



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 Don Frye - ND One Call Board President	Street Address PO Box 1015	City Bismarck	State and Zip Code North Dakota 58503
Telephone and Cell Phone Number 701-541-3516	Email Address dfrye@daktel.com	Date 12/7/2017	
<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 Century Link - Terry VanWatermulen	Street Address 409 1st Ave N	City Fargo	State and Zip Code North Dakota 58102
Telephone and Cell Phone Number Terry VanWatermulen - Century Link Regional Manager - 701-241-3322 - 612-715-9598	Email Address Terry.M.Vanwatermulen@centurylink.com		

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 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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>49-23-04.6.n - Failed to provide positive response back to the center.</u>
Location of Violation: NA
Date and Time of Violation: Since August 1st, 2017
Description (summarize the observations on which you rely to allege the violation) <i>if more space is required, please provide the description on a separate page.</i> The new NDOC law went into effect August 1st, 2017. One of the new requirements is that all utility operators are required to provide positive response (ticket status) back to the notification center (see positive response definition below). Between August 1st, 2017 and December 4th, 2017, there have been approximately 26,300 tickets that Century Link has failed to provide positive response for as defined in the North Dakota Century Code. Positive response is defined as notification by the operator to the notification center that underground facilities within the area covered by a location request have been marked or cleared. Despite numerous reminders from ND One Call representatives, Century is still failing to provide positive response to locate requests.

PART D – DAMAGE

Fatalities	Injuries	In-patient Hospitalization
Underground facility type(s) and Operator(s) affected:		
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 	Date 12/7/2017
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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