



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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September 16, 2015

Mitch Fuchs  
North Country Contracting, LLC.  
2560 Dakota Boulevard  
Dickinson, ND 58601

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

Dear Mr. Fuchs:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against North Country Contracting, LLC., received by the North Dakota Public Service Commission on September 14, 2015, from Robert Johnson, at Midcontinent Communications, of Grand Forks, ND, Case Number PU-15-669. The location of the damage identified in the complaint is approximately the northeast corner of the intersection of 27<sup>th</sup> Avenue SE and 32<sup>nd</sup> Street W, Williston, 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 September 30, 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 with attachments  
c: Robert Johnson with attachments



# 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/Robert Johnson	Street Address 5030 Gateway Dr St. B	City Grand Forks	State and Zip Code ND 58203
Telephone and Cell Phone Number (701) 335-4228	Email Address robert_johnson@mimi.net		Date 9/11/2015
<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 North Country Contracting LLC/Nick Wurzel	Street Address 1620 25th St S	City Moorhead	State and Zip Code MN 56560
Telephone and Cell Phone Number (701) 866-5135	Email Address		

## PART C – ALLEGED VIOLATION

<input checked="" 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 checked="" type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input checked="" 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 checked="" 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: NE corner of intersection 27th Ave and 32nd St W Williston, ND
Date and Time of Violation: 9/10/2015 1:00pm
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>  NCC was digging to place storm sewer to connect to the retention pond for Fairhills subdivision. When Jim Smith (Midco employee) arrived he asked Nick Wurzel (NCC employee) for a locate ticket number. Nick was unable to provide a ticket number. NCC cut completely through our .715 cable in the ground and had both ends pulled up out of the trench. NCC did not have locates and shouldn't have been digging.

## PART D – DAMAGE

Fatalities no	Injuries no	In-patient Hospitalization no
Underground facility type(s) and Operator(s) affected: Midcontinent Communications .715 hardline		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$2,050	Number of Customers Affected 0	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Darryl Cross	Date 9/11/2015
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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









