


507 South Main
Dickinson, ND 58601
701-483-4000
Fax 701-483-0001
1-888-225-5282
www.ctctel.com



Consolidated
Reach the World, from here.

October 28, 2014

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



*Consolidated
Telcom*

Re: Case No. PU-14-737
Response to Complaint

Dear Mr. Nitschke:

The Complaint of Denny's Electric has no merit under North Dakota law regarding locating underground facilities. We received ticket number 14094811. Our locator went to the site and located our facilities. Our flags were placed above our facilities on the routes in question. The age of the flag doesn't absolve Denny's of its responsibilities under the law. Consolidated is not required to pull an old flag and replace it with a new flag, and Consolidated can reuse flags at its discretion without violating locating rules and regulations. The locates and flag placements were verified by our technician prior to Denny's work. Consolidated has no control over the activities of other contractors on the site. The placement of construction materials by someone else on some of our flags doesn't make our locate improper. Denny's own pictures show that our flags were still visible despite the placement of construction materials on some of them.

Denny's argument that it can ignore flags based on the age of the flag or the fact that other materials have been stacked on some of the flags is completely without merit. Denny's own complaint and pictures are an admission that they saw our flags and chose to ignore them. A finding for Denny's in this matter is contrary to law and would basically mean that any contractor can ignore locating flags if they feel the flags "look old". The law does not give the contractor this kind of subjective leeway with respect to locating flags.

Attached are copies of the letter and bill we sent to Denny's on this issue. Please let me know if you need any additional information. Thank you for your assistance in this regard.



Bryan W. Personne
Chief Operating Officer
Consolidated Telcom

4 **PU-14-737** Filed: 10/30/2014 Pages: 3
Response to North Dakota One-Call complaint

Direct No.s
Telephone 701-483-7328
Facsimile 701-483-7346

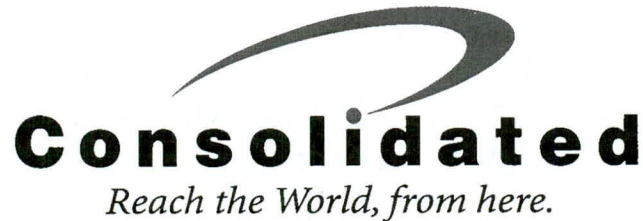
*Consolidated
Enterprises, Inc.*

*Consolidated
Communications
Corporation*

*Consolidated
Cable Vision, Inc.*

*Consolidated
Communications
Networks, Inc.*

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October 1, 2014,

Denny's Electric & Motor Repair, Inc
ATTN: Roger Rapp
1661 I 94 Business Loop East
Dickinson ND 58601

RE: Invoice 106605 – Repair of cut cable.

*Consolidated
Telcom*

Dear Mr. Rapp,

We have received your letter regarding our invoice #106605 to repair cut fiber. I have had discussions with our construction supervisor and he indicated that we had properly located and marked our fiber.

*Consolidated
Enterprises, Inc.*

We therefore are requesting payment in full of the invoice as billed. If we do not receive payment in full by October 17, 2014, we will proceed with turning this over to our attorney for collection process.

*Consolidated
Communications
Corporation*

If you have any questions, please feel free to contact me.

Yours truly,

A handwritten signature in black ink that reads "Ken Weisenberger". The signature is fluid and cursive, with a large loop at the end.

Ken Weisenberger, CFO

*Consolidated
Cable Vision, Inc.*

Cc: Paul Schuetzler – CEO, Consolidated Telcom
Kenny Kostelecky – Construction Supervisor, Consolidated Telcom
Mike Maus, Attorney for Consolidated Telcom
Haylee Cripe, Attorney for Consolidated Telcom

*Consolidated
Communications
Networks, Inc.*



P.O. Box 1408
Dickinson, ND 58602-1408
Phone: (701) 483-4000

INVOICE: 106605

Invoice Date: 08/21/2014
Terms: NET 30 DAYS
Due Date: 09/20/2014
Amount Due: \$ 17,554.10

DENNY'S ELECTRIC & MOTOR
REPAIR INC
%JUNE HALLER
PO BOX 1406
DICKINSON ND 58602-1406

C

Account: 30514
Description: WO29380414 - REPAIR CUT FIBER - 7/25/14
HALLIDAY - 145-91-6
Page 1 of 1

DESCRIPTION	QUANTITY	UOM	UNIT PRICE	AMOUNT	TAX
TYCO D SERIES CASES	2.000	EA	539.0000	1,078.00	
TYCO RIBBON	2.000	EA	55.3000	110.60	
LOCATE BALLS	2.000	EA	11.2500	22.50	
144 RIBBON FIBER	228.000	FT	1.2500	285.00	
LABOR MAN W/VEHICLE-DT	22.500	HR	238.0000	5,355.00	
LABOR MAN W/CONSTRUCTION EQPT-DT	38.500	HR	278.0000	10,703.00	

MESSAGES	
A surcharge will be assessed on all Credit Card Payments over \$1,000.00.	
Subtotal:	\$ 17,554.10
Tax:	\$ 0.00
Total:	\$ 17,554.10
Amount Paid:	\$ 0.00
Amount Due:	\$ 17,554.10

RETURN BOTTOM PORTION WITH PAYMENT



P.O. Box 1408
Dickinson, ND 58602-1408
Phone: (701) 483-4000

Account:	30514
Invoice:	106605
Due Date:	09/20/2014
Amount Due:	\$ 17,554.10
Amount Of Payment:	_____

Remit To:

DENNY'S ELECTRIC & MOTOR
REPAIR INC
%JUNE HALLER
PO BOX 1406
DICKINSON ND 58602-1406

CONSOLIDATED TELCOM
PO BOX 1408
DICKINSON ND 58602-1408