



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

John Bercier
Jerry's Water & Sewer Excavating
10188 BIA Road 11
Belcourt, ND 58316-3832

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

Dear Mr. Bercier:

Enclosed is a copy of a ND One-Call Complaint against Jerry's Water & Sewer Excavating, received by the North Dakota Public Service Commission on November 4, 2014, from North Dakota One Call, Case No. PU-14-804.

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-14-804** 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 ND, 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 JERRY'S WATER AND SEWER EXCAVATION	Street Address RURAL ROUTE 1, BOX 62	City BELCOURT	State and Zip Code ND, 58316
Telephone and Cell Phone Number 701-244-5938, 701-278-3386		Email Address	

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) Section 49-23-03

Location of Violation:

Date and Time of Violation:

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.*

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

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

Statement Date: 10/23/2014
Customer 17-0002752

JERRY'S WATER & SEWER EXCAVATI
 ATTN: JERRY BERCIER
 RURAL ROUTE 1, BOX 62
 Belcourt, ND 58316

Date	Reference	Description	Charge	Credit	Balance
12/31/2009	9040472-IN		9.10		9.1
6/30/2010	0020673-IN		2.60		2.6
12/31/2011	1040779-IN		18.20		18.2
6/30/2012	2021032-IN		13.75		13.7
9/30/2012	2031072-IN		5.00		5.0
9/30/2013	3031402-IN		3.30		3.3
3/31/2014	4010637-IN		3.30		3.3
6/30/2014	4021515-IN		3.30		3.3
9/30/2014	4031595-IN		2.20		2.2

					Total:	60.7
Current	30 Days	60 Days	90 Days	120 Days	Balance Due	
2.20	0.00	0.00	3.30	55.25	60.7	

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

800-422-1242

INVOICE

INVOICE NO: 09-04-0472

DATE: January 13, 2010

JERRY'S WATER AND SEWER EXCAVA
ATTN: JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
7	Locate requests filed for caller ID number 2752 filed between October 1 and December 31, 2009.	\$1.30	\$9.10
SUBTOTAL			\$9.10
TOTAL DUE			\$9.10

**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: JERRY'S WATER AND SEWER EXCAVA
CONTACT: JERRY BERCIER
CALLER ID: 2752

INVOICE #: 09-04-0472
TOTAL: \$9.10

North Dakota One Call

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

800-422-1242

INVOICE

INVOICE NO: 10-02-0673
DATE: July 2, 2010

JERRY'S WATER AND SEWER EXCAVA
ATTN: JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 2752 filed between April 1 and June 30, 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!

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: JERRY'S WATER AND SEWER EXCAVA

CALLER ID: 2752

INVOICE #: 10-02-0673
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: 11-04-0779
DATE: January 18, 2012

JERRY'S WATER & SEWER EXCAVA
ATTN: JERRY BERCIER
10188 BIA ROAD 11
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
14	Locate requests filed for caller ID number 2752 filed between October 1 and December 31, 2011.	\$1.30	\$18.20
SUBTOTAL			\$18.20
TOTAL DUE			\$18.20

**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!

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: JERRY'S WATER & SEWER EXCAVA

CALLER ID: 2752

INVOICE #: 11-04-0779
TOTAL: \$18.20

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

877-779-0711

INVOICE

INVOICE NO: 12-02-1032
DATE: July 18, 2012

JERRY'S WATER & SEWER EXCAVATI
ATTN: JERRY BERCIER
RR 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
11	Locate requests filed for caller ID number 2752 filed between April 1 and June 30, 2012.	\$1.25	\$13.75
SUBTOTAL			\$13.75
TOTAL DUE			\$13.75

**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

Please remit payment to:

COMPANY: JERRY'S WATER & SEWER EXCAVATI

CALLER ID: 2752

INVOICE #: 12-02-1032
TOTAL: \$13.75

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: 12-03-1072
DATE: October 10, 2012

JERRY'S WATER & SEWER EXCAVATI
ATTN: JERRY BERCIER
RR 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
4	Locate requests filed for caller ID number 2752 filed between July 1 and September 30, 2012.	\$1.25	\$5.00
SUBTOTAL			\$5.00
TOTAL DUE			\$5.00

**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

Please remit payment to:

COMPANY: JERRY'S WATER & SEWER EXCAVATI

CALLER ID: 2752

INVOICE #: 12-03-1072
TOTAL: \$5.00

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: 3-03-1402
DATE: October 11, 2013

JERRY'S WATER & SEWER EXCAVATI
ATTN: JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	Locate requests filed for caller ID number 2752 filed between July 1 and September 30, 2013.	\$1.10	\$3.30
SUBTOTAL			\$3.30
TOTAL DUE			\$3.30

**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: JERRY'S WATER & SEWER EXCAVATI

Please remit payment to:

CALLER ID: 2752



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

INVOICE #: 3-03-1402
TOTAL: \$3.30

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

INVOICE

INVOICE NO: 4010637
DATE: April 14, 2014

North Dakota One Call

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

877-879-0711

JERRY'S WATER & SEWER EXCAVATI
ATTN: JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	Locate requests filed for caller ID number 2752 filed between January 1 and March 31, 2014.	\$1.10	\$3.30
SUBTOTAL			\$3.30
TOTAL DUE			\$3.30

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: JERRY'S WATER & SEWER EXCAVATI

Please remit payment to:

CALLER ID: 275



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

INVOICE # 401063
TOTAL: \$3.3

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: 4021515

DATE: July 11, 2014

JERRY'S WATER & SEWER EXCAVATING
JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT, ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3	Locate requests filed for caller ID number 2752 filed between April 1 and June 30, 2014.	\$1.10	\$3.30
SUBTOTAL			\$3.30
TOTAL DUE			\$3.30

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: JERRY'S WATER & SEWER EXCAVATING

Please remit payment to:

CALLER ID: 275

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

INVOICE # 402151
TOTAL: \$3.3

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: 4031595
DATE: October 15, 2014

JERRY'S WATER & SEWER EXCAVATI
JERRY BERCIER
RURAL ROUTE 1, BOX 62
BELCOURT, ND 58316

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
2	Locate requests filed for caller ID number 2752 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

Please remit payment to:

COMPANY: JERRY'S WATER & SEWER EXCAVATI

CALLER ID: 2752

INVOICE # 4031595
TOTAL: \$2.20



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

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