



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

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Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 30, 2015

Dale Honsey
Pinky's Aggregates, Inc.
3731 86th St NE
Rolette, ND 58366

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

Dear Mr. Honsey:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Pinky's Aggregates, Inc., received by the North Dakota Public Service Commission on September 29, 2015, from Shane Hart, General Manager at Reservation Telephone Cooperative, of Parshall, ND, Case Number PU-15-680. The location of the incident identified in the complaint is approximately 950 Eagle Drive, New Town, 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 15, 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: Shane Hart with attachments

2 **PU-15-680** Filed: 9/30/2015 Pages: 9
Letter enclosing North Dakota One Call Complaint

Public Service Commission

Victor Schock



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 RESERVATION TELEPHONE COOPERATIVE	Street Address 24 MAIN ST N	City PARSHALL	State and Zip Code ND 58770
Telephone and Cell Phone Number 701.862.3115 AND 701.898.3115	Email Address shaneh@restel.com		Date SEPTEMBER 25, 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 PINKEYS AGGREGATE	Street Address 3731 86th ST NE	City ROLETTE	State and Zip Code 58366
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 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 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: 950 EAGLE DRIVE, NEW TOWN, ND 58763 (NEXT TO LITTLE MISSOURI INN)
Date and Time of Violation: SEPTEMBER 16, 2015 APPROXIMATELY 10 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> PINKEYS AGGREGATE CALLED IN A ND ONE CALL REQUEST ON SEPTEMBER 15, 2015 AT 7:44 PM FOR THE AREA IDENTIFIED ABOVE. ND STATE LAW PROVIDES UTILITY COMPANIES UP TO 48 HOURS TO LOCATE THEIR FACILITIES. RTC EMPLOYEE, MICHELLE TWEED, OBSERVED PINKEYS AGGREGATE EXCAVATING IN THIS AREA BEFORE RTC HAD TIME TO LOCATE ANY OF ITS UNDERGROUND FACILITIES. MICHELLE ASKED THEM TO QUIT DIGGING UNTIL RTC HAD LOCATED ITS FACILITIES. THEY DID STOP WHILE SHE WAS ON SITE BUT AS SHE DROVE AWAY SHE NOTICED DIGGING HAD STARTED AGAIN. AT THAT TIME SHE TOOK THE VIDEO THAT IS ATTACHED TO THIS COMPLAINT.

PART D – DAMAGE

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

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date SEPTEMBER 25, 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

Mountrail County Sheriff's Office

Case CN201501084

Printed on September 18, 2015

Status	Approved
Report Type	Patrol
Primary Officer	Joseph Landry
Reported At	09/16/15 13:56
Incident Date	09/16/15 13:56
Incident Code	FOLLOW UP : Follow Up
Location	NEW TOWN
Disposition	Case Report Created
Disposition Date/Time	09/16/15 14:27
Disposition Comments	

Case Comments

Unspecified

CITY OF NEW TOWN

(701) 627-4812 Business

HART, SHANE DAVID

Male, DOB 5/11/69

402 1st ST NE

PARSHALL, ND 58770

(701) 898-3115 Cell

JARSKI, TIM JAY

Male, DOB 8/30/59

304 2nd ST SW

PARSHALL, ND 58770

ND ONE CALL

PINKEY'S AGGREGATE

3731 86TH ST NE

ROLETTE, ND 58366

RESERVATION TELEPHONE COMPANY

24 MAIN ST N

PARSHALL, ND 58770

(701) 862-3118 Business

TWEED, MICHELLE MARIE

Female, DOB 12/13/68

42 Middle ST

Garrison, ND 58540

Primary Narrative By Joseph Landry, 09/17/15 13:29

one call

On the the 16th of September 2015 I, Deputy Landry, was sent to a construction area by the little Missouri in New Town by Chief Deputy Bristol to check if they had there one call down before they started to digging. RTC notified Chief deputy Bristol that they were just out there the day before, so the one call has not been processed yet.

When I arrived on scene there were three excavators that were on sitting there, but were not running. One of the excavators were sitting by an area where it looked like the were starting to dig. It looked like it was only a couple feet deep. I talked to a couple workers that were working near by with a packer and a pay loader. I asked if they were digging today and he said we started and then were told to stop. I asked if his boss was around and he told me that he was just down the road in a Grey shirt.

I walked down the road and saw three guys standing at the end of the road. I let them know why I was there and the city guy from New Town said that they were shut down this morning when they started digging because that one call was still in process. One of the contractors said that we have the tickets for the other areas, but shut them down when we got here because they did not have the ticket yet. The city guy from New Town also said Michelle from RTC was just out here, so she knows.

I called chief Deputy Bristol and let him know that I did not see anyone digging when I got there and they said they shut the guys down until they got the approval.

END OF REPORT

Supporting Narrative By Corey Bristol, 09/17/15 15:51

1. On 09/16/2015, in the early afternoon, I was contacted by Reservation Telephone Cooperative General Manager Shane Hart. He informed me that one of their line locating technicians had just called in and reported that Pinkey's Aggregate was on a location digging near two buried fiber optic cables that had not been located. Shane Hart stated that the ND One Call request for this dig had been placed the prior evening at 8:30 p.m., and they were already digging. RTC had not been given enough time to located and mark their utilities in that area. The line locating technician did request that the contractor stop digging and they did for just a couple of minutes, and as soon as she turned the corner, they started digging again. This is when she made contact with her supervisor, Tim Jarski and he made a call to the engineer on the project. Tim Jarski was assured that they would stop digging until the ticket was approved.

2. I contacted Deputy Joe Landry of our office and requested that he drive to the location in New Town, ND, to see if the digging had been halted. Deputy Landry did find three excavators in the area, but none were digging when he arrived on scene.

3. On 09/17/2015, Shane Hart forwarded a copy of the video showing the contractor still digging at the site, even after the locate technician told them to stop until after she had finished the locate ticket. I loaded that video into the file. I advised Shane Hart that this office would forward a report to the North Dakota Public Service Commission as they control penalties for violation of the ND One Call laws.

End of Report

Chief Deputy Corey Bristol

Mountrail County Sheriff's Office

Primary Narrative

Printed on September 18, 2015

Primary Report By Joseph Landry, 09/17/15 13:29

one call

Case #CN201501084

Typed By Joseph Landry

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Mountrail County Sheriff's Office

Supporting Narrative

Printed on September 18, 2015

Supporting Report By Corey Bristol, 09/17/15 15:51

Case #CN201501084

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End of Report

Chief Deputy Corey Bristol

Mountrail County Sheriff's Office

Property / Evidence Summary

Printed on September 18, 2015

Property / Evidence for Case CN201501084

Primary Officer: Landry, Joseph

Item #	Type	Status	Location	Description
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CN201501084-001	Video Link	In Digital Files		RTC 1Call Violation 09-16-2015
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Mountrail County Sheriff's Office

CN201501084-001 - RTC 1Call Violation 09-16-2015

Printed on September 18, 2015

Item #	CN201501084-001
Category	RTC 1Call Violation 09-16-2015
Description	RTC 1Call Violation 09-16-2015
Owner	Bristol, Corey
Collected By	
Access Tag	
Date Collected	
Collected Location	
Target Disp. Date	
Subjects	
Comments	

copy

NORTH DAKOTA ONE-CALL
Request #: 15167556

LORQ ROUTINE

Send To: RSVTEL01 Seq No: 155 Map Ref:

Original Call Date: 9/15/15 Time: 7:44 PM CT Op: witeni
Work to Begin Date: 9/18/15 Time: 7:00 AM CT
Transmit Date: 9/15/15 Time: 8:35 PM CT Op: witeni

County: MOUNTRAIL Place: NEW TOWN
Address: Street: 3RD ST E
Nearest Intersecting Street: COLLEGE AVE

Type of Work: INSTALLATION OF SEWER AND WATER LINES
Work Being Done For: PINKYS AGGREGATES INC
Depth: 20FT Explosives: N Tnling/Boring: Y
Extent of Work: EXCAVATION SITE IS ON THE E SIDE OF THE ROAD.
: MARK ENTIRE ROAD RIGHT OF WAY BOTH SIDES OF THE RD STARTING AT COLLEGE AVE
: GOING E TO THE END OF 3RD ST
Remarks:

Twp: 152N Rng: 92W Sect-Qtr: 16-SW

Ex. Coord NW Lat: 47.9850310Lon: -102.4719690SE Lat: 47.9777830Lon: -102.4612410

Company : PINKYS AGGREGATES INC Fax: (701)627-3751
Contact Name: JEFF MARTINSON (701)550-1200
Alt. Contact: JEFF MARTINSON Phone: (701)550-1200
Caller Address: 8282 43RD ST NW Call Back: ANY TIME
NEW TOWN, ND 58763
Email Address: jeff-pinkys@hotmail.com
FBRWAT01 MOUNT02 NEWTWN01

Link To Map for RSVTEL01: <http://nd.itic.occinc.com/RQN2-QT4-XFS-2NZ>