



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Julie Fedorchak
Brian Kroshus

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

October 31, 2018

Midcontinent Communications
717 20th Ave SE
Minot, ND 58701-6747

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

To Whom it May Concern:

Enclosed is a copy of a ND One-Call Complaint, with attachments, against Midcontinent Communications, received by the North Dakota Public Service Commission on October 26, 2018, from Allison Carlson at Prairie View Excavating, of Baldwin, ND, Case Number PU-18-372. The location of the damage identified in the complaint is 3312 Promontory Dr, Bismarck, ND 58503.

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 November 15, 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 Midcontinent Communications 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 with attachments
c: Allison Carlson with attachments

2 **PU-18-372** Filed: 10/31/2018 Pages: 7
Letter enclosing North Dakota One-Call Complaint

Public Service Commission
Victor Schock

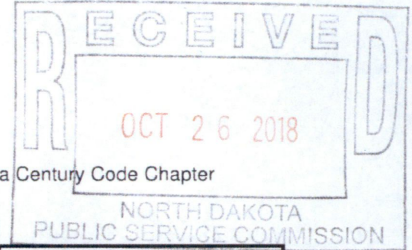


ND ONE-CALL COMPLAINT

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 <i>Prairie View Excavating</i>	Street Address <i>1103 13th 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 (cell)</i>	Email Address <i>allison@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 Communication</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

<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 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) <i>49-23-04.1</i>
Location of Violation: <i>3312 Promentary Dr. Bismarck, ND 58503</i>
Date and Time of Violation: <i>July 12, 2018</i>
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>

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

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 28th, 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 2nd, 2018 stating that all was located, and we would be able to proceed. We started our excavation on July 12th, 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.

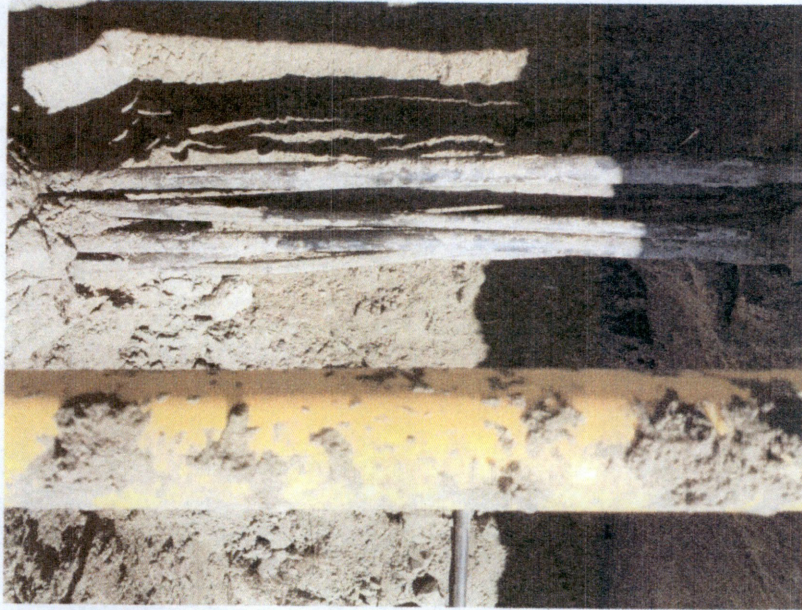
Prairie View Excavating has now received an invoice from Midcontinent for the repairs they had to make. We don't feel that Prairie View Excavating is at fault for hitting the line since it wasn't marked properly. The invoice copy is attached, and we feel that this should be taken care of by ND One Call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

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Carlson', written in a cursive style.

Allison Carlson
Administrative Assistant
Prairie View Excavating







October 19, 2018

PRAIRIE VIEW EXCAVATING
1103 136TH 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

