



Public Service Commission

State of North Dakota

COMMISSIONERS

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November 21, 2013

Wayne Netcalf, Superintendent
American Civil Constructors, Inc.
4901 S Windermere Street
Littleton, CO 80120-1021

Dear Mr. Netcalf:

Enclosed is a copy of a Third Party Damage Complaint against American Civil Constructors, Inc., received by the North Dakota Public Service Commission (Commission) on November 18, 2013, from Bruce Carlson, General Manager at Verendrye Electric Cooperative, Inc., of Velva, ND, Case Number PU-13-862. The location of the damage identified in the complaint is approximately 0.25 miles east of the intersection of 37th Avenue SE and 13th Street SE, Minot, 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 **December 10, 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 American Civil Constructors, Inc.;
- c) American Civil Constructors, Inc.'s history of prior violations or complaints;
- d) American Civil Constructors, Inc.'s ability to pay;
- e) Any good faith effort by American Civil Constructors, Inc., in attempting to achieve compliance; and
- f) The effect the penalty may have on American Civil Constructors, Inc.'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: Bruce Carlson

2 **PU-13-862** Filed: 11/21/2013 Pages: 7
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 type="checkbox"/> Individual <input checked="" type="checkbox"/> Company*	Company/Organization Verendrye Electric Cooperative, Inc.	Person Filing Information Bruce Carlson	Position General Manager	
Address of Person Filing Information 615 Highway 52 W	City Velva	State ND	Zip Code 58790	
Telephone Number 701-338-2855	Email Address brucerc@verendrye.com	Date 11/13/2013		

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

Name of Excavator American Civil Constructors		Telephone Number 303-738-5128	
Address 4901 S. Windermere St	City Littleton	State CO	Zip Code 80120
Name of Entity for Which Excavation Was Performed Minot Country Club		Telephone Number 701-720-3909	
Address 2002 Valley Bluffs Drive	City Minot	State ND	Zip Code 58701

PART C – TIME AND LOCATION OF THE EVENT

Date and Time of Event 10/27/2013 7:41 pm	Address of the Excavation and/or Damage Approx. .25 miles east of intersection of 37th Ave Se and 13th St SE		
County Ward	City Minot	State ND	Zip Code 58701

PART D – FACILITY INVOLVED

Type of Facility Involved New Minot Country Club	Operator of Facility and Contact Person (if known) Chris Strange - Superintendent		
Address 2002 Valley Bluffs Drive	City Minot	State ND	Zip Code 58701
Telephone Number 701-720-3909	Email Address (if known) cmstrange1975@gmail.com		
Brief Description of Facility Involved The new Minot Country Club is constructing a new club house. Their contractor (American Civil Constructors) was doing site preparation at the new club house. VEC's 12.5kv three phase feeder cable runs through this area.			

PART E – DAMAGE (if applicable)

Fatalities none	Injuries none	Length of Hospitalization, If Applicable n/a
Estimated Value of Property Damage: \$ \$6776.03		Number of Customers Affected 2600
Damaged Within <input type="checkbox"/> Public Property <input checked="" 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?	
<input type="checkbox"/> Yes Locate Ticket Number <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	Start Date on Ticket <input style="width: 100px;" type="text"/>
Did excavator wait until the start date/time on the ticket before commencing excavation?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input checked="" 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 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 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 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>The contractor was performing an excavation for a new club house for the Minot Country Club in a new development called The Bluffs. The cable dig-in occurred at about 7:41 pm on Oct. 27, 2013. The excavation was taking place in the dark. The dig-in caused a power outage in the southeastern part of Minot affecting 2600 members served by Verendrye's Southeast Minot Substation. The dig-in occurred on Circuit 5 (12.5kv three phase feeder line) from the Southeast Minot substation which caused very high fault currents resulting in a blown high side fuse at the substation. Along with the outage, a brownout condition also affected the remainder of the members served by that substation until crews arrived to de-energize the substation. Power was restored to all members by 9:12 pm for a total outage time of 1 hr. 31 min.</p> <p>Permanent repairs were made the following day, Monday, Oct. 28.</p> <p>Checking with ND One Call, no locate tickets for this location or from this contractor were issued. Contractor claims to be working under ticket # 13109787. This ticket originated in July 23, 2013, with work to begin on July 25th and expiring 10 days later. Furthermore, this ticket was not requested by this contractor nor was it for this facility or this location.</p> <p>Three pictures are attached.</p>

Description of Event Continued

PART I – SIGNATURE

Signature of Person Filing Complaint <i>Erin Carlson, UEC General Man</i>	Date <i>11/13/13</i>
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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





