

DENNY'S ELECTRIC

LICENSE # 2450

& Motor Repair

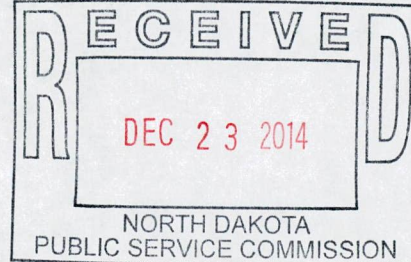
INC



1661 I 94 Business Loop East
Dickinson, ND 58601
Phone 701-227-0601

December 23, 2014

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



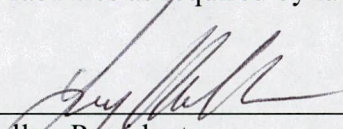
RE Case No. PU-14-737

Dear Mr. Nitschke

We received the letter dated October 28, 2014 where Consolidated responded to our complaint, in their letter they state that Denny's Electric has no merit under ND law regarding locating underground facilities. They state that their locator went to the site and located their facilities and that their flags were placed above their facilities on the routes in question. Their statement is incorrect, they only located one of their facilities which was west of the facility we struck. The age of the flags was not an issue in the complaint we filed, the issue was their facilities were not located within the excavation site as required by ND law. We requested that the facilities be located "AT THE INTERSECTION MARK 50 FEET ON EACH SIDE OF THE STAKED PIPE LINE ROUTE, MARK 100 FEET EACH SIDE OF THE CENTER LINE OF HIGHWAY 8, WE WILL BORE ACROSS HIGHWAY 8 ON THE NORTH SIDE OF 1ST STREET."

Consolidated failed to locate all their facilities in the proposed excavation area. They stated that their technician verified the locate and flag placements prior to Denny's starting work, if this was done as stated both facilities would have been located and we would have hydrovaced the second facility as we did the facility that was marked.

We have never made an argument nor did we choose to ignore any flags new or old placed by Consolidated. We located all facilities located within the proposed excavation as required by ND law that were marked. As a Utility Consolidated has a responsibility to locate their facilities within the proposed excavation areas. We as a contractor don't assume facilities cross marked excavation areas that are unmarked nor do we locate these facilities. Consolidated failed to locate all their facilities as required by law and as such are responsible for the damage.


Cory Haller, President
Denny's Electric & Motor Repair Inc.

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Response to Consolidated's response to North Dakota One-Call complaint

Denny's Electric & Motor Repair
Cory Haller, President