



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
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

May 12, 2016

Travis Stavn
8404 Rolling Hills Road
Bismarck, ND 58503

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 Travis Stavn, 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 717 Brewster St E, Harvey, ND. This complaint was originally submitted against Schweitzer & Sons Construction LLC. During the investigation it was determined that Travis Stavn rather than Schweitzer & Sons Construction LLC actually conducted the excavation in this case.

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 26, 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 Travis Stavn 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 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

3 **PU-16-182** Filed: 5/12/2016 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
---	------------------

Send Completed, Original Complaint To:
 Public Service Commission
 600 E Boulevard Ave Dept 408
 Bismarck ND 58505-0480
 Telephone: (701) 328-2400



