



# 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 BEK Communications Cooperative	Street Address 200 East Broadway	City Steele	State and Zip Code North Dakota 58482
Telephone and Cell Phone Number 701-475-1230 or 701-220-5103	Email Address mikem@bektel.coop		Date 7.17.2017
<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 Kamphuis Pipeline Company	Street Address 6115 28th St SE Ste 201	City Grand Rapids	State and Zip Code Michigan 49546
Telephone and Cell Phone Number (616) 942-9166	Email Address dank@kpc4.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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>49-23-06 Knowingly damaging facilities and backfilling without notification to operator.</u>
Location of Violation: 138N-71W- Sec 10 SW1/4
Date and Time of Violation: 7.15.2017 10:30AM
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>  see BEK Communications Facility Damage Report attached

## PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 36 Fiber Optic cable and 24 Fiber Optic cable 9 subscribers affected		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$6,898.08		Number of Customers Affected 9
Other impact of event: All 911 services as well as Broadband Internet to the 9 subscribers. One subscriber of which uses Broadband internet to work from home.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 7-17-2017
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Submit
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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

# BEK Communications Cooperative Facility Damage Report

Report Author: Michael Mittleider Exchange: Tappen Type: Fiber  
 Strands: 24  
 Liabile Entity: Kamphuis Piplene One-Call Notice: Yes  
 Address: 6115 28th St SE suite City: Grand Rapids State: MI Zip: 49546 One-Call #:   
 Contact #: Jay 616-291-4049

**Conclusion of Culpability:** Jay's crews knowingly damaged marked BEK FO line, taped up the damage, then backfilled. BEK was not notified of the damage. Damage affected 9 BEK subscribers.  
**Location of Damage:** 138N-71W-10 SW1/4

**Event Timing(24hr time):** Notice Date: 7.13.2017 Restor Date: 7.14.2017 Outage Hrs: 31  
 Damage Time: 10:30 AM Notice Time: 1:45PM Restor Time: 5:30PM Outage Mins:   
 Damage Date: 7.13.2017

**Damage Repair and Remediation Cost to BEK:** Duration (Hrs): **31.00**  
 Mileage to Damage Location: 23.25 Milage Rate: \$ 0.56

<b>Asset Use Cost:</b>	Qty			
Cars		\$	-	
Pickup Truck & Tools	4	\$	104.16	
Heavy Truck & Trailer		\$	-	Hr/rate
Yard Plow (Hrs)		\$	-	\$ 85.0
Quad/Bore(Hrs)		\$	-	\$ 140.0
Skidsteert(hrs)		\$	-	\$ 55.0
Backhoe(hrs)	7	\$	875.00	\$ 125.0

<b>Materials Cost:</b>	Unit Cost	QTY	
Cable/Ft	\$ 0.83	274	\$ 227.42
Duct/Ft	\$ -	0	\$ -
Vault	\$ -	0	\$ -
Splice Case	\$ 223.58	3	\$ 670.74
Splicing Material	\$ 60.00	3	\$ 180.00
locate ball	\$ 17.55	2	\$ 35.10

**Asset Cost:** \$ **979.16**

Materials Cost: \$ 1,113.26  
 Tax Rate % 5.0% \$ 55.66  
**Total Materials Cost:** \$ **1,168.92**

<b>Labor Cost:</b>	Rate	Head	Count	Hrs	
Plant/Network Team					
Plant Service Tech	\$ 60		2	8.00	\$ 960.00
Network Service Tech	\$ 60		1	4	\$ 240.00
Engineers /Splicers	\$ 125		2	12.5	\$3,125.00
Department Manager	\$ 150		1	2	\$ 300.00
Service Team					
Customer Service Rep	\$ 60		2	1	\$ 120.00
Department Manager	\$ 150				\$ -
Marketing Communications Team					
Graphics/Media	\$ 60				\$ -
Copy Writer	\$ 60				\$ -
Department Manager	\$ 150				\$ -
Leadership Team					
CEO	\$ 200				\$ -
CFO	\$ 200				\$ -
CTO	\$ 200				\$ -
COO	\$ 200				\$ -
Lawyer	\$ 250				\$ -

<b>Customer Impact:</b>	Count
Customers	2
Cell Towers	0
Communications Towers	0

<b>Service Penalty Charges for outage</b>	
AT&T Towers	\$ -
Verizon Towers	\$ -
Others	\$ -
<b>Total Penalty</b>	<b>\$ -</b>

<b>Outage Cost Recovery Summary</b>	
Asset Use Cost:	\$ 979.16
Materials Cost:	\$ 1,168.92
Labor Cost:	\$ 4,745.00
Penalty Charges	\$ -
<b>Total</b>	<b>\$ 6,893.08</b>

# BEK Communications Cooperative Facility Damage Report

## Detailed Description of work area:

Cable damage 12ft from BEK serving terminal 2B5/6 to (2) 24 FO cables in BEK Tappen Exchange. Jay Peterson's crews with Kampius Pipeline admitted to knowingly damaging and then covered it up. BEK technicians work over 3 hours just to isolate the cable damage that occurred. BEK Service team then had to schedule maintenance outage with all subscribers connected via the line damaged.

## Photographs of work site: (size and paste photos)

