



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

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Executive Secretary  
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Bismarck, North Dakota 58505-0480  
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TDD: 800-366-6888 or 711

July 21, 2017

Kathryn Regan  
Kamphuis Pipeline Co.  
PO BOX 995  
Bismarck, ND 58502-0995

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

Dear Kathryn:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Kamphuis Pipeline Co., received by the North Dakota Public Service Commission on July 17, 2017, from Mike Mittleider, Plant Manager at BEK Communications Cooperative, of Steele, ND, Case Number PU-17-293. The location of the damage identified in the complaint is approximately Township 138N, Range 71W, Section 10, Southwest ¼ near Tappen, 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 August 7, 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 Kamphuis Pipeline Co. 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: Mike Mittleider with attachments

2 PU-17-293 Filed: 7/21/2017 Pages: 4  
Letter enclosing ND One-Call Complaint

Public Service Commission  
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 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) 49-23-06 Knowingly damaging facilities and backfilling without notification to operator.
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  
 Liable 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

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

Materials Cost:	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
Materials Cost:			\$ 1,113.26
Tax Rate %	5.0%		\$ 55.66
<b>Total Materials Cost:</b>			<b>\$ 1,168.92</b>

**Asset Cost:** \$ 979.16

Labor Cost:	Head	Rate	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			\$ -	

Customer Impact:	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>

Outage Cost Recovery Summary	
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)

