



# 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 Midcontinent Communications - Erin Briggs-Hayes	Street Address 3901 N Louise Ave	City Sioux Falls	State and Zip Code South Dakota 57107
Telephone and Cell Phone Number (605) 274-2932 / (605) 201-1210	Email Address erin_hayes@mimi.net		Date May 15, 2015
<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 ELM Locating and Utility Services - Josh Hinrichs	Street Address 60 State Street, Suite 201	City Peoria	State and Zip Code Illinois 61602
Telephone and Cell Phone Number (406) 327-2904 Office (406) 370-9343 Cellular	Email Address josh.hinrichs@elmlocating.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 checked="" type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input checked="" 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
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Location of Violation:  
760 13th Street W Ticket#15049466 and 1533 13th Street W Ticket#15051043

Date and Time of Violation:  
760 13th Street W Ticket#15049466, May 12, 2015 (locate called in 5/2/2015). 1533 13th Street W Ticket#15051043, May 11, 2015 (locate called in 5/5/2015).

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.*

760 13th Street W Ticket#15049466 (Not locating in time - ND Century Code 49-23-04, paragraph 3, part a., page 55 of the handbook). The second location 1533 13th Street W Ticket#15051043 (Inaccurate Locating - ND Century Code 49-23-04, paragraph 3, part b., page 56 of the handbook). We have experienced other incidents and are keeping record of all incidents; however, we want to go on record with the two indicated above. Midcontinent Communications has worked closely with ELM during the start up of our 2015 Dickinson, ND New Build project and will continue to do so throughout the remainder of the project. This notification is to ensure the PSC has record on file related to missing, inaccurate and not locating on time incidents.

## 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 Erin E. Briggs-Hayes, Director of Corporate Construction - Midcontinent Communications	Date May 15, 2015
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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