



# 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](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

February 25, 2016

Kevin Hesse  
Wagner Construction, Inc.  
3151 Hwy 53  
International Falls, MN 56649

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

Dear Mr. Hesse:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Wagner Construction, Inc., received by the North Dakota Public Service Commission on January 18, 2016, from Bruce Carlson, General Manager at Verendrye Electric Cooperative, Inc., of Velva, ND, Case Number PU-16-41. The location of the damage identified in the complaint is approximately the intersection of 30<sup>th</sup> Avenue NE and County Road 19 in, Minot, 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 March 10, 2016**, 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](mailto: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: Bruce Carlson with attachments

2      **PU-16-41**      Filed: 2/25/2016      Pages: 16  
**Letter enclosing North Dakota One Call Complaint**



# 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 Verendrye Electric Coop Inc./Bruce Carlson	Street Address 615 Hwy 52W	City Velva	State and Zip Code ND 58790
Telephone and Cell Phone Number 701-338-2855	Email Address brucerc@verendrye.com		Date 12/9/2015
<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 Wagner construction Company Inc./Kevin Hesse	Street Address 3151 Highway 53 Ste 1	City International Falls	State and Zip Code Mn, 56649-8969
Telephone and Cell Phone Number 1-218-283-3700/1-218-244-3361	Email Address kevin@wagnerconstructioninc.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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: Intersection of 30th Ave NE and County Rd 19 Minot ND
Date and Time of Violation: 12/7/2015 1707
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>  Verendrye was contacted by Summit Utilities (Jim Torok) about the dig in. Summit was contacted by crew foreman for Wagner construction. Jim was informed that Wagner had hit VEC cable. Stated that the locates were correct and that they had Hydro Vaced exposing the cable and still hit the single phase primary underground cable.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Single phase primary cable/Verendrye Electric Coop Inc		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$985.46	Number of Customers Affected 10 consumer (6 residential & 4 businesses)	
Other impact of event: Inconvenience to Residential consumers as well as Business consumers. Duration of outage was 3 hours		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint <i>Bruce Carlson</i>	Date 1/18/2016
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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



615 Highway 52 West  
Velva, ND 58790-7417

Phone 701-338-2855  
800-472-2141

**INVOICE: 59720**

Invoice Date: 12/08/2015  
Terms: DUE 30 DAYS  
Due Date: 01/07/2016  
Amount Due: \$ 985.46

WAGNER CONSTRUCTION CO  
3151 HIGHWAY 53 STE 1  
INTERNATIONAL FALL MN 56649-8969

Account: 52428		Description: REPAIRED PRIMARY CABLE DAMAGED BY CONTRACTOR AT INTERSECTION OF 27TH ST NE AND 30TH AVE NE MINOT. LOCATES WERE ON		Page 1 of 1
DESCRIPTION	QUANTITY	UOM	UNIT PRICE	AMOUNT/TAX
LABOR CHARGES	8.500	EA	107.1612	910.87
VEHICLE & EQUIPMENT MILES	16.000	EA	0.9500	15.20
CATALOG ITEM: 14020 GRD&TIE WIRE #4 COPPER STRAND	1.000	LB	5.3000	5.30
CATALOG ITEM: 23010 SPLICE 1/0 175MIL 15KV	1.000	EA	54.0900	54.09
<b>MESSAGES</b>				
<p>THIS INVOICE IS A SEPARATE BILLING AND NOT INCLUDED IN YOUR MONTHLY ELECTRIC BILL. IF NOT PAID WITHIN 30 DAYS A PENALTY OF 1.5% OF THE BALANCE WILL BE ASSESSED.</p> <p>THIS COOPERATIVE IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.</p>				<p>Subtotal: \$ 985.46</p> <p>Tax: \$ 0.00</p> <p>Total: \$ 985.46</p> <p>Amount Paid: \$ 0.00</p> <p>Amount Due: \$ 985.46</p>

**RETURN BOTTOM PORTION WITH PAYMENT**



615 Highway 52 West  
Velva, ND 58790-7417

Phone. 701-338-2855  
800-472-2141

Account: 52428  
Invoice: 59720  
Due Date: 01/07/2016  
Amount Due: \$ 985.46

Amount Of Payment: \_\_\_\_\_

Remit To:

WAGNER CONSTRUCTION CO  
3151 HIGHWAY 53 STE 1  
INTERNATIONAL FALL MN 56649-8969

VERENDRYE ELECTRIC COOPERATIVE  
615 HIGHWAY 52 WEST  
VELVA ND 58790

**VEC****CUSTOMER BILLING - SERVICE CALL**

SERVICE CALL/LABOR/EQUIPMENT/MATERIALS

DATE: 12/7/2015

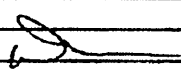
NAME: Wagner Construction Co.	JOB DESCRIPTION:
ADDRESS: 3151 Highway 53 Ste 1	Repaired primary cable damaged by contractor at intersection
CITY, ST, ZIP: International Falls, MN 56649	of 27th St NE and 30th Ave NE. Locates were on.
LOCATION: MEMBER:	

LABOR	NAME	HRS R.T.	RATE	HRS O.T.	RATE	HRS D.T.	RATE	TOTAL
		Joe H			3	\$ 60.78		
	Lance W			3	\$ 65.28			\$ 195.84
	Dan K			2.5	\$ 75.03			\$ 187.58
								\$ -
								\$ -
								\$ -
								\$ -
	OVERHEAD CHARGES					RATE @	61%	\$ 345.11
								<b>TOTAL \$ 910.87</b>

EQUIPMENT	UNIT	DESCRIPTION	HRS	RATE	MILES	RATE	TOTAL
		136	Service truck			16	\$ 0.95
							\$ -
							\$ -
							\$ -
							\$ -
							<b>TOTAL \$ 15.20</b>

MATERIAL	VEC PART #	DESCRIPTION	QUANTITY	PRICE/UNIT	TAX	TOTAL
		14020	Grd & Tie Wire #4 Stranded Copper	1	\$ 5.02	5.5%
	23010	Splice 1/0 15 kv.	1	\$ 51.27	5.5%	\$ 54.09
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						\$ -
						<b>TOTAL \$ 59.39</b>

**GRAND TOTAL \$ 985.46**

VEC EMPLOYEE	Lance W
DEPT HEAD	
TIMESHEET MATCH	
WAREHOUSE	Minot
W/O # OR ACCT #	587

<b>CUSTOMER ACKNOWLEDGEMENT:</b>
I hereby acknowledge that the above is a correct statement of service/materials I requested to be provided and agree to pay the charges upon receipt of a bill.

NOTES:	
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**NORTH DAKOTA ONE CALL**

Ticket No: 15198498      LORQ ROUTINE      CANCELLED  
 Transmit Date: 10/27/2015      Time: 13:17      Update By: 15199973  
 Original Call Date: 10/26/2015      Time: 07:49      Op: atommy  
 Work to Begin Date: 10/28/2015      Time: 08:00      Op: webusr4

**Caller Information**

Company: WAGNER CONSTRUCTION INC      Fax Number:  
 Contact Name: KEVIN      Contact Phone: (218) 283-3700      Ext:  
 Contact Email: kevin@wagnerconstructioninc.com  
 Alt. Contact Name: KEVIN      Alt. Contact Phone: (218) 324-3361

**Dig Site Information**

Type of Work: INSTALL SEWER MAIN  
 Work Being Done For: CITY OF MINOT  
 Explosives: N      Depth: OVER 10FT      Tunneling/Boring: N

**Dig Site Location**

State: ND      County: WARD      Place: MINOT  
 Address:  
 Street: 30TH AVE NE  
 Nearest Intersecting Street: CO RD 19

Extent of Work:  
 FROM THE ABOVE INTERSECTION GO NORTH 100 FEET THEN WEST 3000 FEET THEN SOUTH 200 FEET SQUARED THANKS CANCELED DUE TO UPDATE

Remarks:

**Attachment:**

Twp:      Rng:      Sect-Qtr:  
 Twp: 155N      Rng: 92VJ      Sect-Qtr: 9-NW,7-NW,7-NE,6-SW,6-SE,5-SW  
 ExCoord NW Lat: 48 2692293      Lon: -101 2655354      SE Lat: 48 2685723      Lon: -101 252811

**Members**

District Code	Company Name	Marking Concerns	Damage/Repair	Customer Service
MDUC1	MONTANA DAKOTA UTILITIES CO	(406)728-9343		
MIDCON25	MIDCONTINENT CABLE	(805)271-0202		
NDPC2	NORTH DAKOTA PIPELINE COMPANY	(701)340-2217		
NDXCEL01	XCEL ENERGY	(612)630-4366		
NPRW01	NORTH PRAIRIE WATER ASSOC	(701)852-1886		
SOURIS01	SOURIS RIVER TELECOMMUNICATION	(406)480-9929		
VEREND01	VERENDRYE ELECTRIC COOPERATIVE	(406)480-9929		

**NORTH DAKOTA ONE CALL**

Ticket No:	15186973	<b>LORQ MODIFY</b>		<b>UPDATE</b>
Update Of:	<u>15198498</u>			
Transmit Date:	10/27/2015	Time:	13 17	Update By:
Original Call Date:	10/27/2015	Time:	13 02	Op:
Work to Begin Date:	10/29/2015	Time:	13 15	Op:
				webusr4

**Caller Information**

Company:	WAGNER CONSTRUCTION INC	Fax Number:	
Contact Name:	KEVIN	Contact Phone:	(218) 283-3700 Ext:
Contact Email:	kevin@wagnerconstructioninc.com	Alt. Contact Phone:	(218) 244-3351
Alt. Contact Name:	KEVIN		

**Dig Site Information**

Type of Work:	INSTALL SEWER MAIN		
Work Being Done For:	CITY OF MINOT		
Explosives:	N	Depth:	OVER 10FT
		Tunneling/Boring:	N

**Dig Site Location**

State:	ND	County:	WARD	Place:	MINOT
Address:					
Street:	30TH AVE NE				
Nearest Intersecting Street:	CO RD 19				

Extent of Work:  
 FROM THE ABOVE INTERSECTION GO NORTH 100 FEET THEN WEST 3000 FEET THEN SOUTH 200 FEET SQUARED THANKS ALT CONTACT NUMBER WAS WRONG

Remarks:

Attachment:

Twp:	Rng:	Sect-Qtr:
Twp: 155N	Rng: 82W	Sect-Qtr: 8-NW7-NW7-NE 6-SW/8-SE 8-SW
ExCoora NW Lat: 48 2713601	Lon: -101 2655354	SE Lat: 48 2672443 Lon: -101 2496098

**Members**

District Code	Company Name	Marking Concerns	Damage/Repair	Customer Service
MDU01	MONTANA DAKOTA UTILITIES CO	(406)728-9343		
MIDCON26	MIDCONTINENT CABLE	(805)271-0202		
NDPC2	NORTH DAKOTA PIPELINE COMPANY	(701)340-2217		
NDXCEL01	XCEL ENERGY	(612)630-4366		
NPRW01	NORTH PRAIRIE WATER ASSOC	(701)852-1886		
SOURISC1	SOURIS RIVER TELECOMMUNICATION	(406)480-9929		
VEREND01	VERENDRYE ELECTRIC COOPERATIVE	(406)480-9929		

**NORTH DAKOTA ONE CALL**

<b>Ticket No:</b>	15218797				
<b>Update Of:</b>	15199973				
<b>Transmit Date:</b>	12/03/2015	<b>Time:</b>	07:51	<b>Op:</b>	wedusr4
<b>Original Call Date:</b>	12/03/2015	<b>Time:</b>	07:49	<b>Op:</b>	wedusr4
<b>Work to Begin Date:</b>	12/07/2015	<b>Time:</b>	08:00		

**Caller Information**

<b>Company:</b>	WAGNER CONSTRUCTION INC	<b>Fax Number:</b>	
<b>Contact Name:</b>	KEVIN	<b>Contact Phone:</b>	(218) 283-3700 Ext:
<b>Contact Email:</b>	kevin@wagnerconstructioninc.com		
<b>Alt. Contact Name:</b>	KEVIN	<b>Alt. Contact Phone:</b>	(218) 244-3361

**Dig Site Information**

<b>Type of Work:</b>	INSTALL SEWER MAIN		
<b>Work Being Done For:</b>	CITY OF MINOT		
<b>Explosives:</b>	N	<b>Depth:</b>	OVER 10FT
		<b>Tunneling/Boring:</b>	N

**Dig Site Location**

<b>State:</b>	ND	<b>County:</b>	WARD	<b>Place:</b>	MINOT
<b>Address:</b>					
<b>Street:</b>	30TH AVE NE				
<b>Nearest Intersecting Street:</b>	CO RD 15				

**Extent of Work:**  
 FROM THE ABOVE INTERSECTION GO NORTH 100 FEET THEN WEST 3000 FEET THEN SOUTH 200 FEET SQUARED THANKS ALT CONTACT NUMBER WAS WRONG

**Remarks:**

**Attachment:**

<b>Twp:</b>	<b>Rng:</b>	<b>Sect-Qtr:</b>
Twp: 155N	Rng: 82W	Sect-Qtr: 8-NW,7-NW,7-NE,6-SW,6-SE,5-SW
ExCoord NW Lat: 43 2713601	Lon: -101 2655354	SE Lat: 46 2672443
		Lon: -101 2496098

**Members**

District Code	Company Name	Marking Concerns	Damage/Repair	Customer Service
L:DU01	MONTANA DAKOTA UTILITIES CO	(406)728-6343		
MIDCON20	MIDCONTINENT CABLE	(605)271-0202		
NDP02	NORTH DAKOTA PIPELINE COMPANY	(701)340-2217		
NDXCEL01	XCEL ENERGY	(612)630-4366		
NPRW01	NORTH PRAIRIE WATER ASSOC	(701)852-1886		
SOURIS01	SOURIS RIVER TELECOMMUNICATION	(406)480-9929		
VEREND01	VERENDRYE ELECTRIC COOPERATIVE	(406)480-9929		

Security Response Services  
1717 East Interstate Ave  
Bismarck, ND 58501-0564  
Phone: (701) 557-5396  
Phone: (800) 259-2659  
FAX: (701) 557-5378

**DISPATCHED TICKET**

Date: 12/8/2015  
Time: 8:06 am  
All times are CST  
Page 1

For

**Verendrye Electric Co-op**

From 12/7/2015 8:05 AM To 12/8/2015 8:05 AM

Substation: NOM Circuit/Feeder: 2 Phase/Switch: A Time Reported: 12/7/2015 1713  
Name: LOCK HALLIE Account Number: 2803000  
Critical Handling: Meter Number: 27248299  
City/State: MINOT, ND Time Power Went Out: 12/7/2015 1713  
Home Phone: (701)839-3748 Call Back Phone: (701)721-0302  
Location: 045-08-13-1955-0 Cust OCR: 1  
911 Address: 1800 27TH ST NE Section:  
Service Desc: Main Meter  
Mult-Meter Desc:

Power Status: Power Out Breakers Checked: No Neighbors Have Power: No  
Call Back Status: Restored Callback Requested:

Person Contacted: Dan//bg Contact Phone Nbr: ( ) -  
Crew Area: Crew Members:  
Unit Numbers:

Crew Times	Contacted: 12/7/2015 1716	Out Time: 12/7/2015 2011
	Restored: 12/7/2015 2011	Back: 12/7/2015 2012

Cause: Primary URD Equip: Consumers: 0

**Miscellaneous Information / Specifications / Remarks**

07 Dec 1713 Hallie called and the account was verified using name and address.//ml  
07 Dec 1715 Contacted Dan on Basin ext - Dan will check this out.//bg  
07 Dec 1748 Dan called and stated that this outage was caused by a dig in. Crews are on site now.//bw  
2012 Callback status = Restored.//cw

Taken By: Mike Long

Security Response Services  
1717 East Interstate Ave  
Bismarck ND 58501-0564  
Phone: (701) 557-5396  
Phone: (600) 259-2659  
FAX: (701) 557-5378

**RELATED TICKET**

Date: 12/8/15  
08:06:20  
All times are CST  
Page 1 of 1

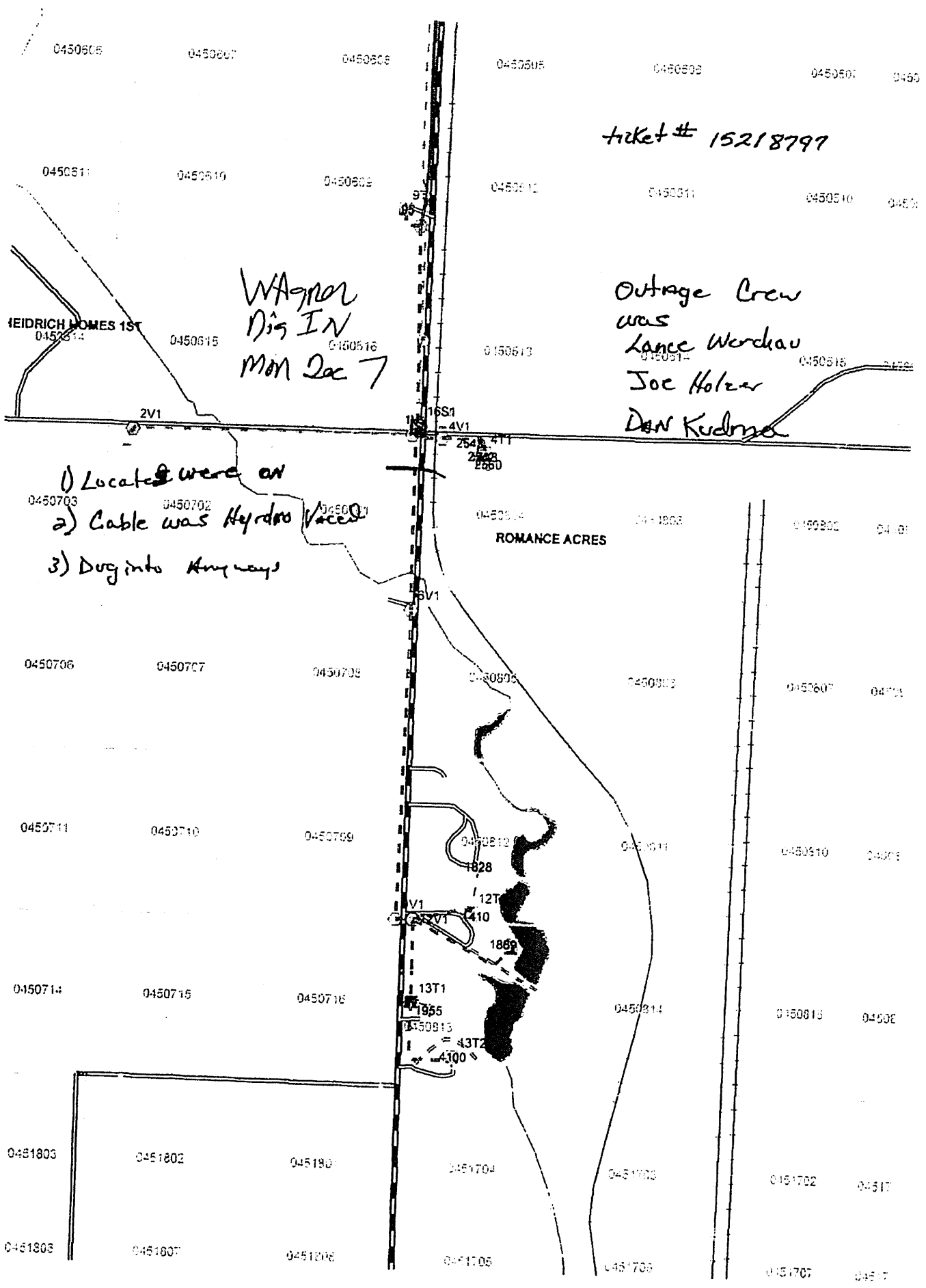
For  
**Verendrye Electric Co-op**  
From 12/7/2015 8:05 AM To 12/8/2015 8:05 AM

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Substation: NOM Circuit/Feeder: 2 Phase/Switch: A Time Reported: 12/7/2015 1718  
Name: SCHRIOCK TODD Account Number: 1798300  
Critical Handling: Meter Nbr: 32334317  
City/State: MINOT, ND Location: 045-08-12-1828-0  
Home Phone: (701) 852-0245 Call Back Phone: (701) 720-4249 Section: 0450601  
Power Status: Power Out Crew Area: Cust OCR: 1  
Call Back Status: Restored Call Back Requested:  
Service Desc: Main Meter  
911 Address: 2020 27TH ST NE  
Multi-Meter Desc:  
Misc. Information  
2012 Callback status = Restored.//bw

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Substation: NOM Circuit/Feeder: 2 Phase/Switch: A Time Reported: 12/7/2015 1722  
Name: FOURNIER SHANE Account Number: 4844900  
Critical Handling: Meter Nbr: 113650321  
City/State: MINOT, ND Location: 045-08-13-4100-0  
Home Phone: (701) 240-1960 Call Back Phone: (701) 240-1960 Section:  
Power Status: Power Out Crew Area: Cust OCR: 1  
Call Back Status: Contacted Call Back Requested:  
Service Desc: HOUSE  
911 Address: 1820 27TH ST NE  
Multi-Meter Desc:  
Misc. Information  
07 Dec 1722 Shane called and the account was verified using name and address. He also said that before the power went out, his lights have been flickering a little bit all week.//bw  
07 Dec 1724 Contacted Dan on basin ex: - he will take care of this.//bg  
Ticket status changed from Dispatched to Related at 1727.//bg  
07 Dec 1911 Consumer called back for an update. wants to know if he needs to get a generator lined up for the night.//rm  
07 Dec 1916 Called Dan - they are working on a dig in, he is estimating 30-45 minutes.//bg  
07 Dec 1919 Called shane - he picked up - line disconnected.//bg  
07 Dec 1920 Called Shane back - picked up - line disconnected.//bg  
Ticket status changed from Dispatched to Related at 2011.//bg  
2012 Callback status = Contacted.//bg



ticket # 15218797

Wagner  
Dig IN  
Mon Dec 7

Outage Crew  
was  
Lance Werdau  
Joe Holzer  
Dan Kudrna

- 1) Locates were on
- 2) Cable was Hydro Vaced
- 3) Dug into Arroyos

ROMANCE ACRES

12T  
410  
1889  
13T1  
1855  
43T2  
4100

0303116

101  
Fusion

0303213

0303

4313T1

4V1

4153

4T1

420

S1

0450501

0450504

04505

