

Memorandum

To: Commissioners Christmann, Fedorchak and Kroshus

From: Victor Schock Public Utility Analyst

VS

Date: August 29, 2017

Re: ND One-Call Complaint
Case No. PU-17-330

On August 17, 2017, a ND One-Call Complaint was received from Mark Matheny with Spirit Lake Casino & Resort (Spirit Lake) alleging that North Dakota Telephone Company (NDTC) violated North Dakota Century Code Chapter 49-23 One-Call Excavation Notice System law by failing to locate and mark its underground facility within 48 hours.

Staff investigation found that on June 22, 2017 Spirit Lake placed locate ticket 17067961 for water service repairs. On that same day NDTC marked their underground facilities on the property as requested.

On July 6, 2017 while excavating for a storm sewer line, Spirit Lake hit a 48 strand fiber optic cable that was not marked. NDTC was contacted immediately and came to the site to investigate. It was determined that the fiber optic cable was owned by Spirit Lake and not NDTC. The cable was used for communication between a main facility and a maintenance facility. Since this is a privately owned underground facility not required to be located or locatable by law, NDTC had no obligation to locate it. Advocacy Staff as well as NDTC has discussed the matter in greater detail with Spirit Lake to ensure they are aware of this when doing future underground work on their property. NDTC has agreed to assist Spirit Lake in locating their private facilities during future excavation work. All parties are now in agreement that there was no violation to the North Dakota One-Call law.

Based on its investigation staff does not intend to file a formal complaint, and recommends that no further action be taken and the case be closed.