



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian P. Kalk
Randy Christmann
Julie Fedorchak

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 19, 2014

Bill Walker
B & B Walker & Son
41953 Sugar Maple Dr
Ottertail, MN 56571-9407

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

Dear Mr. Walker:

Enclosed is a copy of a ND One-Call Complaint against B & B Walker & Son, received by the North Dakota Public Service Commission on November 4, 2014, from North Dakota One Call, Case No. PU-14-797.

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 December 3, 2014, with your written response and any supporting documentation.**

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

Please contact me at 701-328-4188 or at jprescott@nd.gov with any questions regarding this correspondence.

Sincerely,

Julie Prescott
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint
c: North Dakota One Call

2 **PU-14-797** Filed: 11/19/2014 Pages: 11
Letter enclosing North Dakota One Call Complaint



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 One Call Concepts, Inc / North Dakota One Call	Street Address 7223 Parkway Drive	City Hanover	State and Zip Code MD, 21076
Telephone and Cell Phone Number (410) 712-0082	Email Address jenniejamison@occonc.com		Date 11/3/14
<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 WALKER & SONS EXCAVATING	Street Address 41953 SUGAR MAPLE DR	City OTTERTAIL	State and Zip Code MN 56571-9407
Telephone and Cell Phone Number 218-367-2904, 218-298-1204		Email Address	

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 type="checkbox"/> Excavator failed to maintain the markings during excavation <input checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>Section 49-23-03</u>
Location of Violation:
Date and Time of Violation:
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> An excavator licensed under this chapter shall participate in and share the costs of a statewide notification center on a per call basis

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>Jennie Jamison</i>	Date 11/3/14
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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

Statement

Statement Date: 10/23/2014

ONE CALL CONCEPTS, INC.
 7223 PARKWAY DR.
 SUITE 210
 HANOVER MD. 21076
 (410) 712-0082

Customer 17-0006986

WALKER & SONS EXCAVATING
 ATTN: BILL WALKER
 41953 SUGAR MAPLE DRIVE
 Ottertail, MN 56571-9407

Date	Reference	Description	Charge	Credit	Balance
3/31/2009	9010218-IN		2.60		2.6
6/30/2009	9021187-IN		7.80		7.8
9/30/2009	9031260-IN		5.20		5.2
12/31/2009	9040965-IN		5.20		5.2
9/30/2010	0031395-IN		6.50		6.5
12/31/2010	0040594-IN		2.60		2.6
12/31/2011	1041634-IN		6.50		6.5
6/30/2013	3022482-IN		2.20		2.2

					Total:	38.60
Current	30 Days	60 Days	90 Days	120 Days	Balance Due	
0.00	0.00	0.00	0.00	38.60		38.60

WE NOW ACCEPT E-CHECKS AND MASTERCARD/ DISCOVER PAYMENTS.
 GO TO WWW.OCCINC.COM FOR MORE INFORMATION.

North Dakota One Call

c/o One Call Concepts
7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 09-01-0218
DATE: April 3, 2009

WALKER AND SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 6986 filed between January 1 and March 31, 2009.	\$1.24	\$2.60
SUBTOTAL			\$2.60
TOTAL DUE			\$2.60

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.

THANK YOU FOR YOUR BUSINESS!

This invoice is sent under the authority of the North Dakota Century Code Chapter 49-23 regarding one-call and damage prevention in North Dakota. The charges are due and payable per Section 49-23-03 which specifies that, "An excavator licensed under this chapter shall participate in and share in the costs of a statewide notification center on a per call basis."

PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

COMPANY: WALKER AND SONS EXCAVATING
CONTACT: BILL WALKER
CALLER ID: 6986

INVOICE #: 09-01-0218
TOTAL: \$2.60

North Dakota One Call

c/o One Call Concepts
7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 09-02-1187
DATE: July 10, 2009

WALKER AND SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6	Locate requests filed for caller ID number 6986 filed between April 1 and June 30, 2009.	\$1.30	\$7.80
SUBTOTAL			\$7.80
TOTAL DUE			\$7.80

Make all checks payable to: North Dakota One Call and remit to the address above.
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COMPANY: WALKER AND SONS EXCAVATING
CONTACT: BILL WALKER
CALLER ID: 6986

INVOICE #: 09-02-1187
TOTAL: \$7.80

North Dakota One Call

c/o One Call Concepts

7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 09-03-1260
DATE: October 12, 2009

WALKER AND SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
4	Locate requests filed for caller ID number 6986 filed between July 1 and September 30, 2009.	\$1.30	\$5.20
SUBTOTAL			\$5.20
TOTAL DUE			\$5.20

**Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.**

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

COMPANY: WALKER AND SONS EXCAVATING
CONTACT: BILL WALKER
CALLER ID: 6986

INVOICE #: 09-03-1260
TOTAL: \$5.20

North Dakota One Call

c/o One Call Concepts

7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 09-04-0965

DATE: January 13, 2010

WALKER AND SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
4	Locate requests filed for caller ID number 6986 filed between October 1 and December 31, 2009.	\$1.30	\$5.20
SUBTOTAL			\$5.20
TOTAL DUE			\$5.20

**Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.**

THANK YOU FOR YOUR BUSINESS!

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

COMPANY: WALKER AND SONS EXCAVATING
CONTACT: BILL WALKER
CALLER ID: 6986

INVOICE #: 09-04-0965
TOTAL: \$5.20

North Dakota One Call

c/o One Call Concepts

7223 Parkway Drive, Suite 210

Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 10-03-1395

DATE: October 13, 2010

WALKER AND SONS EXCAVATING

ATTN: BILL WALKER

41953 SUGAR MAPLE DR

OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
5	Locate requests filed for caller ID number 6986 filed between July 1 and September 30, 2010.	\$1.30	\$6.50
SUBTOTAL			\$6.50
TOTAL DUE			\$6.50

**Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.**

THANK YOU FOR YOUR BUSINESS!

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

COMPANY: WALKER AND SONS EXCAVATING

Please remit payment to:

CALLER ID: 6986

INVOICE #: 10-03-1395

TOTAL: \$6.50

North Dakota One Call
c/o One Call Concepts, Inc
7223 Parkway Dr. Ste 210
Hanover, MD 21076

North Dakota One Call

c/o One Call Concepts

7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 10-04-0594

DATE: January 18, 2011

WALKER AND SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 6986 filed between October 1 and December 31, 2010.	\$1.30	\$2.60
		SUBTOTAL	\$2.60
		TOTAL DUE	\$2.60

**Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.**

THANK YOU FOR YOUR BUSINESS!

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

Please remit payment to

COMPANY: WALKER AND SONS EXCAVATING

CALLER ID: 6986

INVOICE #: 10-04-0594

TOTAL: \$2.60

North Dakota One Call
c/o One Call Concepts, Inc.
7223 Parkway Dr, Ste 210
Hanover, MD 21076

North Dakota One Call

c/o One Call Concepts
7223 Parkway Drive, Suite 210
Hanover, MD 21076

800-422-1242

INVOICE

INVOICE NO: 11-04-1634
DATE: January 18, 2012

WALKER & SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
5	Locate requests filed for caller ID number 6986 filed between October 1 and December 31, 2011.	\$1.30	\$6.50
SUBTOTAL			\$6.50
TOTAL DUE			\$6.50

**Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.**

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

Please remit payment to:

COMPANY: WALKER & SONS EXCAVATING

CALLER ID: 6986

INVOICE #: 11-04-1634

TOTAL: \$6.50

North Dakota One Call
c/o One Call Concepts, Inc.
7223 Parkway Dr, Ste 210
Hanover, MD 21076

North Dakota One Call

c/o One Call Concepts
7223 Parkway Drive, Suite 210
Hanover, MD 21076

877-879-0711

INVOICE

INVOICE NO: 13-02-2482
DATE: July 11, 2013

WALKER & SONS EXCAVATING
ATTN: BILL WALKER
41953 SUGAR MAPLE DR
OTTER TAIL MN 56571

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 6986 filed between April 1 and June 30, 2013	\$1.10	\$2.20
SUBTOTAL			\$2.20
TOTAL DUE			\$2.20

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Chad Olson, 701-475-2942.

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PLEASE ENCLOSE THIS PORTION WITH YOUR REMITTANCE

COMPANY: WALKER & SONS EXCAVATING

Please remit payment to:

CALLER ID: 6986



We are now accepting E-Checks and MasterCard / Discover payments
Please go to www.occinc.com for more information.

INVOICE #: 13-02-2482
TOTAL: \$2.20

North Dakota One Call
c/o One Call Concepts, Inc.
7223 Parkway Dr, Ste 210
Hanover, MD 21076