

September 14, 2017

Attn: Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Ave, Dept 408
Bismarck, ND 58505

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

Dear Mr. Schock:

This letter is in response to your letter dated September 1, 2017 and complaint file by David Willgohs from Summit Utility.

KPH is calling in several tickets for this project. The project Mr. Willgohs is referring to is over 8 blocks of complete street and city utility reconstruction. KPH is replacing water main, water services, sanitary sewer main, sanitary sewer services, storm sewer main, and storm sewer leads with catch basins that extend from property to property line. KPH has had up to 3 utility crews on site working simultaneously during this project which has made it very difficult in preserving any utility locate flags. During the excavation and back fill of the utilities many of the locates get removed as the streets are narrow and the new utilities range from a depth of 8' to 15' deep. This requires a large amount of earth to be excavated and backfilled which has made it impossible to offset any locate flags. The sequence of the project is to install the various main line pipe for the project and come back to install services. We have excavated the street 3 times for the mains and 3 times for services. KPH calls in respot tickets to protect our people and the utilities we are crossing.

KPH response to Part C – Alleged Violation

1. KPH request locates and begins work after the request time is clear to dig. Some locations maybe overlap with other current tickets
2. Same response to item #1
3. Unknown to this violation
4. Unknown to this violation
5. Unknown to this violation
6. Unknown to this violation
7. Same response to item #1
8. Unknown to this violation
9. I believe this violation is untruthful to what Mr. Willgohs is accusing KPH
10. This violation is false as to Mr. Willgohs has no proof that KPH perform that action
11. This violation is support from our description above



12. The violation is support in above description

KPH response to description of summary of violation

Mr. Willgohs stated that locate flags were removed and piled next to KPH trailer. These flags were part of area that excavation had already accrued and restoration of the site was taking place. At no time was KPH intentionally removing flags for new locates. The intent was to create a new clean work site for all parties involved so we could create a safe working site for everyone.

Please contact us with any questions. My mobile number is (701) 238-6790 and email is patrick@kphinc.net

Eric Merhiy, President
eric@kphinc.net
701-361-3412 mobile

Cordially,

Patrick Hockett

Patrick Hockett
Vice President

Cc: Project File

