



Public Service Commission
State of North Dakota

COMMISSIONERS

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November 1, 2018

Verendrye Electric Cooperative, Inc.
615 Highway 52 W
Velva, ND 58790-7417

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 Verendrye Electric Cooperative, Inc., received by the North Dakota Public Service Commission on October 30, 2018, from Warren Colby of Voltaire, ND, Case Number PU-18-374. The location of the damage identified in the complaint is 846 44th St N, Voltaire, 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 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 Verendrye Electric Cooperative, Inc. 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: Warren Colby with attachments

2 PU-18-374 Filed: 11/1/2018 Pages: 3
Letter enclosing North Dakota One-Call Complaint

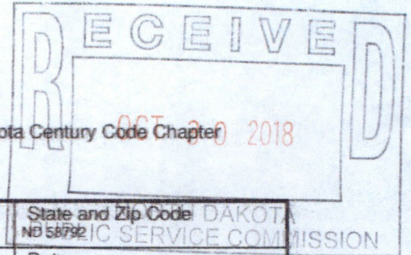
Public Service Commission
Victor Schock



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 Warren Colby	Street Address 846 44th St N	City Votava	State and Zip Code DAKOTA ND 58792
Telephone and Cell Phone Number 7017213269	Email Address ris14u@gmail.com	Date 10-22-18	

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 Verendrye Electric	Street Address 615 Hwy 52 W	City Velva	State and Zip Code ND 58790
Telephone and Cell Phone Number 7013382855	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) _____

Location of Violation:
846 44th St N Votava ND 58792

Date and Time of Violation:
7/29/2018

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.*

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 there 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 <i>Warren Colby</i>	Date 10-25-18
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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