



# 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 Verendrye Electric Cooperative Inc / Bruce Carlson	Street Address 615 Hwy 52 West	City Velva	State and Zip Code ND, 58790
Telephone and Cell Phone Number 701-338-2855	Email Address brucerc@verendrye.com		Date 10/20/2014
<input checked="" type="checkbox"/> 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 Wagner Construction Company Inc / Kevin Hesse	Street Address 3151 HWY 53 Suite 1	City International Falls	State and Zip Code MN, 56649
Telephone and Cell Phone Number 1-218-283-3700 / 1-218-244-3361	Email Address kevin@wagnerconstructioninc.com		

## 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:  
37th Ave SE Minot ND and 16th Ave SE Minot ND

Date and Time of Violation:  
Summer of 2014 projects are still in progress (May through October)

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.*

Wagner Construction is neglecting to maintain the locate markings. VEC has evidence of multiple unnecessary respot requests as well as pictures for the same projects on 37th Ave SE as well as 16th St SE.

PLEASE SEE ATTACHED FOR MORE INFORMATION

## 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>Bruce Carlson VEC General Manager</i>	Date 10/21/14
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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



615 Highway 52 W. ▪ Velva, ND 58790-7417 701-338-2855  
1225 Highway 2 Bypass E. ▪ Minot, ND 58701-7927 701-852-0406  
Fax 701-624-0353 ▪ WATS 1-800-472-2141  
E-mail: rec@verendrye.com ▪ Website: www.verendrye.com

The Excavator is Wagner Construction Company out of International Falls MN.

Verendrye Electric Cooperative Inc is seeking to recover our locating costs for these two projects on going in Minot ND:

(old FEMA court) 16th Ave SE Minot ND-----work is still in progress with unknown completion date.

37th Ave SE-----work is still in progress with anticipated Fall 2014 completion date.

On both projects Wagner Construction has been calling in multiple respot tickets or calling Locator directly for respots, sometimes on the same day. Resulting in higher than anticipated locating charges.

After reviewing the charges and reviewing the pictures taken by our locating contractor VEC is entitled to recover our locating expense. The Excavator did not make any attempt at maintaining the marks.

Excavator has abused our locating contractor as well as the North Dakota 1 Call system with continued tickets and phone calls. Calling in emergency tickets when they could not get the locator to accommodate their schedule.

We have audited our contractors charges and are only charging for excessive tickets on the above mentioned projects. Excavator is not being charged for what would be the 21 day renewal/respot of the ticket. We have billed Wagner for 49 unnecessary locates totaling \$4110.22.

VEC does have pictures and a list of actual locate ticket numbers for verification purposes.



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Pictures 1 thru 6

Sampling of pictures taken after the locate 14099000 (21 day renewal) had been completed on 7/8/2014. In the pictures you can see locate marks in the work area with no evidence of trying to preserve the marks. Equipment working is already destroying the marks on 7/8/2014 as quickly as they are being located.

21 day cycle (timeline) of request #14099000

14099000	7/8/2014	Renewal ticket
14100419	7/9/2014	Respot ticket
14103923	7/12/2014	Respot ticket
14104020	7/13/2014	Respot ticket
14105749	7/15/2014	Respot ticket
14107645	7/16/2014	Respot ticket
14102425	7/22/2014	Respot ticket
14114114	7/23/2014	Respot ticket
14116320	7/25/2014	Respot ticket
14116689	7/26/2014	Respot ticket
14118153	7/29/2014	Renewal ticket

# 14099000

7/8/2014

# 1



#14099000

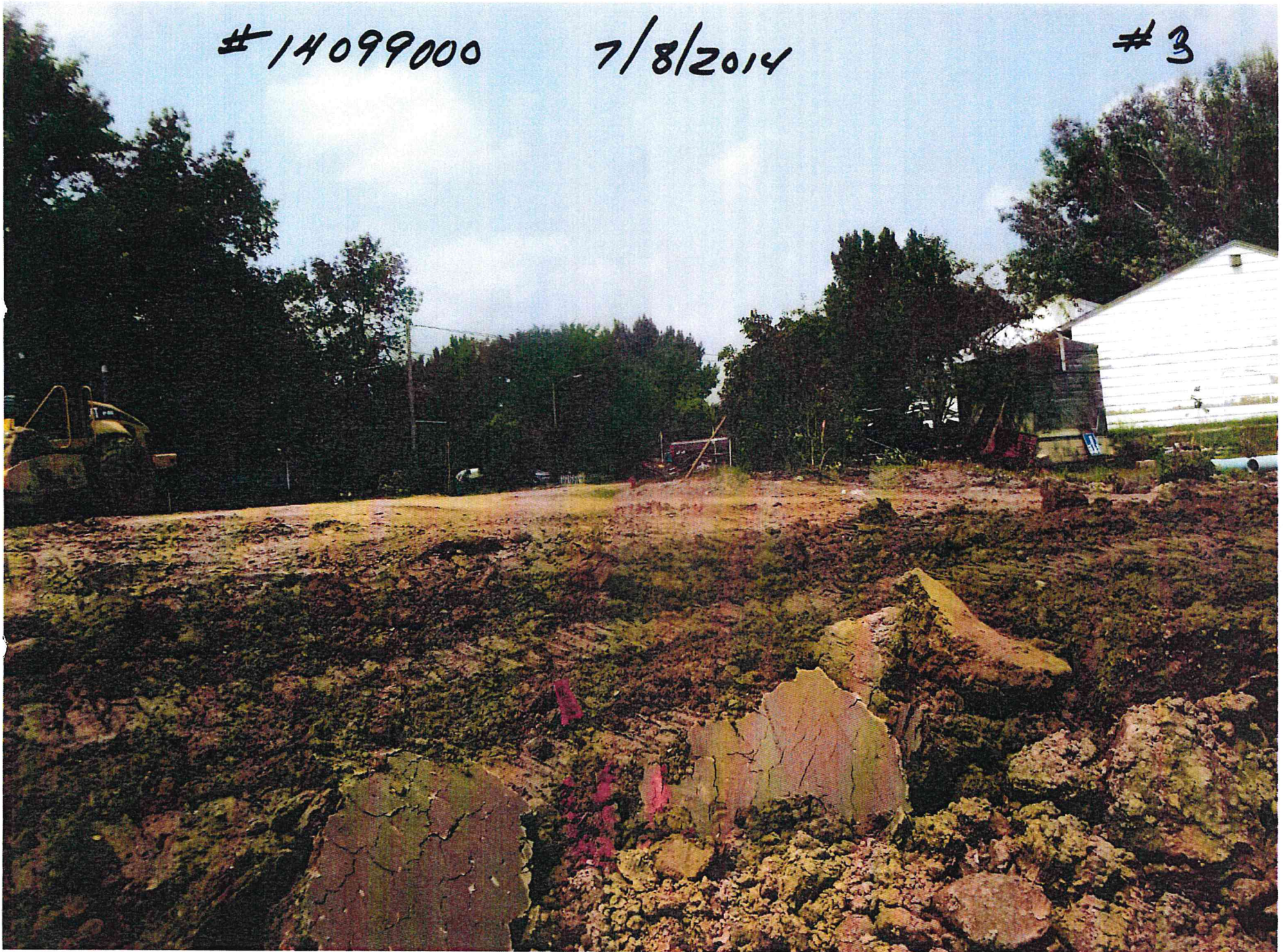
7/8/2014



#14099000

7/8/2014

#3



7/8/2011



~~#1040~~

#14099000

7/8/2014

#5



#14099000

7/8/2014

#6

