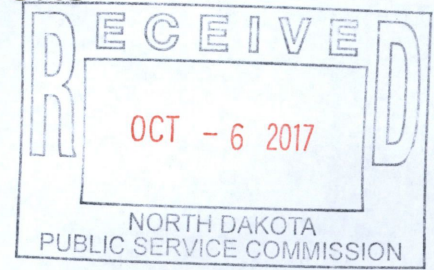


September 29, 2017

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. Nitschke:

This letter is in response to your letter dated September 19, 2017 and complaint file by David Willgohs from Summit Utility.

KPH had a ticket number 17100286 that covered this work area. Although that ticket had expired KPH was the only contractor onsite that control the area. It was KPH intent to offset the locating flags and replace them in the correct location once we disturbed the area. Unfortunate one of offsets fell within an area of new sidewalk and that location wasn't transferred to the concrete. At no time was KPH deliberately excavating without a current locate, it was a complete accident when transferring the offset locates of the prior flags.

KPH response to Part C – Alleged Violation

1. Please read response above to the alleged violation

KPH response to description of summary of violation

At the time of the phone call, KPH superintendent Gary, didn't have the ticket number available on his phone to look up. At no point in time was the ticket number denied or refused such the information wasn't relatively available through a search on the phone. It is in my opinion that Mr. Willgohs is deliberately trying to damage KPH reputation in our industry. He is using the Public Service Commission as a tool to directly affect KPH in a financial matter.

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

Cordially,

Eric Merhiy

Eric Merhiy
President

Cc: Project File

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Response to ND One-Call Complaint

KPH, Inc.
Eric Merhiy, President

