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Kent Blickensderfer
State Legislative Affairs Director



September 4, 2018

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

Re: Case No. PU-18-308

Dear Mr. Nitschke:

This letter responds to a ND One-Call Complaint against CenturyLink Communications, LLC, filed by Darryl Heim of Bob's Oil Field Service, of Belfield, North Dakota, in the above-referenced matter. The complaint relates to a locate request near the intersection of 23rd Street SW and 134th Ave SW in Billings County, North Dakota.

Summit reports the following timeline:

- August 9 Ticket 18102672 Created – due date of August 14 at 12:01 a.m.
- August 9 Our locate contractor, Summit Utilities, mistakenly cleared this locate ticket. The locator identified the wrong area of work and closed the ticket as clear.
- August 15 Summit Utilities received a second ticket for the same pipeline. The locator then reviewed the entire route and made sure it was marked. Locates were complete on the evening of August 15.
- August 25 Summit Utilities checked the site and it appears that work is completed and it does not appear that the right of way had to be adjusted in order to complete the project.

As can be seen by its contractor's own timeline, CenturyLink admits an error was made by the locator in this case. When determining possible consequences, CenturyLink requests that staff and the Commission consider that any damages in this instance were minimal or nonexistent. No extra costs were incurred by the complainant that we could ascertain. There was no damage done to anyone's facilities and there was, by our review of the circumstances, no danger of any accident occurring. Further, although it was alluded to in the original complaint, the oil company did not have to reroute any lines or purchase or obtain any additional right of way as a result of this mistake. When the legislature enacted the penalty provisions for the ND One-Call law, they were concerned about the law providing a deterring effect and, when appropriate, to be punitive

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to those who knowingly or willfully violate the statute. While CenturyLink does admit an error occurred in this case, it was neither willful nor flagrant and in any case was resolved within one day. CenturyLink respectfully requests that the staff and Commissioners consider these factors when considering any penalties for this admittedly unfortunate error.

Please let me know if you need additional information about this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "KA Blick", written in a cursive style.

Kent Blickensderfer
State Legislative Affairs Director

KB/bardm

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of September, 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, 12th Floor
Bismarck, ND 58505-0480

and copies sent electronically, addressed to the following:

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Dianne Barthel