operator of Facility and Contact Person (if known) Otter Tail Power/Geri Coyne		
Address P.O. Box 70	City Wahpeton	State ND	Zip Code 58074
Telephone Number 701-671-6001	Email Address (if known)		
Brief Description of Facility Involved As noted on the locate. A sewer and water extension was being installed.			

PART E – DAMAGE (if applicable)

Fatalities NA	Injuries NA	Length of Hospitalization, if Applicable NA
Estimated Value of Property Damage: \$ NA		Number of Customers Affected NA
Damaged Within <input type="checkbox"/> Public Property <input type="checkbox"/> Private Property		Photos of Damaged Facility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please include copies)

PART F – EXCAVATION

Was a locate requested from North Dakota One-Call?		Start Date on Ticket
<input checked="" type="checkbox"/> Yes Locate Ticket Number	<input type="checkbox"/> No	12076901 6/12/12
<input type="checkbox"/> Unknown		
Did excavator wait until the start date/time on the ticket before commencing excavation?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A

PART G – 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 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 24 inches horizontally?	<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 H – DESCRIPTION OF EVENT

<p>Description of Event</p> <p>Otter Tail Power Company Employee Pat Paulson was headed to the job-site to perform a locate. He arrived on site on June 11th between 8:30 and 9:00 AM. When he arrived, the trench was already dug by Kindred Plumbing and Heating. The Work to begin Date on the ticket was 6/12/12. at 2:45 PM.</p> <p>A copy of the routine locate is enclosed as well as pictures taken on 6/11/12 at approximately 1:30 PM. (Still a full 24 hours before the work to begin date).</p> <p>We have had several had several other issues with this contractor in the past. Please note the KPH on the backhoe picture.</p> <p>The pictures were sent by Geri Coyne Otter Tail Power Operations Manager.</p>

Description of Event Continued

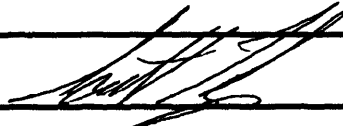
Please see attachment totaling 5 sheets. (Plus the 3rd Party Damage Complaint form)

I am sending full documents via standard mail.

PART I – SIGNATURE

Signature of Person Filing Complaint

Scott Fritz



Date

6/14/12

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
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
Telephone: (701) 328-2400

Email to the Commission

Link To Map for OTPND04: <http://nd.ific.occinc.com/KTZR-D2Z-F4F-AKU>

Fritz, Scott

From: Coyne, Geri
Sent: Monday, June 11, 2012 2:09 PM
To: Fritz, Scott
Subject: Emailing: kph dig-in.JPG, kph dig-in#2.JPG
Attachments: kph dig-in.JPG; kph dig-in#2.JPG

Here are the pictures. The date did not show up on the camera, but pictures were taken approximately 1:30 pm on June 11, 2012.

Will you be calling KPH?

Thanks,

Geri

The message is ready to be sent with the following file or link attachments:

kph dig-in.JPG
kph dig-in#2.JPG

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



