



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

August 21, 2014

Robert L. Lindberg
Northern Excavating Co., Inc.
PO Box 1108
Jamestown, ND 58402-1108

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Lindberg:

Enclosed is a copy of a Third Party Damage Complaint, against Northern Excavating Co., Inc. received by the North Dakota Public Service Commission on March 20, 2014, from Shane Hart, Assistant General Manager at Reservation Telephone Cooperative of Parshall, ND Case Number PU-14-134. The location of damage identified in the complaint is Second Street and Central Avenue in Ross, ND.

We originally sent you this complaint on March 21, 2014 to which you responded on April 2, 2014 that Northern Excavating Co., Inc. was not working in the area of the of the break on the specified date. Upon further review of the incident, we found that the event date originally listed (August 2, 2013) was incorrect. The actual event date was August 21, 2013.

We are sending you this information so that you are aware of the filing and have an opportunity to present any information you may have to assist us in processing this case. Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by **September 4, 2014**, 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 Third Party Damage Complaint, and other available information will be reviewed to determine the next step in this matter. If, from its investigation, staff concludes there was a violation of the One Call Law, staff may proceed to file a formal complaint. If Commission staff determines it should file a formal complaint, staff will attempt to contact you before the complaint is filed.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

enc: Third Party Damage Complaint, with attachments
c: Shane Hart, Reservation Telephone Cooperative

28 PU-14-134 Filed: 2/5/2015 Pages: 6
Exhibit 6

Public Service Commission



NORTHERN EXCAVATING CO., INC.



Robert Lindberg
President

P O BOX 1108
JAMESTOWN ND 58402-1108
(701) 252-5967 OFFICE
(701) 252-6145 FAX
lindberg@daktel.com

April 2, 2014

Public Service Commission
Julie Prescott/Public Utilities Division
600 East Boulevard Dept. 408
Bismarck ND 58505-0480



RE: Third Party Damage Complaint March 21, 2014

Dear Julie:

In regards to the above referenced complaint, Northern Excavating Co., Inc. was not working in the location of the alleged area.

Northern Excavating Co, Inc. was installing valves at Railroad Ave. and 3rd St. West at the time of the alleged complaint.

Northern Excavating Co. Inc. does not take responsibility for the alleged damages to the Reservation Telephone Cooperative Complaint.

If you desire further information please contact our office at 701-252-5967.

Sincerely:

A handwritten signature in blue ink, appearing to read "Robert Lindberg".

Robert Lindberg
President

Cc: file

4 **PU-14-134** Filed: 4/7/2014 Pages: 5
Response to third-party damage complaint

Northern Excavating Co., Inc.
Robert Lindberg, President



*COMMERCIAL * RESIDENTIAL * GENERAL EXCAVATING * BASEMENTS * SEWER & WATER * SEPTIC TANKS * FOOTINGS*





Public Service Commission State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

March 21, 2014

Robert L. Lindberg
Northern Excavating Co., Inc.
PO Box 1108
Jamestown, ND 58402-1108

Dear Mr. Lindberg:

Enclosed is a copy of a Third Party Damage Complaint (Complaint) against Northern Excavating Co., Inc., received by the North Dakota Public Service Commission (Commission) on March 20, 2014, from Shane Hart, Assistant General Manager at Reservation Telephone Cooperative of Parshall, ND (Case Number PU-14-134). The location of damage identified in the complaint is Second Street and Central Avenue in Ross, ND.

Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by **April 4, 2014**, with your written account of this alleged 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 Northern Excavating Co., Inc.;
- c) Northern Excavating Co., Inc.'s history of prior violations or complaints;
- d) Northern Excavating Co., Inc.'s ability to pay;
- e) Any good faith effort by Northern Excavating Co., Inc., in attempting to achieve compliance; and
- f) The effect the penalty may have on Northern Excavating Co., Inc.'s ability to continue in business.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Prescott", written over a white background.

Julie Prescott
Public Utilities Division

Enc: Third Party Damage Complaint
c: Shane Hart, Reservation Telephone Cooperative



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 RESERVATION TELEPHONE COOPERATIVE | Person Filing Information SHANE HART | Position ASSISTANT GENERAL MANAGER | |
| Address of Person Filing Information PO BOX 68 | City PARSHALL | State ND | Zip Code 58770 | |
| Telephone Number 701.862.3115 | Email Address SHANEH@RETEL.COM | Date 11/29/2013 | | |

PART B – WHO ALLEGEDLY VIOLATED THE ONE-CALL REGULATIONS

| | | | |
|---|-------------------|----------------------------------|-------------------|
| Name of Excavator NORTHERN EXCAVATING | | Telephone Number 701.252.5967 | |
| Address PO BOX 1108 | City JAMESTOWN | State ND | Zip Code 58402 |
| Name of Entity for Which Excavation Was Performed CITY OF ROSS | | Telephone Number | |
| Address | City ROSS | State ND | Zip Code 58776 |

PART C – TIME AND LOCATION OF THE EVENT

| | | | |
|--------------------------------------|---|-------------|-------------------|
| Date and Time of Event 08/02/2013 | Address of the Excavation and/or Damage ROSS CITY, 2ND ST & CENTRAL AVENUE | | |
| County MOUNTRAIL | City ROSS | State ND | Zip Code 58776 |

PART D – FACILITY INVOLVED

| | | | |
|--|---|-------------|-------------------|
| Type of Facility Involved TELECOMMUNICATIONS | Operator of Facility and Contact Person (if known) RESERVATION TELEPHONE COOPERATIVE | | |
| Address PO BOX 68 | City PARSHALL | State ND | Zip Code 58770 |
| Telephone Number 701.862.3115 | Email Address (if known) | | |
| Brief Description of Facility Involved <i>See attached letter</i> | | | |

PART E – DAMAGE (if applicable)

| | | |
|---|----------|--|
| Fatalities | Injuries | Length of Hospitalization, If Applicable |
| Estimated Value of Property Damage: \$ \$1,522.51 | | Number of Customers Affected 2 |
| Damaged Within <input checked="" type="checkbox"/> Public Property <input 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 checked="" type="checkbox"/> Yes Locate Ticket Number | Start Date on Ticket <input type="text" value="08/02/2013"/> |
| <input type="checkbox"/> No | |
| <input type="checkbox"/> Unknown | |
| Did excavator wait until the start date/time on the ticket before commencing excavation? | |
| <input checked="" type="checkbox"/> Yes | <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A |
| Were utility/facility marks visible in the area of excavation? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> N/A |
| Were the utility/facilities marked correctly? | <input checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A |
| Was the facility marked accurately within 24 inches horizontally? | <input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> N/A |

PART H – DESCRIPTION OF EVENT

| |
|---|
| Description of Event |
| CONTRACTOR CUT A 4 FIBER DROP (2ND TIME) AND A 2 FIBER DROP |

Description of Event Continued

| |
|--|
| |
|--|

PART I – SIGNATURE

| | |
|--|--------------------|
| Signature of Person Filing Complaint SHANE D HART | Date 11/29/2013 |
|--|--------------------|

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