

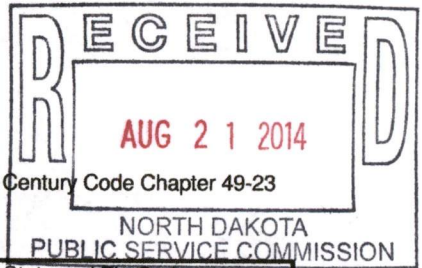


ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (1-14)

To allege a violation of the One-Call Excavation Notice System Law: North Dakota Century Code Chapter 49-23



PART A - WHO IS SUBMITTING THIS COMPLAINT (COMPLAINANT)

Company/Person <i>See attached list</i>	Street Address	City <i>Harvey</i>	State and Zip Code <i>ND 58341</i>
Telephone and Cell Phone Number <i>701-693-5231</i>	Email Address <i>dvoeller@otpc.com</i>	Date <i>7-21-14</i>	

Complainant is willing and able to testify on the complaint if matter goes to formal hearing

PART B - WHO VIOLATED THE ONE-CALL REGULATIONS (RESPONDENT)

Company/Person <i>Harvey Sand and Gravel</i>	Street Address	City	State and Zip Code
Telephone and Cell Phone Number <i>133 Brewster St West Harvey ND 324-4671</i>	Email Address		

PART C - ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation: *512 Birch Ave Harvey ND*

Date and Time of Violation: *7-21-14 9:00 AM*

Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*

PART D - DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

Signature of Person Filing Complaint <i>Dave Voeller - 693-5231</i>	Date <i>7-21-14</i>
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Send Completed, Original Complaint To:
 Public Service Commission
 600 E Boulevard Ave Dept 408
 Bismarck ND 58505-0480
 Telephone: (701) 328-2400

To whom it may concern,

On behalf of Otter Tail Power, North Dakota Telephone Company, Midcontinent Communications, and the City of Harvey, we wish to bring to your attention the actions of a particular contractor that has violated the ND One Call rules. This incident is the first to be reported to the Public Service Commission but we have had several previous occasions of a One Call not being made or a lack of proper work procedures on marked UG facilities. As well there have been requests made by the contractor to his customer to make the One Call request. On this occasion the contractor was removing and replacing a driveway. We feel the stakes driven to complete this project would have violated the 12 inch rule. This contractor does take the appropriate action with ND One Call on most of their excavation projects. However the repeated warnings from the Utilities have not been convincing enough to eliminate the occasional violation. We wish for this complaint to persuade the Public Service Commission to hand out a warning and also to be a record of the issues here should a fine be in order in the future.

Complainants

Otter Tail Power
401 Jackson ave
Harvey ND 58341

Dave Voller - 693-5231

MIDCONTINENT COMMUNICATIONS
1005 E. 14th ST.
DEVILS LAKE ND 58301

BOB SCHELL
701-340-6715

NDTC tel.
P.O. Box 180
Devils LAKE ND.

GARY Traftgruben
701-350-0077

City of Harvey
120 W. 8th St.
Harvey, ND 58341

Kenny Eison
701-324-2000

