



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 Warren Colby	Street Address 846 44th St N	City Voltaire	State and Zip Code ND 58792
Telephone and Cell Phone Number 7017213269	Email Address rtish4u@gmail.com		Date 10-22-18
<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	Street Address P O Box 406	City Missoula	State and Zip Code MT 59808
Telephone and Cell Phone Number 406-546-8759	Email Address		

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 type="checkbox"/> Operator failed to locate and mark underground facility within 48 hours <input type="checkbox"/> Excavation started prior to underground facility locate <input checked="" 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: 846 44th St N Voltaire ND 58792
Date and Time of Violation: 7/29/2018
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 for complete details. In a nutshell I was going to dig holes for 2 posts for a sign I was putting up. I put markers where I was planning to dig. When the Summit employee showed up, he said I was right over the utility line. He marked the ground and put up flags. So I moved them. I received no calls or visits from any other utilities prior either. So I started the holes with a hand held post hole digger, and hit a power line, knocking out power for me and several neighbors on the grid. The shock of it took a while to register. Still having trouble believing it today. Call 811 does not guarantee you are digging safely! There were several photos taken by Verendrye Electric when their employees came. The error is very obvious. I would ask that you contact them (Tim Krumwiede) for these pictures.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: Verendrye Electric		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$		Number of Customers Affected
Other impact of event: The thought of a fatality and/or injury that could have easily happened has caused a lot of mental stress, as I pass by the place of the incident several times a day. Also the fact that after written communication with Summit, we have not heard a word from them, acknowledging or taking responsibility for this huge error. The measurements were off over 3 feet. What is the point of calling ONE CALL when the end result would be the same as if I had guessed where the line was.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint 	Date 10-22-18
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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

Marvin Rehbein, Owner
PO Box 18159
Missoula MT 59808



Mr. Rehbein:

I am sending you a copy of a email I sent regarding a locater incident on July 28, 2018. I will await a response from your company.

Draft To: don.peters@summitutility.com
Cc: tgholzworth@summitutility.com

Dear Mr. Peters

I contacted 811 the week ending July 28 for locater services for a couple post holes I was digging by hand with a post hole digger. These were to be located near a utility box for Verendrye Electric and I started the holes to indicate where I wanted to dig.

Your representative (employee) visited and spray painted to mark where he thought the lines ran. His marking indicated the line to be right over the top of the holes that I was going to dig. I then moved the holes away from there to avoid hitting those lines.

Upon digging the holes on Saturday, I hit the power line! When it finally registered in my mind what had happened, I was in total shock and disbelief. The thought of the possible injury and/or death and damage that could easily occur from 7200 volts of electricity has been haunting me since. When Verendrye and your company reps showed up, it was found that the line was marked 30 + inches off. I thought I would hear from your company in some way in acknowledging this huge error, but I have not. So I am instead contacting you, Mr Holzworth who is listed as president, and the owner Mr. Rehbein.

Your company it says it built on dependability and integrity. Quoting from your website "Summit Utility Services, Integrity without Compromise".

I believe if I had not contacted 811 and just dug the holes that I would be held responsible for my actions financially and otherwise. I have photos and documentation for this incident and I would appreciate hearing form you in the near future.

Sincerely,

Warren Colby
701-721-3269
846 44th St N
Voltaire, ND 59792