

CenturyLink  
220 N 5th Street  
Bismarck, North Dakota 58501  
701 222 7051  
701 222 6976 fax

Kent Blickensderfer  
State Legislative Affairs Director



June 29, 2018

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

**Re: Case No. PU-18-201**

Dear Mr. Nitschke:

This letter responds to a ND One-Call Complaint against CenturyLink Communications, LLC, filed by Danny Haller of Extreme Underground, of Dickinson, North Dakota, in the above-referenced matter. The complaint relates to a locate request near the intersection of 12<sup>th</sup> Street West and State Avenue North in Dickinson, North Dakota.

Our Locate Contractor, Summit Utilities, provides a very different narrative than that contained in the complaint. According to Summit, there were extensive conversations involving Joey Drummond, Summit's Locator, Bill Baker, Summit's Manager, and Dean described by Summit as the Foreman for Extreme.<sup>1</sup> In those conversations, the locator (Mr. Drummond) communicated with Extreme regarding the time at which it would mark the location, made sure it did not interfere with Extreme's work timeline, and confirmed that there were no issues with the timing of Summit's marking of facilities in connection with this project.

Summit reports the following timeline:

June 11      Ticket Created – due date of June 14 at 12:01 a.m.

June 13      At 5:45 p.m., Locator Joey Drummond of Summit Utilities called Dean to see whether Extreme would be on the job the next day. Dean informed Joey that Extreme would not be there because they needed to re-spot marks on another project.

Mr. Drummond attempted to input this feedback in the one-call system but accidentally hit the "complete" positive response, rather than the "on-going" positive response.

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<sup>1</sup> Danny Haller of Extreme stated that Dean was not a foreman but did confirm that he is an employee.

Mr. Darrell Nitschke  
June 29, 2018  
Page 2

June 14 Summit Manager, Bill Baker, called Dean at 6:45 am to confirm that there was not a need to work on the locate request first thing in the morning. Dean informed Mr. Baker that it was fine because Extreme was working on another job (ticket 18047382).

In the afternoon of June 14, Dean called Summit and asked that it mark the job that afternoon. Mr. Drummond completed the job that afternoon and took 145 photos of the markings dated June 14, 2108 that show the work that was completed.

Summit and Extreme communicated regularly about this project and Summit believes that both parties understood that there were no issues with the timeline in which Summit performed its tasks. The first time Summit learned there was a concern was with the filing of this complaint.

If Summit Utilities' description of events is accurate, its only mistake was accidentally submitting the wrong entry into the one-call system. Even with that mistake, Summit communicated with Extreme regarding the time in which Extreme needed the locate request to be filled and Summit's plans for completing the project. Summit performed the locates immediately when Extreme indicated it need the project completed and Extreme never indicated there were any concerns with the work.

Summit's actions comply with NDCC 49-23-04(6), which requires that "[a]n operator with underground facilities within the area of a location request shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator within the location period *or as agreed by the parties.*" Similarly, the locate ticket encourages operators to "call with questions." According to two representatives of Summit, it did call with questions and the parties agreed on the timing in which Summit would mark the location of the facilities on June14.

We have contacted Mr. Haller to try and rectify the differences between Summit's report of what happened on this project and the description Mr. Haller provided in the complaint. We were unable to resolve those differences.

Sincerely,



Kent Blickensderfer  
State Legislative Affairs Director

KB/bardm

## CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2018, the original and seven copies of the attached were served upon the following party:

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480

and copies sent electronically, addressed to the following:

Kent P. Blickensderfer  
State Legislative Affairs Director  
CenturyLink  
220 North 5<sup>th</sup> Street  
Bismarck, ND 58501  
[Kent.blickensderfer@centurylink.com](mailto:Kent.blickensderfer@centurylink.com)

Jason D. Topp  
Senior Counsel – Regulatory  
CenturyLink  
200 South 5th Street, Room 2200  
Minneapolis, MN 55402  
(651) 312-5364  
[Jason.topp@centurylink.com](mailto:Jason.topp@centurylink.com)

Victor Schock  
Public Utilities Division  
North Dakota Public Service Commission  
600 East Boulevard Avenue, 12<sup>th</sup> Floor  
Bismarck, ND 58505-0480  
[vschock@nd.gov](mailto:vschock@nd.gov)



Dianne Barthel