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Public Service Commission  
State of North Dakota  
Mr. Aaron Morman  
600 East Boulevard, Dept 408  
Bismarck, ND 58505-0480



May 8, 2014

RE: Case GS-14-216

Dear Sir:

In response to the above referenced complaint I offer the following information:

As you are aware this line was struck on two occasions, when the first strike occurred we failed to check to see if the locates on this project had been updated before we started to dig. After the strike occurred and it turned out that we did not have current line locates we changed our internal procedures triggering updates within the required timeframe for all open projects on a continuous basis. The updates on the line locates do not stop being requested until the project is complete. When the first strike occurred we discovered that the power line and the gas line in the trench were installed in a location that fell within the spread footing of the building. The result being that the lines would have to be moved or the building location would have to be moved. Our project foreman was the one digging the trench; he stopped digging as soon as he was aware the gas line had been struck.

This was the occasion that there was an exchange of words between our employee and the MDU supervisor who accused our employees of installing the gas and electric lines in the wrong place. He said as we had dug the trench for the lines we should have known they were there. As it turns out we did not dig the trench, a subcontractor of either MDU or Mountrail Williams had dug the errant trench. According to our foreman the real heated words were between someone from MDU and a representative of Sterling Construction who is the general contractor.

The result of this occurrence indicated that we needed to change our internal procedures to ensure that the line locates are kept current. This was done and continues today. We paid the charges assessed to us by MDU.

The second incident, the one that triggered your inquiry occurred on 2/18/2014. Our client Sterling Construction needed the excavation for the footings for the Maintenance Building completed as soon

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Plote Construction ND, LLC

Maurice Schurger, Project Manager

as possible so that construction on the Maintenance Building could begin. The sewer lift station necessary to operate the sanitary sewer system with the Northgate complex is controlled from the Maintenance Building. We were told by Sterling Construction that they would get the gas and electricity shut down until the excavation for the footing was being completed. When we were informed by Sterling Construction that the shutdown would occur we scheduled time to complete the excavation. The footing excavation was complete and our foreman was checking the elevation in the excavation when he discovered the leaking gas. By this time he had returned the excavator to the area onsite where the machinery is stored. About 1.5 hours to 2 hours later MDU repairmen arrived to stop the leak. It was requested of our foreman that he bring our excavator back to the trench and excavate an area around the line to enable the repair to be made. When this was done he returned the machine to the storage area. There were never any cross words spoken between the MDU repairmen or our foreman according to our foreman. The cross words that he heard were between MDU supervisor and Sterling Construction supervisor.

The result of this occurrence is; we paid the repair charges assessed us by MDU. We established a policy that if the ground conditions are such that we cannot excavate safely and do the necessary hand excavation due to extreme cold we will not perform the work. Further, if work has to occur where there is a high likelihood of damage to a line which requires a line be deadened, work will not proceed until a supervisory individual from the affected utility verifies that the line is inactive.

Now regarding my conversation with Paul Reily, there didn't seem to be a need to accept blame because he made it quite clear during the conversation that blame had already been determined. My side of the conversation with him was to try to ascertain what had taken place on the site and what could be done in the future to avoid situations such as this occurring again. The result of the conversation was the policy outlined above that was put in place within our Company.

Around March 19, 2014 we dug a trench parallel with the affected line away from the building so that the gas and power lines could be relocated, we did not charge our client or MDU for digging this trench. Interactions between Developers, Utilities, Locators and Contractors need to be a team effort with all parties cooperating with one another to avoid safety issues and property damage while achieving realistic installation goals for the developer. As someone who has come to this area from another state having had the opportunity to work with Utilities in many different areas of the Country including other MDU operations the Spirit of Cooperation is slipping or not present here. Perhaps it is time for a dialogue between the Utilities, Developers, Locators and Contractors moderated by the Public Service Commission. The primary goal of the complaint/response process is to prevent accidents from re-occurring; speaking for Plote Construction this is our goal too!

Best Regards,



Maurice Schurger

Project Manager

Plote Construction ND LLC

CC: File, 13002/MDU