



Public Service Commission

State of North Dakota

COMMISSIONERS

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Executive Secretary
Darrell Nitschke

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Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

September 11, 2018

Mike Dolbec
Windsong Contracting LLC
5200 Cornice Dr
Bismarck, ND 58503-8708

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

Dear Mike:

Enclosed is a copy of a ND One-Call Complaint, against Windsong Contracting LLC, received by the North Dakota Public Service Commission on September 10, 2018, from Mike Rynda, of Williston, ND, Case Number PU-18-334. The location of the incident identified in the complaint is approximately 958 feet south of the intersection of 53V loop and 54th St NW, Williston, 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 September 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 Windsong Contracting LLC 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: Mike Rynda

2 **PU-18-334** Filed: 9/11/2018 Pages: 2
Letter enclosing North Dakota One-Call Complaint

Public Service Commission Staff

Victor Schock



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 Mike Rynda	Street Address 816 19th St W	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 951-966-7091	Email Address mikerynda@gmail.com		Date 9/10/18
<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 Windsong/Fesco House Build	Street Address 53V Loop - Muddy Valley	City Williston	State and Zip Code ND 58801
Telephone and Cell Phone Number 7015785441	Email Address		

PART C – ALLEGED VIOLATION

<input checked="" 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 checked="" 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 checked="" type="checkbox"/> Excavation started prior to underground facility locate <input checked="" 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 checked="" 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: Digging before locates in - Oil site next to property
Date and Time of Violation: 9/8/2018 Digging all weekend
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> While confirming locates for my own project, I was contacted by Stat Oil for the illegal digging on the adjacent property as they thought it was my project. After showing them the map and locates for my project and proving it was not myself, they confirmed my locates were good. This took time from my excavation and wasted Stat Oil time as well for their representation.

PART D – 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 Michael Rynda	Date 9/10/18
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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