



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Julie Fedorchak  
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Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

May 24, 2017

William Clifford  
Murphy Pipe & Civil LLC  
CT Corporation System  
314 E Thayer Ave  
Bismarck, ND 58501-4018

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

Dear William:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Murphy Pipe & Civil, LLC, received by the North Dakota Public Service Commission on May 23, 2017, from Ryan Olson at Northwest Communications Coop, of Ray, ND, Case Number PU-17-221. The location of the damage identified in the complaint is approximately T159N R97W S32 NW1/4 near, Alamo, 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 June 8, 2017**, 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 Murphy Pipe & Civil 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  
Public Utilities Division  
North Dakota Public Service Commission  
600 E Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

Enc: ND One-Call Complaint with attachments  
c: Ryan Olson with attachments

2 **PU-17-221** Filed: 5/24/2017 Pages: 4  
**Letter enclosing North Dakota One-Call Complaint**

Public Service Commission Staff

Victor Schock



# ND ONE-CALL COMPLAINT

Public Service Commission

SFN 59067 (5-17)

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<br>Ryan Olson, Northwest Communications Coop  | Street Address<br>111 Railroad Ave | City<br>Ray | State and Zip Code<br>ND 58849 |
| Telephone and Cell Phone Number<br>701-568-3331 701-641-0132   | Email Address<br>ryano@nccray.com  |             | Date<br>5/22/17                |
| <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<br>William Clifford, Murfy Pipe and Civil | Street Address<br>518 16th ST SW               | City<br>Minot | State and Zip Code<br>ND 58701 |
| Telephone and Cell Phone Number<br>719-252-6555          | Email Address<br>william.clifford@mpcgroup.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<br><input checked="" type="checkbox"/> Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation<br><input type="checkbox"/> Excavator failed to provide required information in excavation or location notice<br><input type="checkbox"/> Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation<br><input type="checkbox"/> Notification center failed to inform the excavator of the names of operators of underground facilities in the area<br><input type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours<br><input type="checkbox"/> Excavation started prior to underground facility locate<br><input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally<br><input type="checkbox"/> Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period<br><input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities<br><input type="checkbox"/> Excavator failed to maintain the markings during excavation<br><input type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____ |
| Location of Violation:<br>T159 R97 S 32NW  |
| Date and Time of Violation:<br>5/11/17 12:48PM   |
| 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><br><br>NCC facilities were damaged at the above time and date, by William Clifford of Murfy Pipe and Civil while attempting to make repairs on a previously installed rural water shut-off and meter pit. I visited the site and met with excavator, and asked him for his one-call ticket number, he replied he didn't have one. I told him he needed to have a ticket to legally dig and he replied that he thought he knew where the line was at.   |

## PART D – DAMAGE

|  |                                   |                                 |
|--|-----------------------------------|---------------------------------|
| Fatalities<br>0  | Injuries<br>0                     | In-patient Hospitalization<br>0 |
| Underground facility type(s) and Operator(s) affected:<br>NCC Fiber Optic Cable      |                                   |                                 |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$<br>\$1020 | Number of Customers Affected<br>1 |                                 |
| Other impact of event:   |                                   |                                 |
| Please attach photos of Event Area or Damaged Facility                               |                                   |                                 |

## PART I – SIGNATURE

|  |                 |
|--|-----------------|
| Signature of Person Filing Complaint<br>Ryan Olson | Date<br>5/22/17 |
|--|-----------------|

**Submit**

If the "Submit" function is not working properly, please print the completed form and then either **email to ndpsc@nd.gov**, **fax to 701-328-2410** or **send to Public Service Commission, 600 E Boulevard Ave Dept 408, Bismarck ND 58505-0480**.

Telephone: (701) 328-2400

1 **PU-17-221** Filed: 5/23/2017 Pages: 3  
**North Dakota One-Call Complaint**

Northwest Communications Cooperative, a Cooperative  
Association  
Ryan Olson

← Mover & TV

2017-05-11 12:48:30

South Driveway



0

**-Info-Public Service Commission**

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**From:** Ryan Olson <ryano@nccray.com>  
**Sent:** Monday, May 22, 2017 5:17 PM  
**To:** -Info-Public Service Commission  
**Subject:** Northwest Communications Coop One-Call Complaint  
**Attachments:** 20170511.174818.SouthDriveway.mp4; ND-one-call-complaint-form-fillable.pdf

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Sirs: Attached please find a completed one-call complaint form for an incident on 5/11/17. I have attached our customers surveillance video showing the excavator surveying the damaged cable with no marks around it. No facility locate was ever requested by the excavator, despite his equipment being on site for at least one day before excavating. The form did not submit correctly nor save with the check boxes visible so I am emailing it with explanation. Again, no locate was ever requested, and I am willing to testify if needed.

Sincerely,

Ryan Olson  
NCC

Ryan Olson  
OSP Supervisor  
701-568-3331

