



Public Service Commission

State of North Dakota

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December 11, 2015

Scott Peterson
Cable One, Inc.
1024 Page Dr
Fargo, ND 58103

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

Dear Mr. Peterson:

Enclosed is a copy of a ND One-Call Complaint, against Cable One, Inc., received by the North Dakota Public Service Commission on December 9, 2015, from Thomas Martin at Key Contracting, Inc., of West Fargo, ND, Case Number PU-15-785. The location of the incident identified in the complaint is approximately the intersection of Veterans Boulevard and 40th Ave S, West 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 28, 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
c: Thomas Martin



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 Key Contracting, Inc.	Street Address 245 7th Ave NE	City West Fargo	State and Zip Code ND 58078
Telephone and Cell Phone Number 701-238-8192	Email Address tmartin@keycontracting.com	Date 12/8/2015	

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 Cable One	Street Address 1024 Page Drive	City Fargo	State and Zip Code ND 58103
Telephone and Cell Phone Number 701-461-7052	Email Address Scott.Peterson@CableOne.net		

PART C – ALLEGED VIOLATION

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) _____

Location of Violation:

Veterans Blvd and 40st Avenue S, West Fargo, ND

Date and Time of Violation:

12/2/15 at approximately 1:00 pm

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.*


Key Contracting was replacing power poles (removing old pole, reaming existing hole and inserting new pole) on Veterans Drive, just north of 40th Ave S on 12/2/15. Key Contracting wrapped approximately 110 feet of fiber optic cable around the bit used for reaming the holes on that date. Key Contracting was working pursuant to tickets 15215020, 15215058, 15215063, 15215077 and 15211981 when replacing poles in that area. Cable One indicated that the fiber optic line removed by Key Contracting had not been located or marked as of 12/2/15. Key Contracting has worked on that power line replacement since August 2015.

PART D – DAMAGE

Fatalities None.	Injuries None.	In-patient Hospitalization None.
Underground facility type(s) and Operator(s) affected: Fiber optic, Cable One.		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ Unknown	Number of Customers Affected Unknown	
Other impact of event: Unknown.		

Please attach photos of Event Area or Damaged Facility

PART I – SIGNATURE

Signature of Person Filing Complaint  Thomas P. Martin	Date 12/7/15
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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