

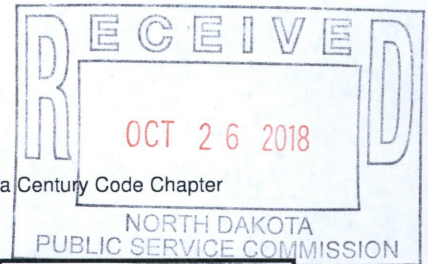


# ND ONE-CALL COMPLAINT

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 <i>Prairie View Excavating</i>	Street Address <i>1103 136<sup>th</sup> Ave NE</i>	City <i>Baldwin</i>	State and Zip Code <i>ND, 58501</i>
Telephone and Cell Phone Number <i>701-250-0000 (office) 701-319-0144 (Legan)</i>	Email Address <i>alison@pvl-nd.com</i>		Date
<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 <i>Midcontinent Communications</i>	Street Address	City <i>Sioux Falls</i>	State and Zip Code <i>SD</i>
Telephone and Cell Phone Number <i>1-800-888-1300</i>	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) *49-23-04.1*

Location of Violation: *3312 Promontary Dr. Bismarck, ND 58503*

Date and Time of Violation: *July 12, 2018*

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.*

## 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

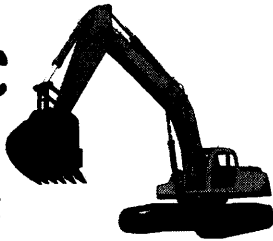
Signature of Person Filing Complaint <i>[Signature]</i>	Date <i>10-24-18</i>
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**Submit**

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

**Prairie  
View**  
Excavating



1103 136<sup>th</sup> Ave. NE  
Baldwin, ND 58521  
Office: (701) 250-0000  
Email: allison@pvl-nd.com

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To whom it may concern;

We are writing to file a complaint about a locate we requested to be marked by ND One Call on June 28<sup>th</sup>, 2018. Locate Number 18072364.

We followed all the right procedures and requested everything to be marked and located at 3312 Promontory Dr. in Bismarck, ND. We had confirmation that all the utility companies had been on site and located their lines accordingly. We received an email on July 2<sup>nd</sup>, 2018 stating that all was located, and we would be able to proceed. We started our excavation on July 12<sup>th</sup>, 2018 and hit a Midcontinent line that wasn't marked.

Once we hit the line, we stopped our excavation to assess the situation. In the trench, where we hit the Midcontinent line, we noticed there were seven lines in the trench and only one of them was marked properly. The only Midcontinent line marked for us was 3' away from the line we hit.

I have included pictures of all the lines that were inside the trench. You will also see the Midcontinent Line that we hit along with us showing you how far away the line that was located and marked was. Finally, you will see pictures of all the locates we had done that were marked for this job.

Prairie View Excavating has now received an invoice from Midcontinent for the repairs they had to make. We don't feel that Prairie View Excavating is at fault for hitting the line since it wasn't marked properly. The invoice copy is attached, and we feel that this should be taken care of by ND One Call Services or Midcontinent, since they failed to mark it properly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Carlson', written over a white background.

Allison Carlson  
Administrative Assistant  
Prairie View Excavating

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October 19, 2018

PRAIRIE VIEW EXCAVATING  
1103 136<sup>TH</sup> AVE NE  
BALDWIN ND 58521

Account # 171706201  
Invoice # 02-18-051

Dear Prairie View Excavating,

This letter is to inform you of damage to a cable while digging in new water and sewer at 3312 Promontary Dr, Bismarck ND.

We understand that accidents happen and want to work with you to resolve this situation. We have included an invoice of the completed repair work. You have options for payment:

- ***If you choose to pay in full by November 19, 2018, please mail your payment with your statement stub, name and account number to:***

Midco  
P.O. Box 5010  
Sioux Falls, SD 57117

- ***If you cannot pay in full by November 19, 2018, or would like to set up a payment schedule contact:***

Account Management, at 605.444.2151

If you have questions about this letter and enclosed invoice, or about the damage caused to the property owned by Midcontinent Communications, contact:

Brett Casavant, at 701.420.4310

We thank you for your immediate attention to this matter.

Sincerely,

Midco  
Account Management Group

