



December 4, 2013

Darrell Nitschke
Executive Secretary, North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480



Re: Third Party Damage Complaint against American Civil Constructors, Inc.
Case # PU-13-862

Dear Mr. Nitschke,

Thank you for the opportunity to respond to the complaint made by Verendrye Electric Cooperative regarding ACC's damage to their three phase power on 10/27/2013.

ACC has completed a full investigation into this matter and found both State and corporate policy was overlooked. At this point ACC is without excuse and assumes responsibility for the incident.

In review, we learned our crew in Minot developed their work plan using locates obtained by the Country Club on our behalf. We had not secured our own locates. The locates we did use were from July 2013 and were long past the 21 day refresher. Our onsite management indicated a variance from standard policy because the utility was in the process of being relocated and our crews were in regular contact with the utility.

While the previous facts may demonstrate a lack of concern with policy, our team did take steps to identify, mark and train crews in order to properly navigate the utility. My review of the site and documentation shows the crew potholed the power line and marked it with lath demonstrating location and depth. As part of the daily tool box training, crews reviewed a job hazard analysis discussing the location of the utility and operators were instructed to stay 6 feet away from the markers. These steps demonstrate an understanding of the risk and concern for protecting the utility. Unfortunately, in an effort to achieve the tight construction window our crews worked into the evening at the Minot Country Club site operating in the dark. My review of the incident indicates the root cause of our utility hit was in fact the inability to see utility markers in the low light.

Based on our investigation we have done the following:

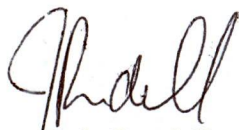
- Both the project superintendent and project engineer were disciplined for a failure to comply with State and corporate policy with regard to utility locates and pre-excavation permits. The policy was also reviewed with all ACC crews the following week.

- ACC evaluated the need for taller utility markers so they are more visible to operators in elevated equipment.
- ACC discussed the need for additional light plants if night work is required. Our investigation suggests we should strive to avoid night work of this nature.
- Additionally we have paid the utility for repairs and remunerated a citizen who claims their dryer was damaged because of the outage. We quickly accepted responsibility and worked to make affected parties whole with the exception of the missed quarter of the Sunday night football game between the Packers and Vikings. Some would argue it was a good game to miss.

I ask for consideration for relief from a penalty. This request asks you to recognize this incident was our first in North Dakota and steps have been taken to assure it will not occur again. The retraining among our crew works to mitigate this problem on all ACC projects and specific addresses utilities that are in the process of being relocated.

If you have other questions or would like to see the documentation I've collected as part of our internal investigation please don't hesitate to contact me at 303-730-4504.

Sincerely,



Jody Randall

Business Management