



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

Jim Sullivan
Sullivan Construction Inc.
PO Box 118
Williston, ND 58802-0118

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

Dear Mr. Sullivan:

Enclosed is a copy of a ND One-Call Complaint against Sullivan Construction Inc., received by the North Dakota Public Service Commission on November 4, 2014, from North Dakota One Call, Case No. PU-14-798.

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-14-798** Filed: 11/19/2014 Pages: 12
Letter enclosing North Dakota One Call Complaint

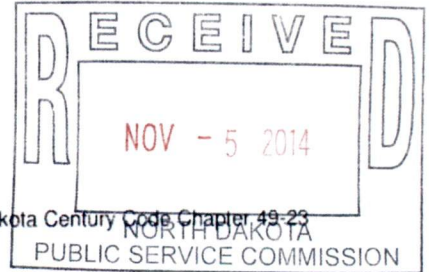


ND ONE-CALL COMPLAINT

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 SULLIVAN CONSTRUCTION	Street Address P.O. BOX 118	City WILLISTON	State and Zip Code ND, 58802
Telephone and Cell Phone Number 701-570-5383, 701-570-5970			Email Address austin_sullivan@hotmail.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 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
---	-----------------

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 17-0012251

SULLIVAN CONSTRUCTION
 AUSTIN SULLIVAN
 P.O. BOX 118
 Williston, ND 58802

Date	Reference	Description	Charge	Credit	Balance
9/30/2013	3032662-IN		1.10		1.10
12/31/2013	3041988-IN		2.20		2.20
3/31/2014	4011212-IN		5.50		5.50
6/30/2014	4022927-IN		8.80		8.80
9/30/2014	4033158-IN		12.10		12.10

Total: 29.7

Current	30 Days	60 Days	90 Days	120 Days	Balance Due
12.10	0.00	0.00	8.80	8.80	29.7

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

877-879-0711

INVOICE

INVOICE NO: 3-03-2662
DATE: October 11, 2013

SULLIVAN CONSTRUCTION INC
ATTN: AUSTIN SULLIVAN
2410 13TH AVE W
WILLISTON ND 58801

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Locate requests filed for caller ID number 12251 filed between July 1 and September 30, 2013.	\$1.10	\$1.10
SUBTOTAL			\$1.10
TOTAL DUE			\$1.10

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: SULLIVAN CONSTRUCTION INC

Please remit payment to:

CALLER ID 12251



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

INVOICE # 3-03-2662
TOTAL: \$1.10

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: 3-04-1988
DATE: January 7, 2014

SULLIVAN CONSTRUCTION INC
ATTN: AUSTIN SULLIVAN
2410 13TH AVE WEST
WILLISTON ND 58801

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 12251 filed between October 1 and December 31, 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: Ryan Schmaltz, 701-751-1019.

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: SULLIVAN CONSTRUCTION INC

Please remit payment to:

CALLER ID: 1225



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

INVOICE #: 3-04-198
TOTAL: \$2.2

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: 4011212
DATE: April 14, 2014

SULLIVAN CONSTRUCTION
ATTN: AUSTIN SULLIVAN
P.O. BOX 118
WILLISTON ND 58802

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
5	Locate requests filed for caller ID number 12251 filed between January 1 and March 31, 2014.	\$1.10	\$5.50
SUBTOTAL			\$5.50
TOTAL DUE			\$5.50

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Ryan Schmaltz, 701-751-1019.

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: SULLIVAN CONSTRUCTION

Please remit payment to:

CALLER ID: 1225



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

INVOICE #: 401121
TOTAL: \$5.50

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: 4022927
DATE: July 11, 2014

SULLIVAN CONSTRUCTION
AUSTIN SULLIVAN
P.O. BOX 118
WILLISTON, ND 58802

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
8	Locate requests filed for caller ID number 12251 filed between April 1 and June 30, 2014	\$1.10	\$8.80
SUBTOTAL			\$8.80
TOTAL DUE			\$8.80

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Ryan Schmaltz, 701-751-1019.

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: SULLIVAN CONSTRUCTION

Please remit payment to:

CALLER ID: 12251



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

INVOICE # 4022927
TOTAL: \$8.80

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

(701) 751-1019

INVOICE

INVOICE NO: 4033158
DATE: October 15, 2014

SULLIVAN CONSTRUCTION
AUSTIN SULLIVAN
P.O. BOX 118
WILLISTON, ND 58802

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
11	Locate requests filed for caller ID number 12251 filed between July 1 and September 30, 2014.	\$1.10	\$12.10
SUBTOTAL			\$12.10
TOTAL DUE			\$12.10

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Ryan Schmaltz, 701-751-1019.

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

Please remit payment to:

COMPANY: SULLIVAN CONSTRUCTION

CALLER ID: 12251



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

INVOICE #: 4033158
TOTAL: \$12.10

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

Statement

Statement Date: 10/30/2014

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

Customer 17-0021785

SULLIVAN CONSTRUCTION
MIKE SULLIVAN
P.O. BOX 118
Williston, ND 58802

Date	Reference	Description	Charge	Credit	Balance
9/30/2013	3032661-IN		1.10		1.10
3/31/2014	4011213-IN		9.90		9.90
9/30/2014	4033157-IN		2.20		2.20

Total: 13.20

Current	30 Days	60 Days	90 Days	120 Days	Balance Due
0.00	2.20	0.00	0.00	11.00	13.20

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

877-879-0711

INVOICE

INVOICE NO: 3-03-2661

DATE: October 11, 2013

SULLIVAN CONSTRUCTION INC

ATTN: MIKE SULLIVAN

2410 13TH AVE W

WILLISTON ND 58801

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Locate requests filed for caller ID number 21785 filed between July 1 and September 30, 2013.	\$1 10	\$1.10
SUBTOTAL			\$1 10
TOTAL DUE			\$1.10

**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: SULLIVAN CONSTRUCTION INC

Please remit payment to:

CALLER ID: 21785



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

INVOICE #: 3-03-2661

TOTAL: \$1.10

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: 4011213
DATE: April 14, 2014

SULLIVAN CONSTRUCTION
ATTN: MIKE SULLIVAN
P.O. BOX 118
WILLISTON ND 58802

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
9	Locate requests filed for caller ID number 21785 filed between January 1 and March 31, 2014.	\$1.10	\$9.90
SUBTOTAL			\$9.90
TOTAL DUE			\$9.90

Make all checks payable to: North Dakota One Call and remit to the address above.
If you have any questions concerning this invoice, call: Ryan Schmaltz, 701-751-1019.

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: SULLIVAN CONSTRUCTION

Please remit payment to:

CALLER ID: 2178



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

INVOICE # 401121
TOTAL: \$9.9

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

(701) 751-1019

INVOICE

INVOICE NO: 4033157
DATE: October 15, 2014

SULLIVAN CONSTRUCTION
MIKE SULLIVAN
P.O. BOX 118
WILLISTON, ND 58802

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 21785 filed between July 1 and September 30, 2014	\$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: Ryan Schmaltz, 701-751-1019.

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: SULLIVAN CONSTRUCTION

Please remit payment to:

CALLER ID: 21785



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

INVOICE #: 4033157
TOTAL: \$2.20

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