

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Public Service Commission
Veit & Company, Inc.
Damage Prevention Enforcement**

Case No. PU-17-376

ORDER ON CONSENT AGREEMENT

January 10, 2018

Preliminary Statement

On October 17, 2017, the Commission received a ND One-Call Complaint (Complaint) from West River Telecommunications Cooperative alleging a violation by Veit & Company, Inc. (Veit) of North Dakota Century Code section 49-23: One-Call Excavation Notice System.

On October 17, 2017, the Commission sent a letter to Veit enclosing the One-Call Complaint.

On December 18, 2017, the Public Service Commission Advocacy Staff (Advocacy Staff) and Veit filed a Consent Agreement for the resolution of Case No. PU-17-376.

Discussion

Veit & Company, Inc. is a foreign corporation authorized to do business in North Dakota with offices located at 14000 Veit Pl, Rogers, Minnesota 55374-9583.

The Complaint alleges a violation by Veit of North Dakota Century Code section 49-23-05(5) by failing to conduct excavation in a careful and prudent manner. The Complaint alleges that the excavation activity resulted in damage to a 288 fiber optic cable providing voice and broadband telecommunications services and serving Hebron Emergency 911 of approximately \$13,213.72.

North Dakota Century Code section 49-23-05(5) provides that to avoid damage and to minimize interference a ticket holder shall "[c]onduct the excavation in a careful and prudent manner."

As a result of its investigation, Advocacy Staff believes that Veit violated North Dakota Century Code section 49-23-05(5).

Veit and Advocacy Staff engaged in good faith settlement discussions resulting in a Consent Agreement intended to resolve the alleged violations.

Under the Consent Agreement, Veit agrees to be assessed a civil penalty of \$750, payable to the North Dakota Public Service Commission, within ten business days of service of this Order.


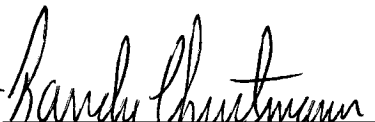

Having considered this matter, the Commission finds the Consent Agreement filed on December 18, 2017, is reasonable and acceptable. Therefore, the Commission issues the following:

Order

The Commission Orders:

1. The Consent Agreement filed by Veit and Advocacy Staff on December 18, 2017, is approved. A copy of the Consent Agreement is attached to and made a part of this Order.
2. Veit shall remit a penalty of \$750, payable to the North Dakota Public Service Commission within ten business days of service of this Order.

PUBLIC SERVICE COMMISSION

		
<hr/> Brian Kroshus Commissioner	<hr/> Randy Christmann Chairman	<hr/> Julie Fedorchak Commissioner



Public Service Commission
State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

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December 18, 2017

Darrell Nitschke
Executive Director
ND Public Service Commission
600 E. Boulevard Ave. Dept. 408
Bismarck, ND 58505-0480

Via Hand Delivery

Re: Case No. PU-17-376
Public Service Commission
Veit & Company, Inc.
Damage Prevention Enforcement

Dear Mr. Nitschke:

Enclosed is a copy of the Consent Agreement to be filed in the above captioned proceedings.

Best Regards,

John Schuh
Legal Counsel

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION,)	
)	
Complainant,)	Case No. PU-17-376
)	
vs.)	
)	CONSENT AGREEMENT
Veit & Company, Inc.,)	
)	
Respondent.)	

Preliminary Statement

This Consent Agreement is entered into by and between Veit & Company, Inc. (Veit) and the Public Service Commission Advocacy Staff (Staff) (together, the "Parties") for resolution of Docket No. PU-17-376.

On October 17, 2017, the Commission received a ND One-Call Complaint from West River Telecom (West River) under Case No. PU-17-376. The complaint alleged Viet violated North Dakota Century Code section 49-23-05(5) by failing to conduct excavation in a careful and prudent manner. North Dakota Century Code section 49-23-05(5) provides that to avoid damage and to minimize interference a ticket holder shall "[c]onduct the excavation in a careful and prudent manner."

Having investigated the alleged violation, Staff believes Veit violated North Dakota Century Code section 49-23-05(3).

Veit and Staff engaged in good faith settlement discussions resulting in this Consent Agreement. Having agreed that settlement of this proceeding will avoid further administrative proceedings or litigation and that entry of this Consent Agreement is the

most appropriate means of resolving this administrative action, Staff and Veit make the following agreement, subject to the approval and acceptance of the Commission:

1. Veit agrees to be assessed a civil penalty of \$750 in Case No. PU-17-376, payable to the North Dakota Public Service Commission within ten business days of service of an Order Adopting Consent Agreement (Order).
2. Veit consents to the filing of the Consent Agreement and an Order and hereby waives any further procedural requirements with respect to its issuance. Subject to the Order, Veit understands and agrees to waive all rights to contest the Consent Agreement and Order, the right to be represented by counsel, the right to present evidence and arguments to the Commission, the right to cross examine witnesses, or contest the validity of this Consent Agreement and Order Adopting this Consent Agreement, including all rights to administrative or judicial hearings or appeals.
3. There are no covenants, promises, undertakings, or understandings other than specifically set forth in this Agreement and Order.
4. This agreement may be executed in counterparts and duplicate copies, each which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
5. The undersigned is authorized to act on behalf of Veit and bind Veit for purposes of this Consent Agreement, and knows and fully understands the content and effect.

Dated this 15th day of December, 2017

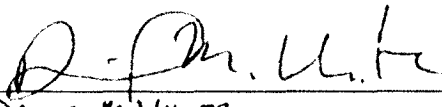
PUBLIC SERVICE COMMISSION
ADVOCACY STAFF – DAMAGE PREVENTION

By: 

John M. Schuh
Advocacy Counsel
12th Floor, Dept. 408
600 Boulevard Ave.
Bismarck, ND 58505-0480

Dated this 15 day of DECEMBER, 2017

Veit & Company, Inc.

By: 
DANIEL M. WHITE
~~(insert name and title)~~ *e. dmw*
ITS: PRESIDENT