



Public Service Commission

State of North Dakota

COMMISSIONERS

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June 18, 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 with attachment, against Terpening Construction Inc., received by the North Dakota Public Service Commission on June 9, 2015, from Dave Voeller at Otter Tail Power Co. of Harvey, ND, Case Number PU-15-338. 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 July 3, 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 with any questions regarding this correspondence.

Sincerely,

Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachment
cc: Dave Voeller

2 **PU-15-338** Filed: 6/18/2015 Pages: 3
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 <i>Otter Tail Co</i>	Street Address	City <i>Harvey</i>	State and Zip Code <i>ND 58341</i>
Telephone and Cell Phone Number <i>701-693-5231</i>	Email Address <i>dvoeller@ottp.com</i>		Date <i>6-9-15</i>
<input 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 <i>Terspening Construction</i>	Street Address <i>PO Box 249</i>	City <i>Maddock</i>	State and Zip Code <i>ND 58348</i>
Telephone and Cell Phone Number <i>701-438-2718, 701-351-2300</i>		Email Address	

PART C - ALLEGED VIOLATION

106 Dacotah Ave

<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 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*

Date and Time of Violation: *May 26-29, 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.*

PART D - DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: <i>Electric UG Service to 2 homes</i>		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected <i>2</i>
Other impact of event: <i>Unknown if damage will show up in the future from the</i>		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

Signature of Person Filing Complaint <i>Dave Voeller</i>	Date <i>6-9-15</i>
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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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North Dakota One Call Complaint

Pages: 2

Otter Tail Power Company

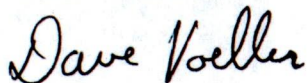
Dave Voeller

6-11-15

To Whom it May Concern,

Contractor removed old driveway, landscaped, and formed and poured new driveway at specified address. A One-Call locate request was not done for this project in spite of all Utilities being in this vicinity. Excavation for the landscaping approached 12 inches and then stakes and forms were installed which would have exceeded the minimum depth requiring a locate. At this time I do not know if our service cable for this residence has been damaged as it sometimes takes a year or more for the cable to fail all together. There are multiple crews that work under this contractor's license and they have done several projects in Harvey and there has not yet been a One-Call request made. This complaint is being made in conjunction with one from Midco Cable who had a cable damaged at the same site associated with this complaint.

Dave Voeller



Otter Tail Power Co.