



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 15, 2015

David Ripley
Ripley's, Inc.
36322 US Hwy 59
Erhard, MN 56534-9536

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

Dear Mr. Ripley:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Ripley's, Inc., received by the North Dakota Public Service Commission on October 5, 2015, from Clarice Mosolf, of Drayton, ND, Case Number PU-15-687. The location of the damage identified in the complaint is approximately 15840 County Road 3, Drayton, 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 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 with any questions regarding this correspondence.

Sincerely,


Victor Schock
Compliance and Competitive Markets Division

Enc: ND One-Call Complaint with attachments
c: Clarice Mosolf 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 Clarice Mosolf	Street Address 15840 County Road 3	City Drayton	State and Zip Code ND 58225
Telephone and Cell Phone Number 701-464-6442 (Home) 701-620-2566 (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 ripleys@prtel.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) *If more space is required, please provide the description on a separate page.*

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
--------------------------------------	------

Send Completed, Original Complaint To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
Telephone: (701) 328-2400

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
Thompson Hall Santi Cerny & Katkov
901 Marquette Ave.
Suite 1675, AT&T Tower
Minneapolis, MN 55402 USA
612-584-3401 | Direct
952-913-8179 | Mobile
+86-186-211-72215 | China Mobile
612-466-0010 | Main

612-437-4500 | Fax
tvollmers@thompsonhall.com

Todd R. Vollmers is admitted to practice law in Minnesota, North Dakota, Florida & the Dist. of Columbia

Connect with our firm: [Twitter](#) - [LinkedIn](#) - [Facebook](#) - [Google+](#) - [YouTube](#).

Sign up for our [newsletter](#).

View our [upcoming events](#).

This email is confidential and protected by attorney-client privilege and work product doctrine. If you are not the intended recipient, disclosure or use is prohibited; destroy it and notify me immediately. Any tax advice contained in this message is not for the purpose of avoiding penalties under the IRC or recommendation to others.

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the North Dakota Open Records Laws.