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April 3, 2019

Victor Schock, Public Utility Analyst
ND Public Service Commission
600 E. Boulevard Ave.
Bismarck, ND 58505-0480

Re: ND One Call PU-18-374

Dear Mr. Schock,

This letter pertains to our phone conversation and email of 3/21/2019 regarding the damage at Warren Colby's farmstead.

Verendrye and Summit agree that the locate marks were in excess of the 24" requirement, but by how much is questionable. What we do not agree with is the penalty. We believe that the \$10,000 penalty is excessive.

After our discussion I reviewed some of the penalties that were handed out by the PSC. I found that the majority of the complaints were filed because locates were not done at all, locates were expired, or digging began before the work to begin date. The penalty for these complaints ranged from \$500 to \$10,000. The excavators that were penalized were negligent with possibly multiple issues.

We have always felt that the 24" rule was to give a measurement in black and white to protect the Locator, Excavator and the Plant Owner. In the actual locating business I feel that there are way too many variables that can affect the accuracy of locating an underground facility. Below is a description of the line in question.

- Age of Plant. 1978
- Type of Plant. 15Kv Unjacketed (open concentric)
- Condition of Plant. Near the end of its life but still functioning
- Other Utilities in area. None
- Grounding systems. Ground Rod within 15'
- Equipment in area. Junction box within 15' (in and out with a tap)

We feel that we are being penalized for something that the locator could not control due to one of the above circumstances. The location of the ground rods and the junction box is more than likely the cause of the locate being off. Mr. Holzworth's explanation in his



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report is spot on with the above. Cable locating is not an exact science. Even GPS units can be off +/- in accuracy.

In our phone conversation I understood you saying that electric and gas are held to a higher standard when it comes to penalties compared to phone or cable. I also believe you mentioned that another reason for the high penalty was the fact that Mr. Colby was digging by hand versus with equipment. We have no way of knowing whether an excavator is going to be excavating with a shovel or with a piece of equipment.

Based on other fines the PSC has levied for dig in damage, we feel a fine of \$1,000 is more appropriate. We respectfully request that the PSC reduces the fine to \$1,000. If the PSC is not in agreement with this request, we request a hearing on the matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Krumwiede", written in a cursive style.

Tim Krumwiede
Operations Manager
701-624-0322 Desk
701-626-1510 Cell