



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

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Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 4, 2013

Patricia Karas
Karas Construction, Inc.
3626 21st Avenue NE
Larimore, ND 58251-9727

Dear Ms. Karas:

Enclosed is a copy of a Third Party Damage Complaint against Karas Construction, Inc., received by the North Dakota Public Service Commission (Commission) on October 30, 2013, from Michael Swanson of Grand Forks, ND, Case Number PU-13-187. The location of the damage identified in the complaint is at 1733 Whippoorwill Lane, Grand Forks, ND. The claimant states that no One Call locate ticket was issued for work at this location.

Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by **November 21, 2013**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated. 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 Karas Construction;
- c) Karas Construction's history of prior violations or complaints;
- d) Karas Construction's ability to pay;
- e) Any good faith effort by Karas Construction in attempting to achieve compliance; and
- f) The effect the penalty may have on Karas Construction'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.

Please contact me at 701-328-4188 or at jprescott@nd.gov with any questions regarding this correspondence.

Sincerely,

Julie Prescott
Public Utilities Division

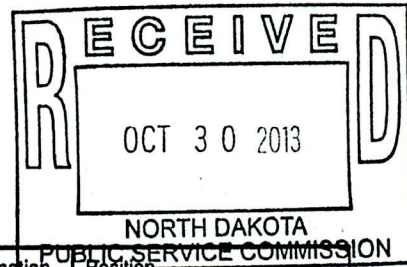
Enc: Third Party Damage Complaint
c: Michael Swanson
Nodak Electric Cooperative

2 PU-13-187 Filed 11/04/2013 Pages: 4
Letter enclosing third-party damage complaint
Public Service Commission
Julie Prescott



THIRD PARTY DAMAGE COMPLAINT

Public Service Commission
SFN 59067 (11-12)



PART A – WHO IS SUBMITTING THIS COMPLAINT

Information Being Submitted By <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Company*	Company/Organization	Person Filing Information Michael Swanson	Position	
Address of Person Filing Information 1733 Whippoorwill Lane	City Grand Forks	State ND	Zip Code 58203	
Telephone Number 701-741-0895	Email Address mmswanson@live.com	Date 10-13-12		

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator Karas Excavating		Telephone Number 701-351-0739	
Address	City Larimore	State ND	Zip Code
Name of Entity for Which Excavation Was Performed Grand Forks Trail Water		Telephone Number 701-599-2963	
Address	City Thompson	State ND	Zip Code

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event 10-8-2013	Address of the Excavation and/or Damage 1733 Whippoorwill Lane		
County Grand Forks	City Grand Forks	State ND	Zip Code 58203

PART D – FACILITY INVOLVED

Type of Facility Involved Personal home	Operator of Facility and Contact Person (if known) Michael Swanson		
Address 1733 Whippoorwill Lane	City Grand Forks	State ND	Zip Code 58203
Telephone Number 701-741-0895	Email Address (if known) mmswanson@live.com		
Brief Description of Facility Involved			

PART E – DAMAGE (if applicable)

Fatalities	Injuries	Length of Hospitalization, If Applicable
Estimated Value of Property Damage: \$ \$800.00		Number of Customers Affected
Damaged Within <input type="checkbox"/> Public Property <input checked="" type="checkbox"/> Private Property		Photos of Damaged Facility <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please include copies)

PART F – EXCAVATION

Was a locate requested from North Dakota One-Call?	
<input type="checkbox"/> Yes Locate Ticket Number <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket <input style="width: 100px; height: 20px;" type="text"/>
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 checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A	

PART G – MARKING

Were facilities marked?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were utility/facility marks visible in the area of excavation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Were the utility/facilities marked correctly?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the marking complete prior to the start time on the ticket?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Did the excavator pre-mark with white paint?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Was the facility marked accurately within 24 inches horizontally?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A
Did the excavator use reasonable care to maintain locate marks for the life of project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A

PART H – DESCRIPTION OF EVENT

Description of Event Karas Excavating was installing water lines for Grand Forks Trail Water, when they dug up the power line in my yard. When they hit the power line there was a loud bang and smoke came pouring out of my meter socket on my home. It melted my socket and had to be replaced. They also destroyed a couple trees, by driving over them. When contacted about paying for the damage, his response was, I cannot see below the dirt, and if I expect him to pay for the damage, he will see me in court. This was the third time he cut the power lines along this road in less than a week. I then made a call to ND one call and found that they had not made a call for locates. Grand Forks Trail Water gave me a ticket #13168713 for the locates. This was for locates on Lonesome Dove Drive, requested by GF Trail Water. The three sites where they cut through the power lines were on Whippoorwill Lane, about a 1/4 mile south of there. I am waiting for the bill from my electrician for the repairs, and GF trail Water said they will submit it to there board and they expect them to pay for the damages.

Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
Michael D Swanson 	10/13/2013

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