

Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock, Public Utility Analyst

Date: February 10, 2016

Re: ND One-Call Complaint
Case No. PU-15-687

On November 5, 2015, a ND One-Call Complaint was received from Clarice Mosolf alleging that Ripley's, Inc. violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to conduct their excavation in a careful and prudent manner.

Staff investigation found that on May 28, 2015 Ripley's, Inc. called in a locate request with work to begin on June 1, 2015. On June 3, 2015 Ripley's, Inc. began an excavation to install fiber optic cable with a cable plow. In the process of the excavation, Ripley's, Inc. severed an unmarked power cable belonging to Nodak Electric.

Staff found from speaking to Dan Schaefer with Nodak Electric that Nodak's locator mismarked their line. The locator unintentionally marked an underground telephone cable rather than the power cable. Based on this information, staff feels that Ripley's had no way to know that the power cable was in their path and therefore could do nothing to avoid it.

Staff recommends that no further action be taken and the case be closed.