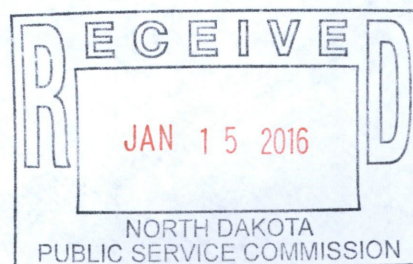


Brenda Schmitt
6449 13th ave ne
Towner ND 58788



Darrell Nitschke

I received the complaint information. What Dave Voeller does not mention is that the entire site had been built up 2 ft by a local contractor. There were no utilities on site when we started the job as this was a new development. When we came back to the site a few days later to do the garage slab you could see exactly where the lines to the utilities had been installed.

Our stakes are 18" and we stayed 3 feet away from the buried utility lines. If there had been any doubt about where those lines were we would have called in a request as we have always done. There was no damage to any lines. As I have stated you could see exactly where the trench was. As far as David's curt manor with Dave Voeller He was responding according to the way he was approached and was packing up to leave the site. He did not rush away. Our caller id number for the 811 is 883 if you would like to look at our record of calls.

JDM Schmitt Concrete

Brenda Schmitt

701-537-3476



COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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TDD: 800-366-6888 or 711

October 7, 2015

David Schmitt
JDM Schmitt Concrete
6449 13th Ave NE
Towner, ND 58788-9108

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

Dear Mr. Schmitt:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against JDM Schmitt Concrete, received by the North Dakota Public Service Commission on September 1, 2015, from Dave Voeller at Otter Tail Power Co, of Harvey, ND, Case Number PU-15-681. The location of the incident identified in the complaint is approximately 113 5th Ave W, Drake, 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 22, 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,

Darrell Nitschke
Executive Secretary
Compliance and Competitive Markets Division
Re: ND One-Call Complaint with attachments
Dave Voeller with attachments