



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Executive Secretary  
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June 11, 2015

Bruce Terpening  
Terpening Construction Inc.  
PO BOX 249  
Maddock, ND 58348-0249

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

Dear Mr. Terpening:

Enclosed is a copy of a ND One-Call Complaint, against Terpening Construction Inc., received by the North Dakota Public Service Commission on June 5, 2015, from Bob Schell at Midcontinent Communications, of Devils Lake, ND, Case Number PU-15-283. The location of the damage identified in the complaint is approximately 1353 Elm Avenue, Harvey, ND.

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 June 25, 2015**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

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

Please contact me at 701-328-3397 or at [vschock@nd.gov](mailto:vschock@nd.gov) with any questions regarding this correspondence.

Sincerely,

Victor Schock  
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint  
c: Bob Schell

2    **PU-15-283**    Filed: 6/11/2015    Pages: 2  
**Letter enclosing North Dakota One Call Complaint**

Public Service Commission



# 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 / Bob Schell	Street Address 1005 E 14th St	City Devils Lake	State and Zip Code ND 58301
Telephone and Cell Phone Number 701-662-8766 701-340-6715	Email Address bob_schell@mimi.net		Date 06-03-2015
<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 Terpening Construction	Street Address PO Box 249	City Maddock	State and Zip Code ND 58348
Telephone and Cell Phone Number 701-438-2718 701-351-2300	Email Address n/a		

## 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 checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation <input checked="" 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: 1353 Elm Ave. Harvey, ND 58341
Date and Time of Violation: 05-27-2015 approx 3 pm
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>  No locate was called in by the contractor. Excavation of old driveway and landscaping, forming and pouring of new driveway took place with no underground utilities marked. Approx. 10" was removed, and forming stakes were then driven in.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Midcontinent Communications		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$300	Number of Customers Affected 1	
Other impact of event: none		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Bob Schell - Midcontinent Communications - Harvey, ND	Date 06-03-2015
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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