



# 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 Spirit Lake Casino & Resort	Street Address 7889 Hwy #57	City St. Michael	State and Zip Code ND 58370
Telephone and Cell Phone Number (701) 766-4747 (701) 351-0962	Email Address mmatheny@spiritlakecasino.com		Date 8/10/17
<input 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 North Dakota Telephone Co.	Street Address P.O. Box 180	City Devils Lake	State and Zip Code ND 58301
Telephone and Cell Phone Number (701) 662-1100	Email Address		


## 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 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>Operator failed to locate and mark underground facility</u>
Location of Violation: 62 west, 152 north, NW quarter of section #6
Date and Time of Violation: when rep/operator was on site
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> Operator was shown by casino project manager where site excavation was going to be, and failed to locate a 48-strand buried fiber, which was installed by the operator in 2014.

## PART D – DAMAGE

Fatalities none	Injuries none	In-patient Hospitalization none
Underground facility type(s) and Operator(s) affected: 48-strand buried fiber, NDTC		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$4,892.07	Number of Customers Affected facilities department	
Other impact of event: interrupted communication between facilities dept. and casino.		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint Mark Matheny Sr. 	Date Aug. 10th, 2017
--	-------------------------

**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



NORTH DAKOTA TELEPHONE CO.

PO BOX 180  
DEVILS LAKE, ND 58301-0180  
(701) 662-1100

**INVOICE: 23023**

Invoice Date: 07/31/2017  
Terms: Due 15 days  
Due Date: 08/15/2017  
Amount Due: \$ 4,892.07

SPIRIT LAKE CASINO & RESORT  
ATTN: JIM LIGHT  
7889 HIGHWAY 57 S  
ST. MICHAEL ND 58370

Account: 129					Page 1 of 2
Description: CUSTOMER OWNED CABLES AND DUCT CUT BY CUSTOMER ON SIDE HILL BETWEEN CASINO AND THE MAINTENANCE BUILDING					
DESCRIPTION	QUANTITY	UOM	UNIT PRICE	AMOUNT	TAX
LABOR	31.000	HR	100.0000	3,100.00	
6-1/2" x 22" SPLICE CASE	2.000	EA	432.7500	865.50	
SPLICE TRAY	8.000	EA	39.2400	313.92	
HEAT SHRINK SLEEVES	288.000	EA	0.7000	201.60	
1/2" x 5' GROUND RODS	2.000	EA	14.8400	29.68	
3/4" 88T VINYL TAPE	1.000	EA	4.5900	4.59	
SHIELD BOND CONNECTORS	8.000	EA	2.0300	16.24	
2" COUPLER	2.000	EA	9.2700	18.54	
144 STRAND FIBER OPTIC CABLE	210.000	FT	1.4700	308.70	
2" INNERDUCT - 30 FEET	1.000	EA	33.3000	33.30	

RETURN BOTTOM PORTION WITH PAYMENT



NORTH DAKOTA TELEPHONE CO.

PO BOX 180  
DEVILS LAKE, ND 58301-0180  
(701) 662-1100

Account: 129  
Invoice: 23023  
Due Date: 08/15/2017  
Amount Due: \$ 4,892.07

Amount Of Payment: \_\_\_\_\_

Remit To:

NDTC  
PO BOX 180  
DEVILS LAKE ND 58301-0180

SPIRIT LAKE CASINO & RESORT  
ATTN: JIM LIGHT  
7889 HIGHWAY 57 S  
ST. MICHAEL ND 58370

My name is Mark J Matheny Sr, Project Manager for the SLC&R. I was instructed by the facility director to have locates called in so he could dig in a storm drain.

Per locate ticket instruction, I ask participating companies to contact my cell phone when they arrived on site and I show them where work was being done. When NDTC rep arrived I showed him exactly where digging was going to be done. He said "I located at the top of the hill, and I'll go down locate at the bottom of the hill." There were no markings where line was hit while digging.

Signed:  
Mark J Matheny Sr

Witness: Duri J. Quinn  
8/7/17