

Schock, Victor F.

From: Tim Burckhard <timab@srttel.com>
Sent: Friday, November 14, 2014 1:59 PM
To: Bruce Carlson; Schock, Victor F.
Cc: Tim Krumwiede; johnpw@verendrye.com
Subject: Re: ND One-Call Complaints against Wagner Construction PU-14-757 & PU-14-760

Victor,

In response to the letter sent by Wagner Construction to the PSC regarding the complaint filed against them, I have the following counter responses.

1. SRT was not able to attend the pre-construction meeting that was held on May 5th, therefore the statement indicating that all the utilities were in agreement to "locate every morning for the work being performed each day" as well as "All the utility owners were in agreement and agreed to have a locate tech on site/available daily" is an untrue statement. Because of the amount of facilities that SRT did/does have at stake on this project that could have been affected, we did choose to provide a daily presence to assure our facilities were being protected. Even though we chose to do that and assisted on the project as much as possible, Wagner still placed an excessive amount of locates for the entire project, as many as up to 4 in a single day as shown in the report that was provided to the PSC.

2. Mr Brewinski states that requests for locates would only be for the work being performed each day. SRT's contract locater attempted to work with them in that regard but often found that they would move outside of that determined work area. In one instance, Wagner damaged a SRT cable that was not inside their determined area for that day and because they had a locate for the entire project, we were not able to hold them responsible for the damage because the locater had not remarked it again. The excessive locate requests never did indicate to locate a small specific work area but were to mark the entire project on 37th Ave SE, ROW to ROW from S Broadway St to 13th St SE.

3. Wagner states that they were "Acting as a responsible contractor to protect the utility owners property". There are many other contractors working in the Minot area on many other road and street projects that all follow the rules of the North Dakota One Call system by making a reasonable attempt to preserve the markings. Many times when our representative was on this project, as well as our contract locater, they witnessed construction equipment wipe out freshly placed markings from just hours prior to being placed, with absolutely no attempt to preserve them. I can fully understand and agree that there was a large scope of work and excavation required on this project and I can also agree that it may have been difficult to maintain a locate for 21 days but to call in 3 and 4 locates per day is not acting as a responsible contractor.

4. Mr Brewinski also states that he did not receive one notification or complaint from a utility owner while performing Wagner scopes of work. I myself did not speak with Mr. Brewinski but did speak with Kevin Hesse, the responsible party for calling in all of the locates, on two separate accounts to discuss the number of locates that were being called in. I was told the locates were intended for Midcontinent and not for SRT or the power company. I asked him if he had conveyed that to our locater when they showed up each day to perform the requested locates because SRT's name is listed on every locate request and he did not have a response. SRT's contract locater, Summit Utility Services, as well as our Outside Plant Engineer involved with this project, also spoke with Wagner foremen and representatives on several occasions with little or no regards to our concerns. Our locate contractor described their cooperation as "belligerent and unwilling". For Mr. Brewinski to not be aware of those discussions between SRT, our locater and their representatives, shows me a lack of communication amongst their organization.

5. Had Wagner Construction made any attempt whatsoever to maintain the locate markings, we would not be having this conversation.

Thank you for considering these responses and attention to this matter. If you have any further questions please feel free to contact me at any time.

Sincerely,



Tim Burckhard | Director of Field Operations

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>>> "Schock, Victor F." <vschock@nd.gov> 11/10/14 11:19 AM >>>
Hi Tim/Bruce,

I received a response to the complaints you filed with us (attached).

Please let me know if you have any other thoughts or comments on the complaints before we make a determination on the alleged violations.

Thanks,

Victor Schock

Public Utility Analyst

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