

North Dakota[®]

Public Service Commission

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May 6, 2013

CenturyLink
Attn: Joe Shepherd, Area Plant Supervisor
1101 16th Street NE
Mandan, ND 58554

Re: Third Party Damage Complaint (Case No. PU-13-145)

Dear Mr. Shepherd:

This letter acknowledges that you filed a Third Party Damage Complaint on behalf of CenturyLink with the North Dakota Public Service Commission on April, 2, 2013 in regards to damage to the Company's fiber optic cable/conduit near the old Green River rest area off Interstate 94 at about mile marker 70.5, approximately 1.5 miles from Gladstone, North Dakota. From the information and pictures you provided, it is evident that damage occurred at the site.

In the complaint, the owner of the property, Ernest Tormaschy, was listed as the party who allegedly violated the one-call regulations. In Mr. Tormaschy's response to the Commission, he indicated that he was not digging in the area nor does he know who might have been digging in the area. Commission Staff invested considerable time investigating the matter, however Commission Staff has not been able to identify the excavator. Absent any new evidence identifying the excavator, Commission Staff will not pursue this matter any further

Under the North Dakota One Call law, NDCC 49-23, the Commission can only assess fines for violation of the statute, it cannot recover damages to the underground facility.

If you have any questions please call me at 701-328-2421 or e-mail me at rmnorrell@nd.gov.

Best regards,



Ryan M. Norrell
Staff Attorney
North Dakota Public Service Commission

cc: Kent Blickensderfer