



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 Rhino Contracting Inc	Street Address 1003 S 48th St	City Grand Forks	State and Zip Code ND 58201
Telephone and Cell Phone Number 701-772-6935	Email Address Rhino@rhinocontracting.com		Date 9/5/18
<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 Summit Utility Services LLC	Street Address Po Box 18159	City Missoula	State and Zip Code MT 59808
Telephone and Cell Phone Number 406-210-2600	Email Address stew.ratherham@summitutility.com		

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 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 checked="" 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 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: 1654 US Hwy 2, Grand Forks ND 58203
Date and Time of Violation: 8/23/18 8:00 AM
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> Please see attached documents

PART D – DAMAGE

No 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 Krystal Jose	Date 9/5/18
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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

On 8/20/18, ticket # 18109833 was called in to ND One Call with a clear date of 8/23/18 at 8:00 AM.

On 8/22/18 at 8:00 PM, we received a positive response from CenturyLink stating, "The described dig area of your locate request has been marked."

On our voicemail on the morning of 8/23/18, we had a message from John with Summit stating that he would be late on getting ticket 18109833 marked.

Also, on 8/23/18 at 8:00 AM, we received an email from ND One Call with a ticket check status stating that CenturyLink was marked.

On 8/23/18 at 12:36 PM, we received another positive response on ticket # 18109833 from CenturyLink stating, "The described dig area of your locate request has been marked."

On 8/23/18 at 4:00 PM, we received a call from our crew who had arrived on site to start excavating. Bart, our foreman for this job, stated that CenturyLink was only partially marked from the east side of the job traveling west approx. 400 ft. The total length of the job was 800 ft. There were flags for about 400 ft, but at the end of the line of flags that traveled from east to west there was a swoop of orange paint that veered off at an angle heading north giving the impression that perhaps the line headed up towards the airport. Nothing further was marked.

In the meantime, we called Todd with Summit. He said he would go out, finish marking it and make sure it's done correctly. We informed him that John had been the locator working on that job and that we had received two positive responses stating that this was marked hours before we were out there. Bart stated that he was out at the site until about 5pm waiting for the locates to be finished. They decided to leave as the job was not marked where we needed to start at the pole on the west side, and it would be some time before it was finished. When he left, Todd was out there to finish marking the jobsite.

The next morning on 8/24/18 at 8:00 am, Bart went back out to the job site to again, begin excavating. He noted that an additional 400 ft had been marked. The CenturyLink lines continued on the east & west route. The marks going at an angle were incorrect. He completed the job in approximately two hours.

Due to Summit sending positive responses stating our site was marked, not having it marked within the 48 hours and not notifying us that it was not fully marked, ultimately, were the reasons that when trying to complete this job, which ended up having us lose time & money - something that could have been prevented with one phone call from Summit. A two hour job ended up taking us twice as long, as we had to mobilize twice to do it. This job threw our schedule off. Instead of completing it initially on 8/23/18, we had to rearrange the schedule so we could complete the job on 8/24/18. This put us behind on other jobs, as we were not able to substitute another job in place of it on 8/23/18 due to the late time of day. Also, we had no indication that the marks were not completed before we went out to the job site, as we received two positive responses as stated above.

Rhino Contracting tries very hard to work with *all* locators, but it's hard when we don't receive a phone call at all. We can only help so much. The only other option for us would be to sit home and wait until we can verify each job is marked completely – and that's not going to happen.

Krystal Jose

original Locate ticket

From: nd@occinc.com
Sent: Monday, August 20, 2018 11:12 AM
To: Krystal Jose
Subject: Ticket: 18109833

NORTH DAKOTA ONE CALL

You can check that the ticket information and mapping location are correct, and that no work will take place outside the area indicated on the map, by clicking on the TicketLINK. Should any changes be needed, you can use the 'Update' or 'Correct' Ticket functions on ITIC.

The map is ONLY used to determine which facility operators may have facilities in your dig area. The Utilities do NOT receive a copy of this map. The precise excavation area and scope of work MUST be described in the extent of work field on the ticket.

The TicketLINK may also be used to view utility status, request a 'Relocate' or 'Cancel' a request. If you have any questions, call 563-884-7762.

Ticket Summary

NOTICE OF INTENT TO EXCAVATE		LORQ ROUTINE	
Request #:	18109833		
Original Call Date:	08/20/18	Time:	11:06 AM CT Type: WEB
Work to Begin Date :	08/23/18	Time:	8:00 AM CT
Work to Begin Date :	08/23/18	Time:	8:00 AM CT

Work Information

Location: County:	GRAND FORKS	City:	RYE TWP	City Limits:	N
Address / Street:	1654 US HWY 2				
Near Intersection:	16TH ST NE				
Map Twp:	152N	Rng:	51W	Sect-Qtr:	33-SW-SE

Excavation Type:	Depth: OVER 10FT	Explosives:	N	Tunneling/Boring:	Y
White Lining:	PROJECT STAKING				
Type of Work:	INSTALLING ELECTRIC				

Extent of Work:

ROUTE SHOULD BE STAKED/FLAGGED. PLEASE MARK A 20 FT RADIUS OF THE POLE LOCATED IN THE SE CORNER OF ABOVE ADDRESS WHERE STAKED ROUTE BEGINS, THEN CONTINUE MARKING 30 FT EACH SIDE OF STAKED ROUTE GOING NE APPROX 32 FT TO WHERE ROUTE TURNS E, THEN MARK GOING E APPROX 46 FT TO WHERE ROUTE TURNS SE, THEN MARK GOING SE APPROX 30 FT TO WHERE ROUTE TURNS E, THEN CONTINUE MARKING GOING E APPROX 472 FT TO END OF ROUTE, MARK A 20 FT RADIUS OF LAST STAKE/FLAG ON ROUTE.

Remarks:

CALLER REQUESTS AREA BE MARKED WITH PAINT AND FLAGS

Caller Information

Company:	RHINO CONTRACTING INC	Call Back:	
Address:	P.O. BOX 14898; GRAND FORKS, ND 58208		
Contact Email:	krystal@rhinocontracting.com		
Work For:	NODAK ELECTRIC		
Contact Name:	KRYSTAL JOSE	Phone:	701-772-6935

Type: CONTRACTOR
Alt. Contact: KRYSTAL (AFTER 5PM)

Fax: 701-772-6945
Phone: 701-610-9157

Members Notified:

Code	COMPANY NAME	Phone	Code	COMPANY NAME	Phone
CTLND01	- CTLQL-CENTURYLINK	(800)283-4237	DCN03	- DAKOTA CARRIER NET	(406)207-1655
GFTWTR01	- GRAND FORKS TRAILL	(701)599-2963	NDXCEL03	- XCEL ENERGY	(612)630-4366
NODAK01	- NODAK ELECTRIC COO	(701)746-4461	TCIND01	- MIDCONTINENT COMMU	(605)271-0202

Location Information

Number of Excavation Locations: 1

Below are the farthest NW and SE coordinates of the Excavation Polygon(s).
Please use "Link to Tkt" to access all points.

Poly 1: NW Lat: 47.9338448 Lon: -97.1858505 SE Lat: 47.9331332 Lon: -97.1819988

Excavator Responsibilities

- * If there are any private underground facility operators in the excavation area, you should notify them directly.
- Per North Dakota Century Code, it is the responsibility of the ticket holder to remove all tangible marking material (ex - pin flags) upon completion of the excavation. Failure to comply is subject to penalties and fines up to \$25,000.

Krystal Jose

1st positive response

From: cl_irth_comm@irth.com
Sent: Wednesday, August 22, 2018 8:00 PM
To: Krystal Jose
Subject: Ticket 18109833 - Message from CenturyLink

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To: RHINO CONTRACTING INC **Attn:** KRYSTAL JOSE
Voice: 7017726935 **Fax:** 7017726945
Re: Message from CenturyLink

Message from CenturyLink

=====
Ticket: 18109833
County: GRAND FORKS **Place:** RYE TWP
Address: 1654 US RT 2

CTLND01:

The described dig area of your locate request has been marked. CenturyLink Local Network facilities are present in the dig area. If you have any questions, please call CenturyLink at 800-283-4237 for former Qwest areas and 855-742-6062 for CenturyLink.

=====
Message from CenturyLink
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This message was generated by an automated system. Please do not reply to this email.

Krystal Jose

*Positive response from ND
OneCall*

From: nd@occinc.com
Sent: Thursday, August 23, 2018 8:00 AM
To: Krystal Jose
Subject: Ticket Check Status for ND Ticket 18109833

Ticket Number: **18109833**

Location: 1654 US HWY 2 RYE TWP, ND

As of **8/23/18 8:00 CDT**, participating facility owners have responded to Ticket Check as follows:

District Code	Status
CTLQL-CENTURYLINK	Marked
DAKOTA CARRIER NETWORK	Marked
GRAND FORKS TRAILL WATER USERS	Not yet responded
XCEL ENERGY	Clear/No conflict
NODAK ELECTRIC COOPERATIVE	Not yet responded
MIDCONTINENT COMMUNICATIONS	Marked

To review this ticket in its entirety, visit Search and Status ® on www.managetickets.com.

Krystal Jose

2nd positive response

From: cl_irth_comm@irth.com
Sent: Thursday, August 23, 2018 12:32 PM
To: Krystal Jose
Subject: Ticket 18109833 - Message from CenturyLink

=====
To: RHINO CONTRACTING INC **Attn:** KRYSTAL JOSE
Voice: 7017726935 **Fax:** 7017726945
Re: Message from CenturyLink

Message from CenturyLink

=====
Ticket: 18109833
County: GRAND FORKS **Place:** RYE TWP
Address: 1654 US RT 2

CTLND01:
The described dig area of your locate request has been marked. CenturyLink Local Network facilities are present in the dig area. If you have any questions, please call CenturyLink at 800-283-4237 for former Qwest areas and 855-742-6062 for CenturyLink.

=====
Message from CenturyLink

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This message was generated by an automated system. Please do not reply to this email.



This portion
has marked
blue lines

This is
containing
4:00 PM
8/23/18

WO39082

2

U.S. RT



300 ft