



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Randy Christmann  
Julie Fedorchak  
Brian Kroshus

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

September 19, 2017

Patrick Hockett  
KPH, Inc.  
9530 39<sup>th</sup> St S  
Fargo, ND 58104

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

Dear Mr Hockett:

Enclosed is a copy of a ND One-Call Complaint, against KPH, Inc., received by the North Dakota Public Service Commission on September 19, 2017, from David Willgohs at Summit Utility, of Fargo, ND, Case Number PU-17-355. The location of the damage identified in the complaint is approximately the intersection of 5<sup>th</sup> Avenue and 1<sup>st</sup> Street in Mapleton, 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 October 4, 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 KPH, Inc. 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  
c: David Willgohs

2    **PU-17-355**    Filed: 9/19/2017    Pages: 2  
**Letter enclosing ND One-Call Complaint**



# 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 Summit Utility/ Dave Willgohs	Street Address 401 Oakland Ave S	City Fargo	State and Zip Code ND
Telephone and Cell Phone Number 701-200-2489	Email Address david.willgohs@gmail.com		Date 9/19/2017
<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 KPH	Street Address 9530 39th St S	City Fargo	State and Zip Code ND
Telephone and Cell Phone Number 701-499-7979	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 checked="" 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
--

Location of Violation:  
5th Ave and 1st St in Mapleton, ND

Date and Time of Violation:  
9/18/2017 afternoon?

Description (summarize the observations on which you rely to allege the violation) *if more space is required, please provide the description on a separate page.*

summit received a phone call from KPH forman alerting us to a damage in mapleton, upon investigating KPH had no ticket to dig in the area and refused to give me the ticket number they were digging on (gary). they damaged a 150pr copper line which feeds almost the entire northeast section of mapleton

## PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected: 150pr copper line, centurylink		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$	Number of Customers Affected	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

## PART I – SIGNATURE

Signature of Person Filing Complaint david willgohs	Date 9/19/2017
--	-------------------

**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