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DEC 19 2012



PUBLIC SERVICE COMMISSION

S.J. LOUIS
CONSTRUCTION, INC.

December 19, 2012

Christopher A. Marohl
Re: Third Party Damage Complaint (case No. PU-12-800)

Dear Mr. Marohl,

Enclosed is our response to the above complaint. Our crew followed the One Call Regulations. They had called in One-Call who located the line ticket No. 12035648. Were utility marks visible in the area of the excavation? Yes. Were the utility marked correctly? Yes. Was the marking complete prior to the start time on the ticket? Yes. Did the excavator wait the 48 hours before digging? Yes. Was the facility marked accurately within 24 inches horizontally? Yes. Did the excavator use reasonable care to maintain locate marks for the life of the project? Yes. If the answer to number 2 is yes in Part G-Marking, then the answer to this question is also yes.

The crew took reasonable care to locate this line they even called in a vacuum truck to help them. After locating 3 lines at approximately 5' in depth, they called out the locator again so he could let them know which line was the active line. The locator was not able to tell them. They then took reasonable care to dig under the exposed cables. Their required depth was to be at 16' for grade to set the pipe. At approximately 15'-16' they hit another buried cable. This had to have been directional drilled for being this deep. The foreman stated that a road had been developed in the area but it was only at a 2' rise from what was natural grade. He was very much aware of changes in the landscape.

S J Louis did take reasonable care in locating the lines. RTC did not take reasonable care in burying the line, As built records could have shown that the line in the area was at a depth of 16'.

Please see attached.

Sincerely,

Michael J Boufford
Risk Manager
S J Louis Construction, Inc.
P.O. Box 459
1351 Broadway Street W
Rockville, MN 56369-0459

December 10, 2012

Mark Lardy
S. J. Louis Construction, Inc.
P.O. Box 459
1351 Broadway Street West
Rockville, MN 56369-0459

Re: Third Party Damage Complaint (Case No. PU-12-800)

Dear Mr. Lardy:

Enclosed is a copy of a Third Party Damage Complaint received by the North Dakota Public Service Commission (Commission) on November 29, 2012 from Reservation Telephone Cooperative. The location of the excavation was at or near the intersection of US Highway 85 and 11th Avenue South, Watford City, North Dakota.

Please respond to the Commission by **December 24, 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.

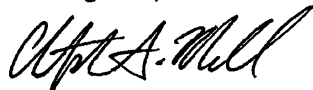
Your response should also address the following criteria used to determine the amount of civil penalty, if any, to be recommended by Commission staff as part of a formal complaint:

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

North Dakota Century Code section 49-07-01.1 provides for a civil penalty not to exceed five thousand dollars for violations of the One Call law.

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

Best regards,



Christopher A. Marohl
Public Utility Analyst

Fiber report

SAFETY FIRST



S.J. LOUIS
CONSTRUCTION, INC.

LINE CUT-GENERAL LIABILITY CLAIM REPORT

INSURED'S NAME: S.J. LOUIS CONSTRUCTION INC.

CONTACT PERSON: MICHAEL BOUFFORD

TELEPHONE: 320.267.3018

PROJECT NUMBER & NAME: 51142 South Park Commercial Development

CITY/STATE: Watford City N.D.

DATE OF HIT: 5.3.12

TIME OF HIT: 4:05

LOCATION OF HIT: Corner of Hwy 85 & 11th Ave SE.

OWNER OF LINE: Reservation Telephone Company.

AMOUNT:

PERSON CONTACTED IN FIELD: Pat Fitzchild, Corey Johnson

WHAT WAS YOUR CONVERSATION? Corey Johnson asked how did we hit the line if it was located. see back of page

HOW DID THE HIT OCCUR? waited everything on back.

BE SPECIFIC

EQUIPMENT/OPERATOR: H4RV / ERGERIO Aquilar

TICKET #: 120351048

WAS IT PROPERLY MARKED? YES

IF NOT, EXPLAIN

DID THE OWNER MAKE OUT A FIELD REPORT? No.

IF YES, ASK FOR A COPY AND ATTACH IT TO THIS FORM

WHAT COULD HAVE BEEN DONE TO PREVENT THIS?

Hydro excavate until either the cable is found or determine that the cable is not there.

REMEMBER TO TAKE PICTURES!!

(USE THE BACK IF MORE ROOM IS NEEDED)

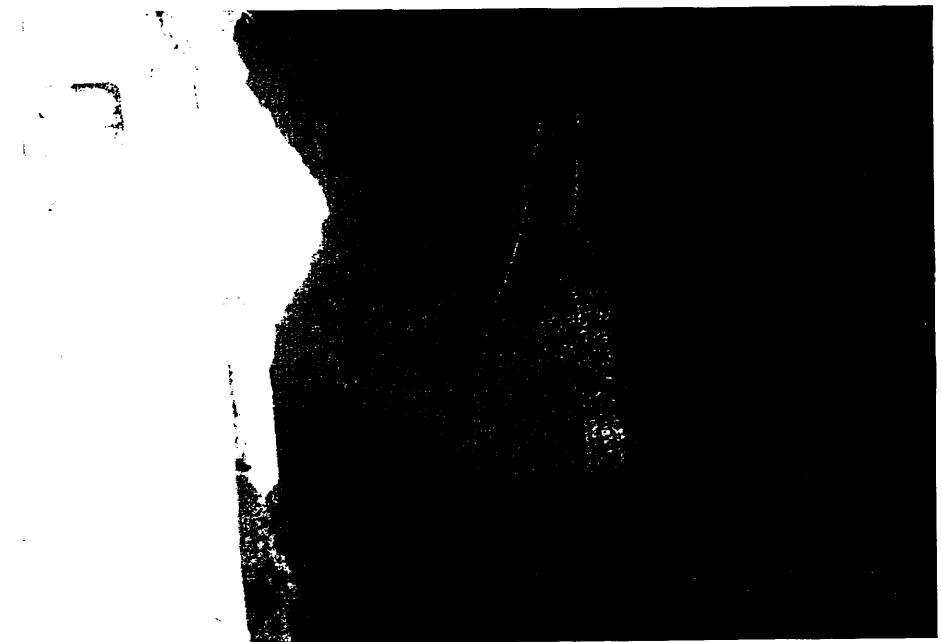
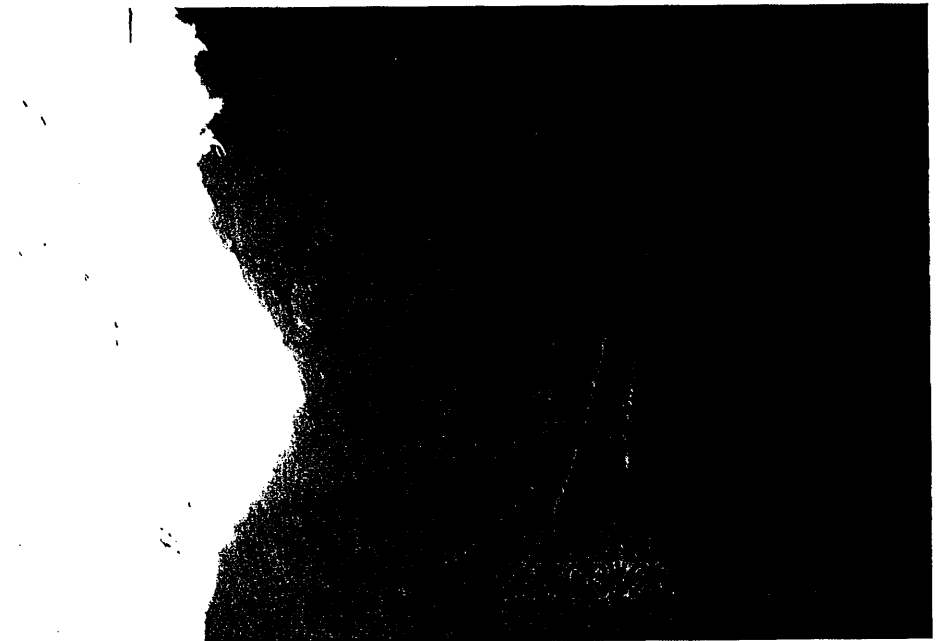
TEAM LEADER Jesus Alba

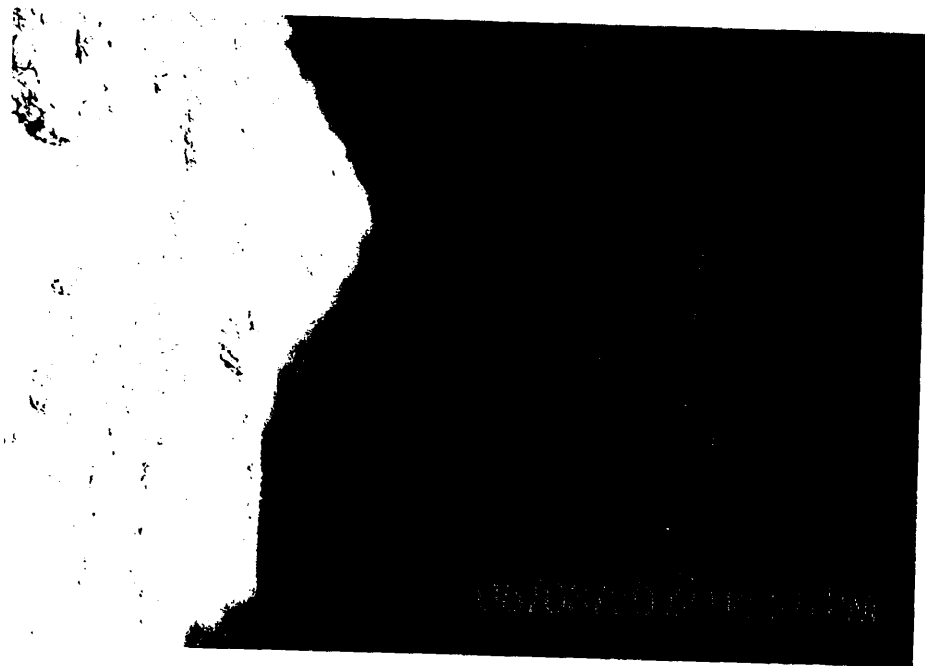
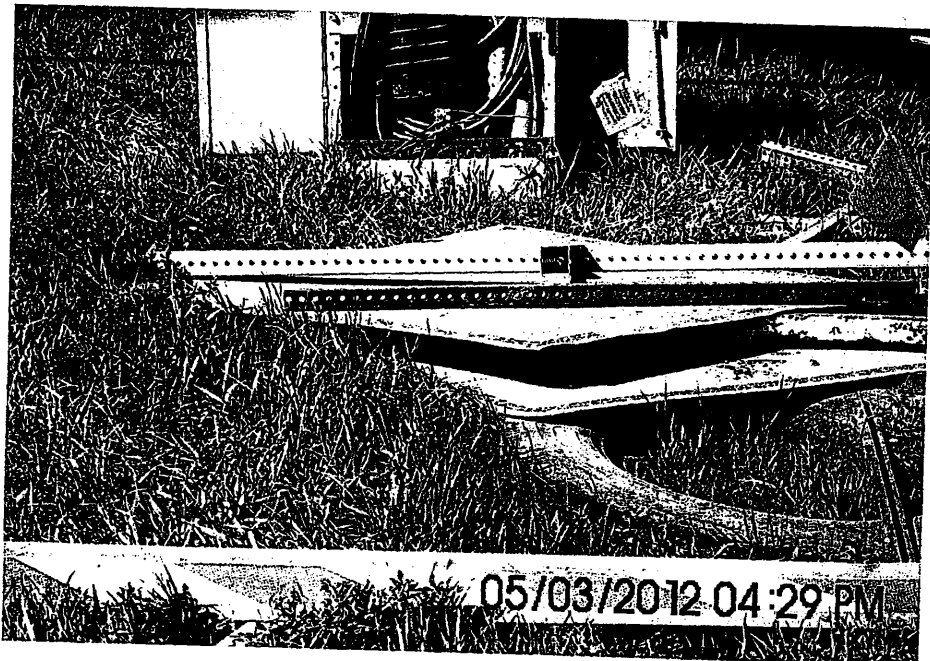
PHONE 320 267 4155

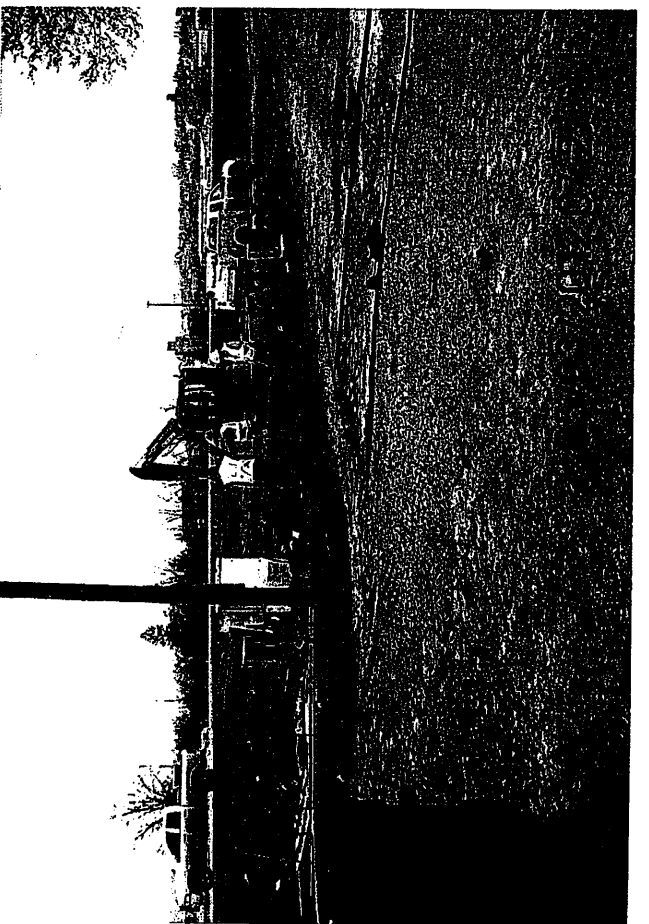
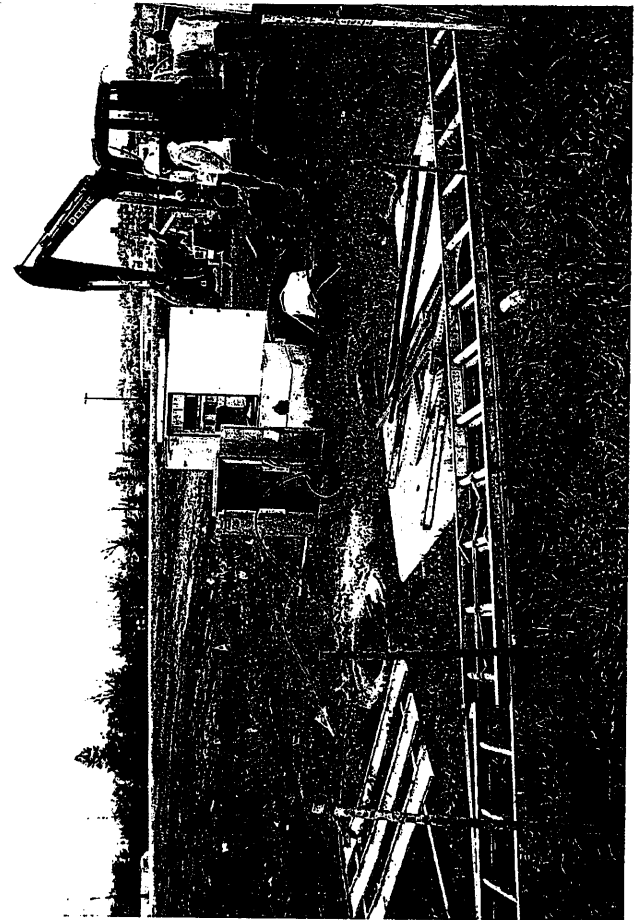
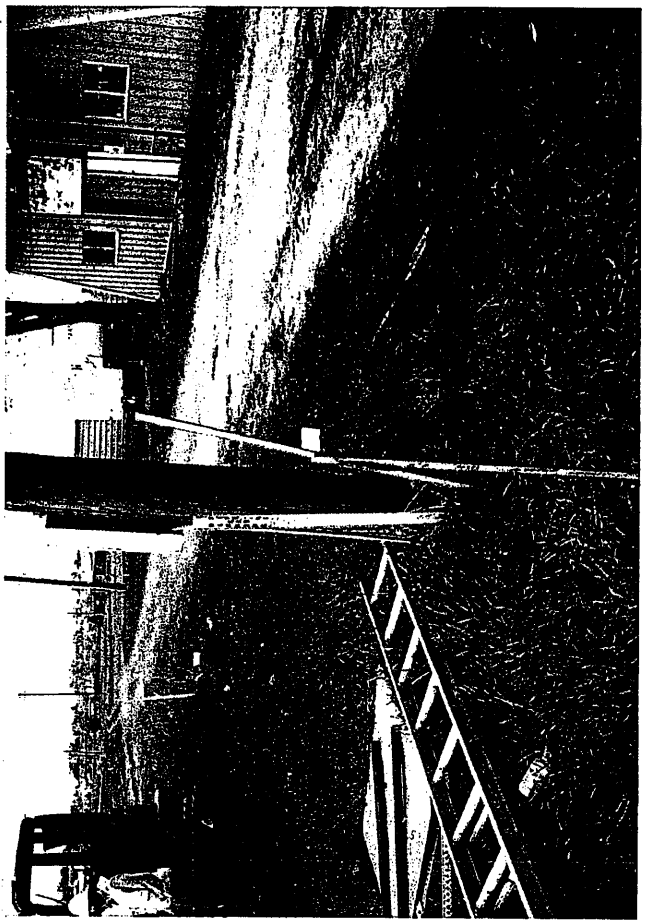
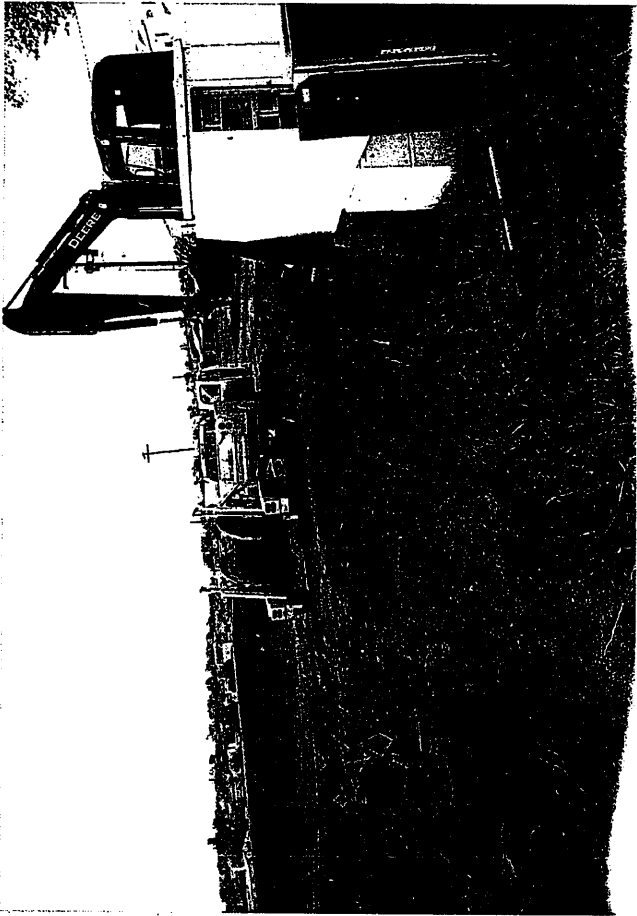
When we hit the cable I asked to test
that what was the purpose for the fiber optic
being so deep. He said he did not know why
~~the cable~~ the cable was deep.

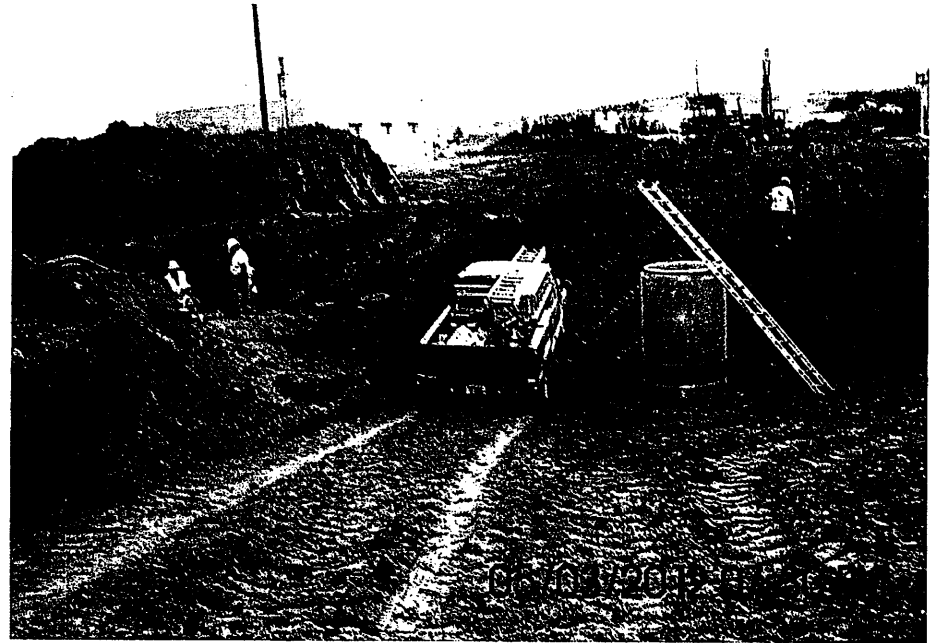
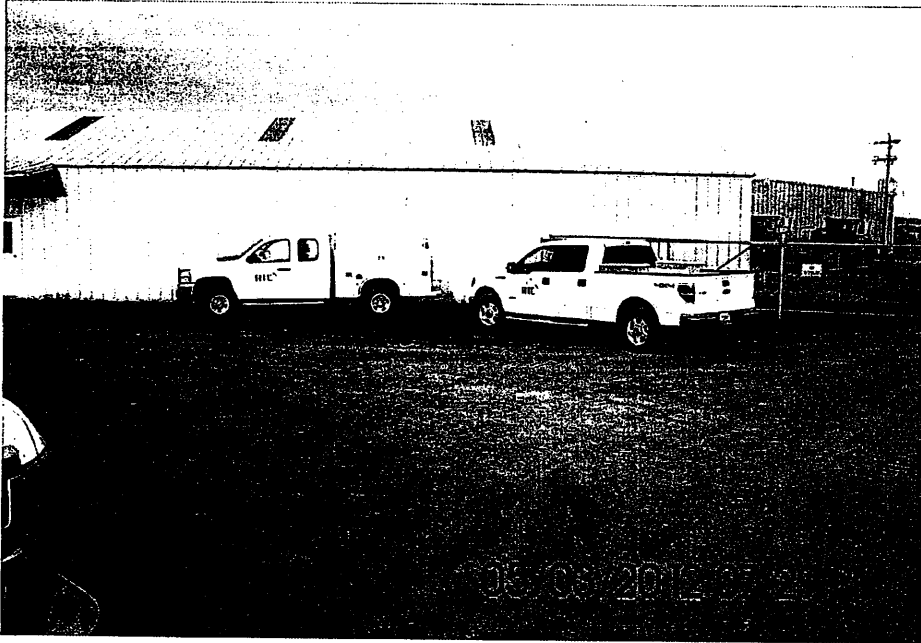
We were digging about 4 to 10 foot deep when
we began to dig for our trench box, as
we were digging to make sure the telephone cables
that were located.

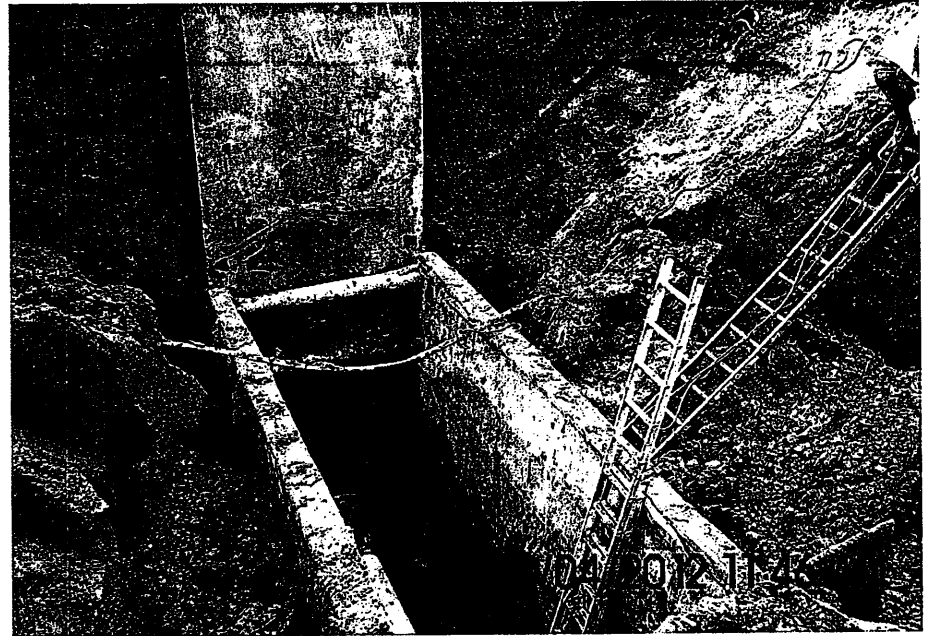
I told him that we had located these lines.
and we could tell we where the fiber optic was.
The location located these lines, we found all lines
located. We were looking for the fiber optic line
and could not find it.
Called Josh West because he had a vacuum truck
to look for it, and they never found it. Josh
told me that they went 18" inches on both sides
of the marking and never found it.

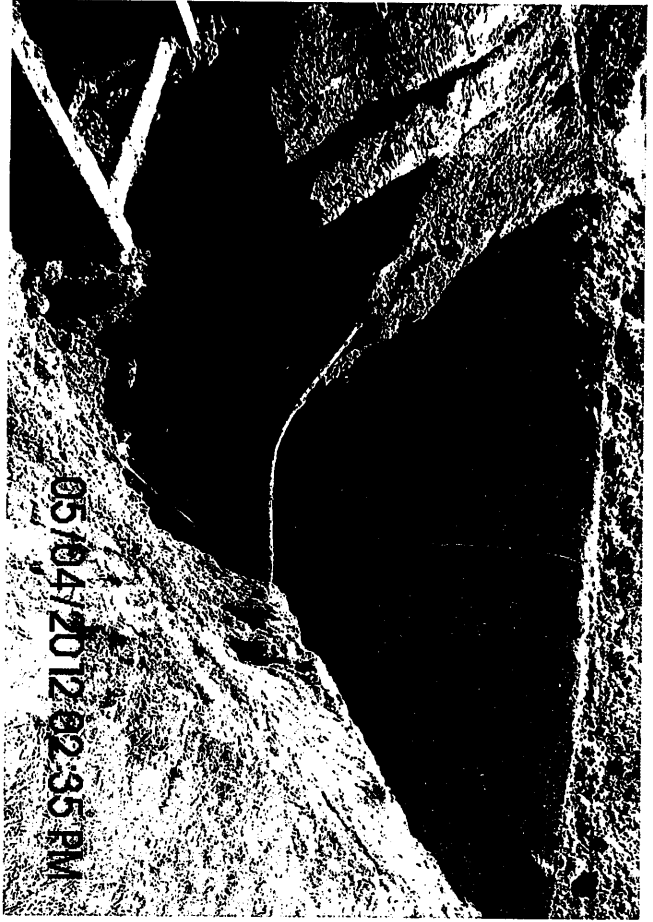












Michael Boufford

From: Anthony Muchow
Sent: Wednesday, December 19, 2012 3:16 PM
To: Jesse Roush
Cc: Michael Boufford
Subject: FW: Ticket: 12035648

South Park Ticket Number:
Called in on 4/17/2012... work to begin 4/19/2012

-----Original Message-----

From: nd@occinc.com [mailto:nd@occinc.com]
Sent: Tuesday, April 17, 2012 5:42 PM
To: Anthony Muchow
Subject: Ticket: 12035648

NORTH DAKOTA ONE-CALL
Request #: 12035648 **LORG RESPOT**
Update Of: 12021020
Send To: C_EMAIL **Seq No:** 429 **Map Ref:**

Original Call Date: 4/17/12 **Time:** 4:24 PM CT **Op:** webusr
Work to Begin Date: 4/19/12 **Time:** 4:30 PM CT
Transmit Date: 4/17/12 **Time:** 5:41 PM CT **Op:** webusr

County: MCKENZIE **Place:** WATFORD CITY CITY
Address: **Street:** HWY 85
Nearest Intersecting Street: HWY 23 BYPASS

Type of Work: INSTALLATION OF SANTIARY SEWER AND WATER MAIN Work Being Done For: KIRKWOLD RESIDENCE
Depth: 22FT **Explosives:** N **Tnling/Boring:** Y
Extent of Work: MEET AT INTERSECTION OF 11TH AVE AND HWY 85 FOR WORK TO
: TAKE PLACE WITHIN AN AREA 1250FT E TO INCLUDE E RD RIGHT OF WAY OF HWY 85
: ALSO FROM S RD RIGHT OF WAY OF HWY 23 BYPASS GOING S APPROX 2200FT TO
: INCLUDE ENTIRE RD RIGHT OF WAY OF 11TH AVE FROM SE CORNER AT ABOVE
: INTERSECTION ALSO WITHIN 35FT WIDE PATH FROM 2200FT ON S SIDE OF RD OF 11TH
: AVE GOING W FROM HWY 85 FOR 450FT THEN GOING N FOR 50FT.
Remarks: PLEASE CALL JESSIE ALCORTA@320-267-4155
: CALLER REQUESTS APPT ON 03/28/2012 AT 09:00AM

Twp: 150N **Rng:** 99W **Sect-Qtr:** 25-SE-NE,24-SE-NE
Twp: 150N **Rng:** 98W **Sect-Qtr:** 30-SW-NW,19-SW-NW
Ex. Coord NW Lat: 47.7997415Lon: -103.2886399SE Lat: 47.7822988Lon: -103.2769068

Company : S J LOUIS CONSTRUCTION **Fax:** (320)253-3533
Contact Name: TONY MUCHOW **Phone:** (320)253-9291
Alt. Contact: TONY MUCHOW **Phone:** (320)241-0884
Caller Address: 1351 BROADWAY ST **Call Back:**
ROCKVILLE, MN 56369-0459

DISTRICT	COMPANY NAME	PHONE NUMBER
MCKENZ01	MCKENZIE ELECTRIC COOPERATIVE	(701)444-9288
MCKWTR01	MCKENZIE COUNTY RURAL WATER	(701)842-2821
MDU15	MONTANA DAKOTA UTILITIES	(406)728-9343
MOVLCO01	MISSOURI VALLEY COMM	(406)783-2370
NDDOT01	ND DEPT. OF TRANSPORTATION	(406)327-2909
RSVTELO1	RESERVATION TELEPHONE	(701)862-3118
WATFRD01	CITY OF WATFORD	(701)444-2533