



Public Service Commission

State of North Dakota

COMMISSIONERS

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October 24, 2014

Kevin Hesse
Wagner Construction, Inc.
3151 Hwy 53
International Falls, MN 56649

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

Dear Mr. Hesse:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Wagner Construction, Inc., received by the North Dakota Public Service Commission on October 21, 2014, from Bruce Carlson, General Manager at Verendrye Electric Cooperative, Inc., of Velva, ND, Case Number PU-14-760. The location of the area identified in the complaint is approximately 37th Ave SE and 16th Ave SE, Minot, ND.

I am sending you this information so that you are aware of the Complaint and have an opportunity to present any information you may have to assist us in processing this case. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by November 7, 2014**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

I will review your response, the ND One-Call Complaint, and other available information to determine the next step in this matter. If I conclude there was a violation of the One Call law, I may file a formal complaint with the Commission. If I decide to proceed with a formal complaint, I will attempt to contact you in advance.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Bruce Carlson with attachments



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 <input type="checkbox"/> 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

<input type="checkbox"/> Operator failed to provide or update the information provided to the notification center on a timely basis <input type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input type="checkbox"/> Excavator failed to provide required information in excavation or location notice <input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation <input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area <input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally <input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period <input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities <input checked="" type="checkbox"/> Excavator failed to maintain the markings during excavation <input type="checkbox"/> 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) <i>If more space is required, please provide the description on a separate page.</i> 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 E - SIGNATURE

Signature of Person Filing Complaint <i>Bruce Carlson VEC General Manager</i>	Date <i>10/21/14</i>
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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.



615 Highway 52 W • Velva, ND 58790-7417 701-338-2855
1225 Highway 2 Bypass E • Minot, ND 58701-7927 701-852-0406
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E-mail: rec@verendrye.com • Website: www.verendrye.com

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



#11099000

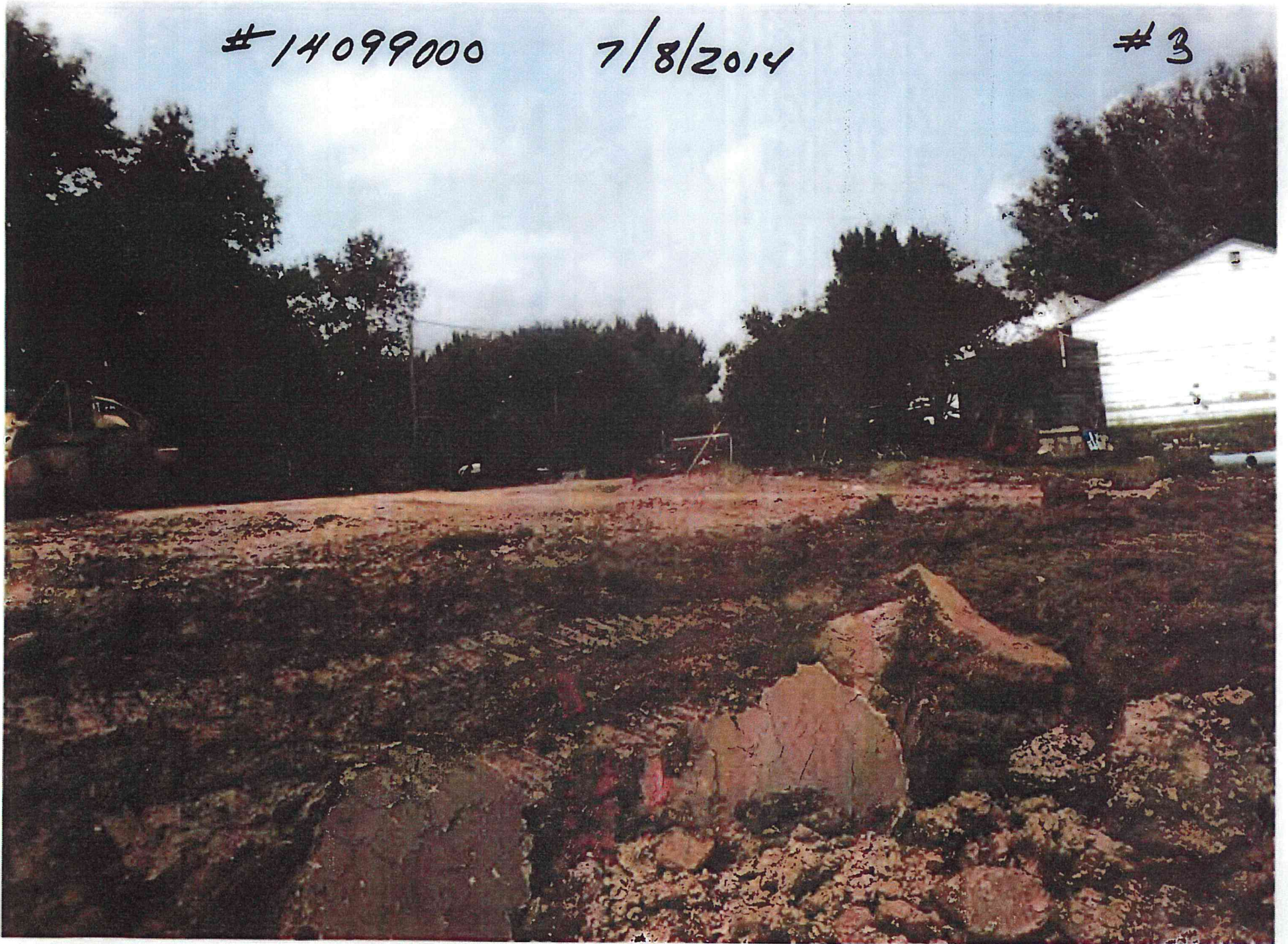
7/8/2014



#14099000

7/8/2014

#3





~~#1044~~

#14099000

7/8/2014

*5



14099000

7/8/2014

6

