

Schock, Victor F.

From: Marty Goulet <m.goulet@wagnerconstructioninc.com>
Sent: Wednesday, December 27, 2017 10:49 AM
To: Schock, Victor F.
Subject: RE: ND PSC Complaint from MDU against Wagner Construction, Inc. PU-17-457
PU-17-458 and PU-17-459
Attachments: 2017.12.27 PU-17-457 Response Letter.pdf; 2017.12.27 PU-17-459 Response Letter.pdf

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Victor,

Attached find the responses to PU-17-457 and PU-17-459. I did not provide a response to PU-17-458 as the original locate #17085868 was expired and the refresh locate was scheduled for the same day the utility strike occurred, this is unacceptable from our standpoint and processes are in place to prevent this.

I think it is important to point out that Wagner Construction has crossed tens of thousands of utility lines in the State of North Dakota since 2014. We take every precaution to protect utility lines, but with the sheer amount of times we cross utility lines, the imperfection in detection techniques, and human error – some amount of miscalculations are statistically predictable.

Marty

From: Schock, Victor F. [mailto:vschock@nd.gov]
Sent: Wednesday, November 15, 2017 3:42 PM
To: Marty Goulet
Subject: ND PSC Complaint from MDU against Wagner Construction, Inc. PU-17-457 PU-17-458 and PU-17-459

Hi Marty,

I have sent the attached complaints to you in the mail as well as this email.
These are three separate complaints we received from MDU against Wagner.
I scanned the files in black and white so that they are small enough to email.
You can get the color versions at this link:

https://psc.nd.gov/database/company_case_view.php?s_dept=&s_year_case=&s_seq_num=&s_date_filed=&company_name=wagner&s_date_closed=&s_description=&s_status_detail=&s_case_type=Damage+Prevention+Enforcement&company_case_viewOrder=Sorter_date_filed&company_case_viewDir=DESC&company_case_viewPageSize=

I will be looking forward to your responses.

Thanks,

Victor Schock

Public Utility Analyst

North Dakota Public Service Commission

600 E Boulevard Ave, Dept 408

Bismarck, ND 58505-0408

(701)328-3397

vschock@nd.gov

4 PU-17-459 Filed 12/27/2017 Pages: 7
Response to North Dakota One-Call Complaint
Wagner Construction, Inc.
Marten Goulet, CFO

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December 27, 2017

Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Department 408
Bismarck, ND 58505-0480

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

Dear Mr. Nitschke:

This letter is in response to the One-Call complaint filed by Montana-Dakota Utilities of Williston, ND, Case Number PU-17-459. The location of the damage identified in the complaint is the intersection of Welo St N and 2ND St NE in Tioga, ND.

The complaint Part C alleged violation that Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage to underground facilities is false. Timothy Freeman was operating an ASV while Ryan Rud and Eric Fitch were hand digging the 2" gas main and spotting the line for Timothy Freeman. Ryan and Eric found the 2" main, but did not see the "T". The "T" stuck up higher than the main. Wagner Construction took every precaution to conduct the excavation in a careful and prudent manner to avoid damage to underground facility. After an internal investigation Eric Fitch was fired for failure to identify the "T".

The complaint Part C alleged violation that Excavator failed to maintain the markings during excavation are false. See the attached photo of the markings still intact after the line was hit. Locate ticket #16107803 was valid and all markings were maintained during the excavation.

It was unfortunate that the operator hit the line while excavating, even when all precautions were in place. We feel that we have complied with the One-Call Excavation Notice System Law as it pertains to acting as a responsible contractor. Sincerely,



Marten Goulet
Chief Financial Officer

Anita Meyer

From: Anita Meyer
Sent: Friday, December 01, 2017 10:40 AM
To: Anita Meyer
Subject: Sent from Snipping Tool







