



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
Darrell Nitschke

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Fax: 701-328-2410
TDD: 800-366-6888 or 711

February 9, 2018

Gordon Jollen
Red Lake Builders, Inc.
PO Box 250
Red Lake, MN 56671

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

Dear Mr. Jollen:

Enclosed is a copy of a ND One-Call Complaint, against Red Lake Builders, Inc., received by the North Dakota Public Service Commission on February 7, 2018, from Tim Olson at Polar Communications, of Park River, ND, Case Number PU-18-78. The location of the damage identified in the complaint is approximately the intersection of state highway 59 and North 3rd Street, near Pembina, ND.

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 February 26, 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 Red Lake Builders, Inc. 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: Tim Olson

2 PU-18-78 Filed: 2/9/2018 Pages: 2
Letter enclosing North Dakota One-Call Complaint



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 Polar Communications/Tim Olson	Street Address 110 4th Street East	City Park River	State and Zip Code ND, 58270
Telephone and Cell Phone Number 701-284-7221	Email Address tolson@polar.net		Date 2-7-2018
<input 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 Red Lake Builders/Gordon Jellen	Street Address PO Box 250, Hwy 89 So	City Red Lake	State and Zip Code MN, 56671
Telephone and Cell Phone Number 218-678-3881	Email Address rtblcra@pauburyan.net		

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 checked="" 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 checked="" 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 type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) _____
Location of Violation: North of Hwy 59, west of establishment 375 Hwy 59, along flood control levee, Pembina, ND
Date and Time of Violation: July 10th, 2015
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 damage to our fiber was on July 10th, 2015, Red Lake Builders claims they were covered with locate ticket (15045326). This locate ticket transmit date was 4-28-2015, this is the only locate ticket that was submitted by Red Lake Builders for this location. They did not have a valid locate ticket for the July 10th, 2015 damage.

PART D – DAMAGE

Fatalities None	Injuries None	In-patient Hospitalization None
Underground facility type(s) and Operator(s) affected: Buried Fiber Optic Cable - 4 Fiber		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$1,581.12	Number of Customers Affected 1	
Other impact of event:		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint - Tim Olson	Date 2-7-18
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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