



Public Service Commission

State of North Dakota

COMMISSIONERS

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November 9, 2018

Garyl Gartner
NoDak Plumbing and Heating, Inc.
2141 37th St
Mandan, ND 58554

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

Dear Garyl:

Enclosed is a copy of a ND One-Call Complaint, against NoDak Plumbing and Heating, Inc., received by the North Dakota Public Service Commission on November 9, 2018, from Paul Fitterer at Capital Electric Cooperative, of Bismarck, ND, Case Number PU-18-386. The location of the damage identified in the complaint is approximately 4723 Marsh Hawk Dr in Bismarck, 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 26, 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 NoDak Plumbing and Heating, 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
c: Paul Fitterer

2 **PU-18-386** Filed: 11/9/2018 Pages: 2
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 Capital Electric Cooperative/Paul Fitterer	Street Address 4111 State Street	City Bismarck	State and Zip Code ND 58503
Telephone and Cell Phone Number 701-223-1513 701-712-7912	Email Address paulf@capitalelec.com		Date 9/18/18
<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 NoDak Plumbing and Heating/Garyl Gartner	Street Address 2141 37th ST	City Mandan	State and Zip Code ND 58554
Telephone and Cell Phone Number 701-663-7085 701-220-7085	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:
4723 Marsh Hawk DR

Date and Time of Violation:
9/17/18 14:49

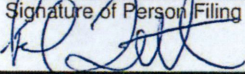
Description (summarize the observations on which you rely to allege the violation) *If more space is required, please provide the description on a separate page.*

Capital Electric Cooperative started receiving outage reports in the NW Bismarck area around 14:49. Garyl with NoDak plumbing and heating called and reported hitting an underground cable about 15:00. Crews arrived on site to find two primary underground cables hit opening up two circuit breakers in CEC's Horizon substation. ND one call ticket #18129246 was called in at 08:49 on 9/17/18 and cable was hit at 14:49 on 9/17/18 (approximately 8 hours after the call). CEC's operations supervisor talked to the operator on site and asked them if they knew they were digging before the locate cleared and the operator stated "I know what time we called it in you don't have to tell me". The operator also stated "I didn't think there was anything there". CEC crews re-routed power and had all outages restored within an hour.

PART D – DAMAGE

Fatalities 0	Injuries 0	In-patient Hospitalization 0
Underground facility type(s) and Operator(s) affected: 15KV underground cable		
Estimated Value of Damage (damage as defined under NDCC Chapter 49-23): \$ \$4759.07 for repair and restoration. This does not include lost revenue.		Number of Customers Affected 370
Other impact of event: Numerous restaurants affected including Mcdonalds, Texas Roadhouse, Johnny Carino's to name a few. One gas station and several other businesses in this area also. City of Bismarck wastewater pump and Bismarck Fire Department station #3 were also out of power due to this dig in. Outage also included over 300 residential houses.		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint  General Manager for Capital Electric Cooperative	Date 9/20/18
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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