



Public Service Commission  
State of North Dakota

COMMISSIONERS

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May 3, 2016

Travis Schweitzer  
Schweitzer & Sons Construction LLC  
23881 Moffit Rd  
Moffit, ND 58560-9724

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

Dear Travis:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Schweitzer & Sons Construction LLC, received by the North Dakota Public Service Commission on May 2, 2016, from Bob Schell at Midcontinent Communications, of Devils Lake, ND, Case Number PU-16-182. The location of the damage identified in the complaint is approximately 717 Brewster St E, Harvey, ND.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Darrell Nitschke, Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by May 17, 2016**, with your written account of the event, including the applicable One Call locate ticket number for work performed at the address indicated.

Your response and the ND One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur I will file a formal complaint against Schweitzer & Sons Construction LLC with the Commission, which may result in a penalty up to \$25,000 per violation as approved by the North Dakota Legislative Assembly in 2013 under North Dakota Century Code Section 49-07-01.1.

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  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint with attachments  
c: Bob Schell with attachments

2 PU-16-182 Filed: 5/3/2016 Pages: 4  
Letter enclosing North Dakota One Call Complaint

Public Service Commission  
Victor Schock



# 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 Midco	Street Address 1005 14th St NE	City Devils Lake	State and Zip Code ND 58301
Telephone and Cell Phone Number 701-340-6715	Email Address Bob.Schell@midco.net		Date 05-02-16
<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 Schweitzer & Sons Construction LLC	Street Address 1001 79th Ave NE	City Bismarck	State and Zip Code 58503
Telephone and Cell Phone Number 701-220-1508	Email Address n/a		

## 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 checked="" 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: 717 Brewster St E Harvey, ND
Date and Time of Violation: 04-30-16 approx 9 am
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>  Contractor poured a concrete pad for a swimming pool. Contractor neglected to call in a locate. While setting the forms for the pad, a stake was driven through the Midco drop. Contractor verbally verified onsite that his stakes were 16" in length. I was unable to repair drop as the concrete had already been poured when I arrived onsite. The entire drop will have to be replaced.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: Midco		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$350	Number of Customers Affected one	
Other impact of event: Customer lost all phone, data, and video services.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Bob Schell -LRS - Midco	Date 05-02-16
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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



