

# Memorandum

**To:** Commissioner Julie Fedorchak  
Commissioner Randy Christmann  
Commissioner Brian P. Kalk

**From:** Julie Prescott, Public Utility Analyst

**c:** Patrick Fahn, Director, Compliance and Competitive Markets  
Illona Jeffcoat-Sacco, General Counsel

**Date:** January 21, 2015

**Re:** Damage Prevention Enforcement, Case No. PU-14-737

On October 6, 2014, the Commission received a North Dakota One-Call Complaint form from Roger Rapp, Project Manager at Denny's Electric & Motor Repair, Inc. (Denny's) of Dickinson, North Dakota. The complaint claimed a violation by Consolidated Telcom (Consolidated) of Dickinson, North Dakota, of North Dakota Century Code chapter 49-23: One-Call Excavation Notice System.

In its complaint, Denny's stated that it provided an excavation notice (notice) to the North Dakota One Call Notification Center (Center) as part of a rural water line installation in Dunn County, as documented in North Dakota One Call Ticket No. 14094811 (Ticket). Denny's further stated that Consolidated failed to locate a fiber line at a point approximately three miles north of Halliday, North Dakota, within the area specified in the notice, which resulted in damage to the facility during an excavation performed on July 25, 2014, by Denny's.

Based on its investigation, Staff concluded that on July 1, 2014, Denny's provided a notice to the Center for work to begin on July 3, 2014. The Center assigned the Ticket to the notice. Under North Dakota Century Code section 49-23-04(3)(g), the expiration date for the Ticket was July 24, 2014.

Based on its investigation, Staff concluded that the excavation by Denny's on July 25, 2014, was not performed by the Ticket's expiration date of July 24, 2014.

Staff recommends that no further action be taken and the case be closed.