



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 Clarice Mosolf	Street Address 15840 County Road 3	City Drayton	State and Zip Code ND 58225
Telephone and Cell Phone Number 701-454-6442 (Home) 701-520-2566 (cell)	Email Address marvclar@polarcomm.com	Date 9/22/15	
<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 Ripley's, Inc./ David Ripley	Street Address 36322 US Hwy. 59	City Erhard	State and Zip Code MN 56534
Telephone and Cell Phone Number 218-842-5322 (Office)	Email Address rripleys@prtcl.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 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 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 checked="" type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23) <u>49-23-04 (3)(f)(5); 49-23-04 (3)(j); 49-23-06</u>
Location of Violation: Pembina county near above address
Date and Time of Violation: June 3, 2015
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> Ripley's, Inc. (Excavator) employee Jeremy Andrews (218-770-4274) stated that the power line had been mismarked by 150 feet and that they had been looking for the line for 5 hours before they accidentally cut it. In violation of 49-23-04, paragraph 3, excavator did not notify the Operator (NoDak Electric Cooperative, Inc.) or notification center that markings were incorrect, failed to conduct the excavation in a careful and prudent manner resulting in cutting of the power line, and did not notify the Operator after the power line was cut. I had to call NoDak to report that the line was cut.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Power line, NoDak		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$14,083.50 from flooding due to failure of sump and septic pumps	Number of Customers Affected 1	
Other impact of event: Caused great hardship to myself and my husband who passed away on June 26, 2015.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint	Date
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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



ND ONE-CALL COMPLAINT

Public Service Commission

BFN 59087 (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 Charles Messer	Street Address 25540 County Road 3	City Drapton	State and Zip Code ND 58225
Telephone and Cell Phone Number 701-464-8448 (Home) 701-328-2580 (cell)	Email Address mrvclm@po.state.nd.us		Date 9/22/15
<input checked="" 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 Ripley, Inc./ David Ripley	Street Address 38322 US Hwy. 59	City Edward	State and Zip Code MN 56534
Telephone and Cell Phone Number 718-842-8322 (office)	Email Address dripley@rip1.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 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 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 checked="" type="checkbox"/> Other (Identify the specific section of NDCC Chapter 49-23): 49-23-04 (1)(c); 49-23-04 (3)(g); 49-23-04

Location of Violation:

Provide county name above address

Date and Time of Violation:

June 3, 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.

Ripley, Inc. (excavator) employee Jeremy Anderson (218-778-4274) stated that the power line had been misrouted by 150 feet and that they had been looking for the line for 5 hours before they accidentally cut it. In violation of 49-23-04, paragraph 3, excavator did not notify the Operator (GoDak Electric Cooperative, Inc.) or notification center that markings were incorrect, failed to conduct the excavation in a careful and prudent manner resulting in cutting of the power line, and did not notify the Operator after the power line was cut. I had to call GoDak to report that the line was cut.

PART D - DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Power line, NoDak		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$14,000.00 from flooding due to failure of pump and sewage pumps	Number of Customers Affected 1	
Other impact of event: Caused great hardship to myself and my husband who passed away on June 28, 2015.		
Please attach photos of Event Area or Damaged Facility		

PART I - SIGNATURE

Signature of Person Filing Complaint <i>Charles Messer</i>	Date 9-22-15
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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

Email to the Commission

Hamre, John G.

From: -Info-Public Service Commission
Sent: Thursday, October 08, 2015 10:25 AM
To: Hamre, John G.
Subject: FW: One Call Complaint
Attachments: 2015-09-22 One Call Complaint.pdf; ND-one-call-complaint-form-fillable.pdf

From: Todd Vollmers [<mailto:tvollmers@thompsonhall.com>]
Sent: Monday, October 05, 2015 3:32 PM
To: Schock, Victor F.
Subject: One Call Complaint

Hi Victor,

Thanks for the call a few weeks back. Attached is the One Call Complaint form signed by my Aunt. Apologies that it's not very legible-- she faxed the signed form to me since she wasn't able to scan and return by email. For your reference I also attached the form originally filled out for her to sign since it's a little easier to read.

Feel free to contact her at 701-454-6442 (Home) or 701-520-2566 (Cell). We've settled with NoDak and have no complaint against them, but it seems clear that the trenching company Ripley's, Inc. was in violation of several sections of NDCC Chapter 49-23, particularly 49-23-04(3)(f)(5), 49-23-04(3)(j), and 49-23-06.

My Aunt told me that after they cut the power line to her home Ripley's failed to call NoDak and she had to call to report the outage. Also, after they cut the power line (which was not on her property) Ripley's then came and worked in her yard without any markings. She had to tell them not to do trenching in the area where they were about to dig since they were going to cut several other lines.

I would appreciate confirmation that you've received this; this was really hard on my Aunt and Uncle and I hate to think that Ripley's would do this to other people.

Thanks,

--
Todd R. Vollmers, Attorney
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Suite 1675, AT&T Tower
Minneapolis, MN 55402 USA
612-584-3401 | Direct
952-913-8179 | Mobile
+86-186-211-72215 | China Mobile
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Todd R. Vollmers is admitted to practice law in Minnesota, North Dakota, Florida & the Dist. of Columbia

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