



November 7, 2014

Darrell Nitschke
Executive Secretary, North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, North Dakota 58505-0480

Re: One-Call Excavation Notice System: North Dakota Century Code Chapter 49-23

Dear Mr. Schock,

This letter is in response to the One-Call complaint filed by Verendrye Electric Cooperative, Inc., of Velva ND, Case Number PU-14-760 and SRT Communications, Inc of Minot, ND Case Number PU-14-757.

Attached find the minutes of the pre-construction meeting dated 05/05/2014 (attachment #1). The main discussion topic at the 05/05/2014 meeting was the complexity and large quantity of utility conflicts on this project. It was agreed at the pre-construction meeting that marking the entire job at once would be ineffective and utilities should be located every morning for the work being performed each day. All the utility owners were in agreement and agreed to have a locate tech onsite/available daily.

Once the project got underway, it was apparent that having a locator onsite daily would not be as easy as once anticipated, specifically for Midcontinent. Midcontinent Communications became unavailable and uncooperative. In an effort to protect Wagner Construction's liability and Midcontinent's property, we were forced to place a new One-Call ticket on a repeated basis.

As was determined at the pre-construction meeting, marking lines for the entire job and expecting the locates to be visible for 21 days was just not feasible. The broad project scope made protecting locate marks impossible. Major work scopes to complete the project included: mass grading, water main pipe, storm sewer pipe, street construction, electrical for street lights and landscape/tree planting.

This project called for the installation of multiple work scopes, at differing elevations, beneath the same locate marks. The first phase of construction is to strip the topsoil. This means we had to pick up and pile all the black dirt, which results in wiping out the locate marks. The second phase of construction is to excavate/embank the onsite clay material to the desired subgrade elevation. Again, we disturbed the entire surface area of the project including the locate marks.

4 **PU-14-757** Filed: 11/10/2014 Pages: 2
Response to North Dakota One-Call Complaint

Wagner Construction, Inc.
Mike Brewinski, Sr. Project Manager

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The next phase of construction was 12" water main pipe installation for the entire length of the project, requiring a 10' deep trench cut. In order to provide a safe working environment in poor soil conditions, the trench excavation was often times in excess of 15' wide at the top of ground. That means the utility locates were in the trench excavation making it impossible to work around them. We had to dig through them, protect the existing utility as we installed the water main pipe and finish by backfilling the trench. The fourth phase of construction was 24" to 36" concrete storm sewer pipe installation. Excavations were 6' to 16' deep making the cut at the top of ground at minimum 12' to 15' wide. Again, we had to excavate and backfill through utility locates which ended in the same result as the water main installation. The fifth phase of construction for Wagner is subgrade preparation. This means we scarified (disturbed) and re-compacted the top 12" to 24" of the entire roadway in order to meet specified densities before placing the class 5. Subgrade prep resulted in losing the locate marks in the entire roadway. Finally, the class 5 and concrete roadway is ready for construction.

Through daily communication and frequent, necessary locate requests, we believe we were acting as a responsible contractor to protect the utility owners property and our liability in the case that something did get damaged.

In addition to this explanation, I want to highlight the fact that I did not receive one notification or complaint from a utility owner while we were performing Wagner scopes of work. We have demonstrated a willingness to work with others and adapt to difficult situations throughout the course of the project. I feel if we would have received timely communication this issue would have been avoided completely.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Brewinski".

Mike Brewinski
Senior Project Manager
Wagner Construction

Cc: Victor Schock