



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 Aaron Weisenburger | Street Address 505 1/2 W. Ingals Ave. | City Bismarck | State and Zip Code ND 58504 |
| Telephone and Cell Phone Number 701-202-7245 | Email Address | | Date 8/27/18 |

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 Garrison Rural Water | Street Address 4034 ND-37 | City Garrison | State and Zip Code ND 58540 |
| Telephone and Cell Phone Number 701 463 7276 | Email Address | | |

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) Fail to show up for ONE CALL

Location of Violation:
4949 Misty Lane, Garrison ND 58540

Date and Time of Violation:
June/July - Oct. 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.*

My first two One Calls, ticket # 17071521, 17085994, 17152741, not sure of the 4th number Garrison Rural Water did not show up for. The 1,2,3,4 calls never had a response on the ticket information on whether they looked at them in the time required. Because no one showed up and marked the property, construction started. On the Third One Call, Todd from Garrison Rural water Showed up, stopped construction after I spent over \$30,000, and said we could not build there, did not matter if we called for a ONE CALL. They had an easement and nothing else mattered, Ater two days, GRW determined that the line was nat in the way because they could not find it and digging commenced. My contractor found the line 22" from where GRW presumed it to be. All the underground construction has stopped up to this current day. This waterline has never been recorded with the county recorder even after all these problems. The president of GRW says its my fault because I never hired a surveyor prior to purchase, and once again they have an easement and nothing else matters. So the surveyor for the seller of the lots can not find the line, thier own people can not find the line, but I should have found the line. Really!

PART D - DAMAGE

| | | |
|--|----------|-----------------------------------|
| Fatalities NA | Injuries | In-patient Hospitalization |
| Underground facility type(s) and Operator(s) affected: | | |
| Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$3-4000 for moving line, loss of property value and use. | | Number of Customers Affected 1 |
| Other impact of event: GRW new about this development in 2015 when the North/South line was tapped into and did not record it then, but recorded the east/West line along that road. They new there was a line there because they showed up to mark it on the third ONE CALL and stopped construction. They still have not recorded the line as of the time of this writing. The attitude from the President of the board is "we have an easement, not our problem", than why even bother with the 811 call. They just dont get it and everyone else gets to pay. | | |
| Please attach photos of Event Area or Damaged Facility | | |

PART I - SIGNATURE

| | |
|--|-----------------|
| Signature of Person Filing Complaint Aaron Weisenburger | Date 8/22/18 |
|--|-----------------|

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

So GRW never recorded the line when it was completed in the Nineties. They still have not recorded it. So when the Banks, Surveyors,



r Title Companies do their searches, property values and decisions to purchase are being based off what has been recorded with county. GRW has had plenty of chances and time to notify the recorders office of this line and they choose not to. No one can find the line including them (GRW). Thats their fault, period. T

When I asked Hjelmer Carlson, the president of GRW Board how anyone could find it if it was never recorded, he went back to its not their problem, they have an easement, do not have to respond to one calls, but always do. He does not even know what is going on and I don't even believe he knows which line we are talking about. He said I had plenty of chances to get out of the property, so quit complaining. I was offered a different property until they realized I had over \$30,000⁰⁰ tied in dirt work and another \$7,000⁰⁰ in sewer parts, which have not been installed and can be moved, but the deal was not going happen because the previous owner was not going to give me anything for it.

Had GRW showed up, marked the line in the first place, I would be dealing with the seller only. The construction would have never began. The attitude of the top of GRW president is "We have an easement, don't have to show up for one calls, and don't have to follow up when new info is available and record lines they know have not been recorded", What am I left to do. The previous person at GRW that I dealt with was named Marty. I expressed to him that I didn't want to file a claim with PSC, and wanted to work it out. Everything has to be done to GRW terms, they act like they are the Judge and Jury and they did everything wrong. Will not change, and ask all the details. They still don't know where their lines are. →

Contractors have had to find the lines on their own for years and do not charge GRW for it because if they make waves, GRW has threatened to take them off the list of contractors who can tap into their lines, which will cost them more money. GRW is a bully.

Paul W. Wierzbicki

8/28/18