



Public Service Commission

State of North Dakota

COMMISSIONERS

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December 3, 2015

Corey Copeland
Key Contracting, Inc.
245 7th Ave NE
West Fargo, ND 58078-1002

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

Dear Mr. Copeland:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Key Contracting, Inc., received by the North Dakota Public Service Commission on December 1, 2015, from Lisa Kalberg at Xcel Energy of St. Paul, MN, Case Number PU-15-752. The location of the damage identified in the complaint is approximately 4101 15th Ave N, Fargo, 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 December 18, 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: Lisa Kalberg 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 Xcel Energy / Lisa Kallberg	Street Address 825 Rice St	City St. Paul	State and Zip Code MN 55372
Telephone and Cell Phone Number 651-229-2282	Email Address elisabeth.m.kallberg@xcelenergy.com		Date 11-30-15
<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 Key Contracting	Street Address 245 7th Ave NE	City West Fargo	State and Zip Code ND, 58078
Telephone and Cell Phone Number 701-238-8182	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 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: 4101 15th Ave N Fargo ND
Date and Time of Violation: September 25, 2015 2:39 pm
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> Key Contracting failed to provide notification to the Once Call Center prior to excavating. Key Contracting was working off a ticket that was located for another excavator at this location.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 2 inch natural gas service		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$839	Number of Customers Affected 1	
Other impact of event: none		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Lisa Kallberg	Date 11-30-15
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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

W.O.1224994503



Damage Investigation Form

Damage Date:	<u>9/25/2015</u>	Date Notified:	<u>9/25/2015</u>	Date Investigated:	<u>9/25/2015</u>
Address:	<u>4101 15th Ave N</u>	City:	<u>Fargo</u>	Notified by:	<u>Xcel Energy</u>
Excavator:	<u>Key Contracting</u>	Ticket #:	<u>N/A</u>	Damage Ticket:	<u></u>
Locator:	<u>N/A</u>	Locate Date:	<u>N/A</u>	Work Type:	<u>Sewer Improvements</u>
Facility Damaged:	<u>2in Plastic Service</u>	Equipment Used:	<u>Backhoe</u>		

Description of site and facility indicators: None

Utility representative on-site? Y Y/N Excavator on-site? Y Y/N
Name of representative: Mark Olson Excavator name: Travis

Cause of damage and circumstances:
Key Contracting is doing sewer improvement when for ESI Group when they damaged an accurately marked 2" plastic gas service. The contractor did not spot the gas service before crossing it. **Note: the contractor did not have a NDOC ticket, they were working off of Earthworks ticket (15169513)**

Preventative Actions (Only fill out for at-fault damages)

What was the excavators determination on liability and why? Key Contracting said they got careless.

Recommendation of Liability: Key Contracting

Investigator:	<u>Joey Kouba</u>	Date:	<u>9/25/2015</u>
Supervisor:	<u>Zach Myers</u>	Date:	<u>9/25/2015</u>
Managers Concurrence:	<u>Jason Ponciano</u>	Date:	<u>9/28/2015</u>

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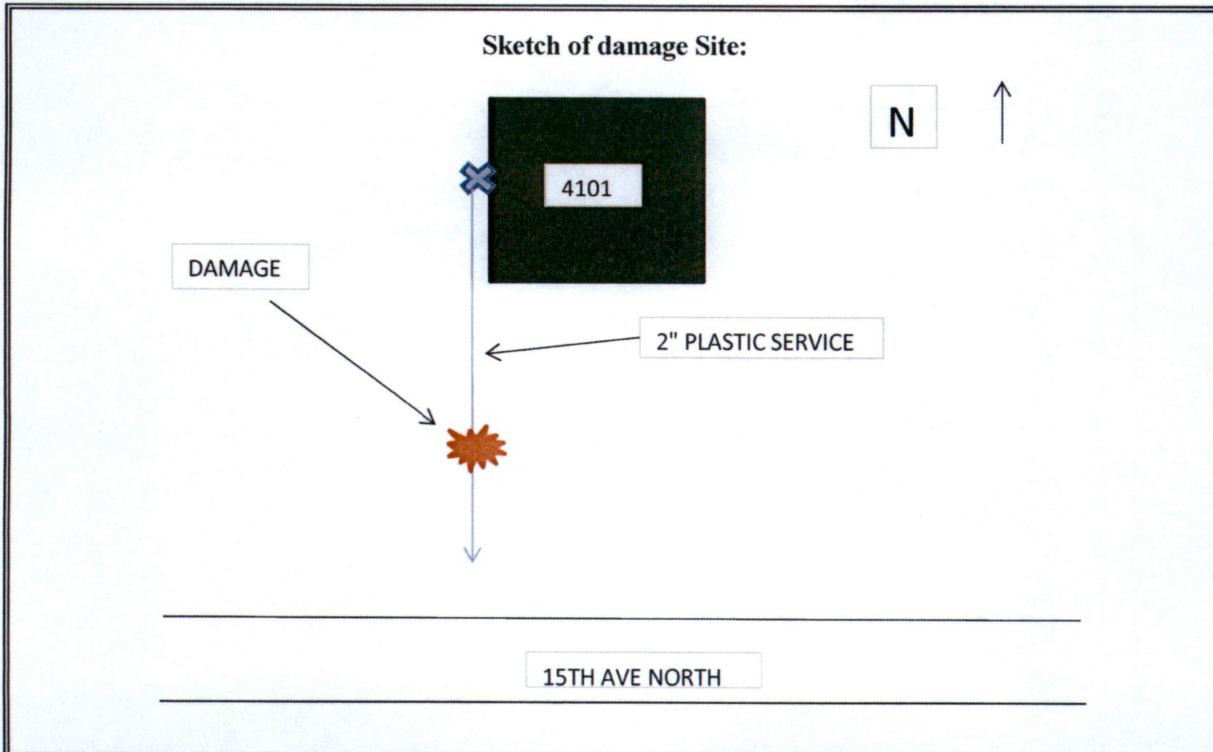
Specific Locate Information

Mark all that apply (X)

<input checked="" type="checkbox"/>	The line was marked accurately. <i>Within tolerance by Inches</i> _____	*End Of Questions
<input type="checkbox"/>	The damaged facility is abandoned. *End of Questions*	
<input checked="" type="checkbox"/>	Excavator did not have a valid ticket. Or outside of their "Dig Area". *End of Questions	
<input type="checkbox"/>	The line should have been marked, but was unmarked.	
<input type="checkbox"/>	The marks were destroyed by: Excavation _____ Weather _____ Other _____	
<input type="checkbox"/>	The line was unmarked but previously located.	
<input type="checkbox"/>	The excavation was out of the dig area.	
<input type="checkbox"/>	The dig area was established by a verbal exchange.	
<input type="checkbox"/>	If so, is the dig area well documented? Yes _____ No _____	
<input type="checkbox"/>	The unmarked facility was on provided maps? Yes _____ No _____	
<input type="checkbox"/>	The excavator knew there were unmarked lines.	
<input type="checkbox"/>	Did the excavator have any of the utilities exposed? Yes _____ No <input checked="" type="checkbox"/>	
<input type="checkbox"/>	The line should have been marked, but was mismarked.	
<input type="checkbox"/>	The damage occurred on a project.	
<input checked="" type="checkbox"/>	The cutting edge was within 24" of the damaged line.	
<input type="checkbox"/>	The cutting edge was within 18" of the damaged line. (For South Dakota use only)	
<input type="checkbox"/>	Was the tracer wire present with the facility? Yes _____ No _____	
<input checked="" type="checkbox"/>	Pictures of the damage were taken. <input checked="" type="checkbox"/> Locate Pictures or Sketch Available.	
<input checked="" type="checkbox"/>	How deep was the damaged facility? 24in	
<input type="checkbox"/>	There was a visual indicator of the facility from the dig area.	
<input type="checkbox"/>	Distance to visual indicator?	
<input type="checkbox"/>	How far was the closest remaining mark to the damage?	

Employee Signature: _____

Date: _____



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2015. 9.25 15:26

MARK →

DAMAGE →