



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
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 11, 2017

Terry VanWatermulen
Century Link (Qwest Corporation)
409 1st Ave N
Fargo, ND 58102

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

Dear Terry:

Enclosed is a copy of a ND One-Call Complaint, against Qwest Corporation, received by the North Dakota Public Service Commission on December 7, 2017, from Don Frye at the North Dakota One Call Board, of Bismarck, ND, Case Number PU-17-477. The incidents identified in the complaint are located throughout the state of North Dakota.

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 January 1, 2018**, 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 Qwest Corporation 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 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: Don Frye

2 **PU-17-477** Filed: 12/11/2017 Pages: 2
Letter enclosing North Dakota one-call complaint

Public Service Commission
Victor Schock



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

Operator failed to provide or update the information provided to the notification center on a timely basis

Excavator failed to provide excavation or location notice at least 48 hours before beginning any excavation

Excavator failed to provide required information in excavation or location notice

Notification center failed to transmit the notice to every operator that has an underground facility in the area of the excavation

Notification center failed to inform the excavator of the names of operators of underground facilities in the area

Operator failed to locate and mark underground facility within 48 hours

Excavation started prior to underground facility locate

Operator failed to mark underground facility within 24 inches horizontally

Excavator failed to renew excavation or location request prior to the expiration of the twenty-one-day period

Excavator failed to conduct the excavation in a careful and prudent manner to avoid damage of underground facilities

Excavator failed to maintain the markings during excavation

Other (identify the specific section of NDCC Chapter 49-23) 49-23-04.6.n - Failed to provide positive response back to the center.

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) *If more space is required, please provide the description on a separate page.*

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
--	-------------------

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