

Memorandum

To: Commissioners Kalk, Christmann and Fedorchak

From: Victor Schock, Public Utility Analyst

Date: December 28, 2015

Re: ND One-Call Complaint
Case No. PU-15-785

On December 9, 2015, a ND One-Call Complaint was received from Key Contracting, Inc. alleging that Cable One violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark underground facilities within 48 hours.

Staff investigation found that on November 23, 2015 Key Contracting, Inc. called in a locate request with work to begin on December 8, 2015. On December 2, 6 days before the work to begin date on the locate request, Key Contracting, Inc. began an excavation to replace power poles. In the process of the excavation, Key Contracting, Inc. damaged an unmarked fiber optic cable belonging to Cable One. Per North Dakota Century Code 49-23-04 the operator must locate and mark their underground facilities prior to the excavation commencement time stated in the locate notice. Based on these facts, staff does not believe there is a violation on the part of Cable One.

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