



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

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

June 18, 2015

Myrlene Wallander
Montana-Dakota Utilities Co.
PO BOX 1407
Dickinson, ND 58602

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

Dear Ms. Wallander:

Enclosed are copies of four ND One-Call Complaints, against Montana-Dakota Utilities Co., received by the North Dakota Public Service Commission on June 8, 2015, from Erin Briggs-Hayes at Midcontinent Communications of Sioux Falls, SD, Case Numbers PU-15-308, PU-15-309, PU-15-310, and PU-15-311. The locations of the incidents identified in the complaints include 3314 Lakeview Dr, East Villard St, 760 13th St W, 353 19th St W and 3rd Ave W in Dickinson, ND.

I am sending you this information so that you are aware of the Complaints and have an opportunity to present any information you may have to assist us in processing these cases. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, by July 3, 2015**, with your written account of the events, including the applicable One Call locate ticket numbers for work performed at the addresses indicated.

I will review your response, the ND One-Call Complaints, and other available information to determine the next step in these matters. If I conclude there were any violations of the One Call law, I may file formal complaint(s) with the Commission. If I decide to proceed with formal complaint(s), I will attempt to contact you in advance.

Please contact me at 701-328-3397 or at vschock@nd.gov with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint
cc: Erin Briggs-Hayes

- 2 PU-15-311 Filed 06/18/2015 Pages: 5
Letter enclosing North Dakota One Call Complaint
Public Service Commission
- 2 PU-15-310 Filed 06/18/2015 Pages: 5
Letter enclosing North Dakota One Call Complaint
Public Service Commission
- 2 PU-15-309 Filed 06/18/2015 Pages: 5
Letter enclosing North Dakota One Call Complaint
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- 2 PU-15-308 Filed 06/18/2015 Pages: 5
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 - 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@mml.net		Date 6/8/15
<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 Montana-Dakota Utilities Co/Myrlene Wallander	Street Address 1133 W Broadway St	City Dickinson	State and Zip Code North Dakota 58601
Telephone and Cell Phone Number 701-456-0141	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 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) _____

Location of Violation:

3314 Lakeview Dr, intersecting street 30th Ave W., Ticket# 15048078

Date and Time of Violation:

3314 Lakeview Dr, intersecting street 30th Ave W., Ticket# 15048078, 5/13/2015 (locate called in 4/30/2015).

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.*

3314 Lakeview Dr, intersecting street 30th Ave W., Ticket# 15048078, (not locating in time - ND Century code 49-23-04, paragraph 3, part a., page 55 of the handbook and Inaccurate Locating - ND Century Code 49-23-04, paragraph 3, part b., page 56 of the handbook). Excavator was told there was no gas in the area. The team saw a gas meter on a house next to their machine, called ELM to come out and locate the gas. While exposing other utilities at this site that were located, they found a 25 pair phone cable also not marked. Had to call ELM back again, dug several extra holes because now the utility became a conflict as it was running in our proposed and supposedly located running line. Midcontinent Communications, MDU and ELM have worked closely 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	Date June 8, 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



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Telephone and Cell Phone Number (605) 274-2932 / (605) 201-1210	Email Address erin_hayes@mml.net		Date 6/8/15
<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)

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Telephone and Cell Phone Number		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 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) _____
Location of Violation: E Villard St and 10th Ave East, Ticket#15051540
Date and Time of Violation: E Villard St and 10th Ave East, Ticket#15051540, 5/14/2015 (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. E Villard St and 10th Ave East, Ticket#15051540760 (not locating in time - ND Century code 49-23-04, paragraph 3, part a., page 55 of the handbook and Inaccurate Locating - ND Century Code 49-23-04, paragraph 3, part b., page 56 of the handbook). We have experienced other incidents throughout the month of April and May and are reporting a total of 5 incidents to the PSC that took place in May 2015. Midcontinent Communications would like to go on record with the location identified in this complaint. Midcontinent Communications, MDU and ELM have worked closely 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

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Signature of Person Filing Complaint Erin E Briggs-Hayes	Date June 8, 2015
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Telephone and Cell Phone Number (605) 274-2932 / (605) 201-121-	Email Address erin_hayes@mml.net		Date Originally submitted 5/15/15 - 6/8/15
<input checked="" type="checkbox"/> Complainant is willing and able to testify on the complaint if matter goes to formal hearing			

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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) <i>If more space is required, please provide the description on a separate page.</i> 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, Midcontinent Communications would like to go on record with the two indicated above. Midcontinent Communications, MDU and ELM have worked closely 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.

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Location of Violation: 353 19th St W and 3rd Ave W, Ticket#15046479
Date and Time of Violation: 353 19th St W and 3rd Ave W, Ticket#15046479, 5/6/2015 (locate called in 4/27/2015).
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. 353 19th St W and 3rd Ave W, Ticket#15046479, (not locating in time - ND Century code 49-23-04, paragraph 3, part a., page 55 of the handbook and Inaccurate Locating - ND Century Code 49-23-04, paragraph 3, part b., page 56 of the handbook). Working in front of Jimmy Johns exposing MDU's 3 phase primary by potholing a 4.5 ft wide by 6 ft deep and could not find facilities. Mike Perez was working a block away and requested he come by to verify the locates. We were also hand digging a trench for a pedestal when we found 3 phase primary not located. ELM was able to tell us that was the power they were looking for. The power was 5 ft off. Midcontinent Communications, MDU and ELM have worked closely 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.

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