



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
Darrell Nitschke

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September 23, 2015

Todd Kollman
Kollman Construction
PO BOX 401
Hazen, ND 58545-0401

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

Dear Mr. Kollman:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Kollman Construction, received by the North Dakota Public Service Commission on September 18, 2015, from Benjamin Winters, at the City of Zap Water Commission, of Zap, ND, Case Number PU-15-675. The location of the damage identified in the complaint is approximately 2nd Ave W, Zap, 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 October 8, 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 attachments
c: Benjamin Winters 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 City of Zap	Street Address 121 main st	City Zap	State and Zip Code ND 58580
Telephone and Cell Phone Number 701-948-2258	Email Address bwinters1979@gmail.com		Date 09/18/2015
<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 Kollman construction/Todd Kollman	Street Address 14 3rd Ave SW	City Hazen	State and Zip Code ND 58545
Telephone and Cell Phone Number 701-425-2509	Email Address kollmanconstruction@hotmail.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 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 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 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: 2nd ave w Zap ND 58580
Date and Time of Violation: 09/18/2015 around 9:30 am
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> Contractor failed to provide thier own ND one call ticket was using landowners ticket did not wait for legal dig time and struck city water main disrupting service to residents on street. the ticket the contractor was using was ticket number 15168613 for Steve Stefansky, the contractor Todd Kollman with Kollman construction did not have his own ticket.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: City Water Main		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ 5000 or less	Number of Customers Affected 8	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Benjamin Winters City Water Commissioner	Date 09/18/2015
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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



