



Public Service Commission
State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
Randy Christmann

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

July 31, 2019

KC Homiston
Highlands Engineering & Surveying, PLLC
319 24th St E
Dickinson, ND 58601-6577

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

Dear KC:

Enclosed is a copy of a ND One-Call Complaint, against Highlands Engineering & Surveying, PLLC, received by the North Dakota Public Service Commission on July 24, 2019, from Kristy Wishinsky at Reservation Telephone Cooperative, of New Town, ND, Case Number PU-19-286. The location of the incident identified in the complaint is approximately the intersection of 89th Ave NW and Hwy 1804 near New Town, 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 Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by August 14, 2019**, 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 Highlands Engineering & Surveying, PLLC 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: Kristy Wishinsky

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Letter enclosing North Dakota One-Call Complaint

Public Service Commission



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 Kristy Wishinsky, RTC	Street Address 202 College Dr. PO box 1229	City Newtown	State and Zip Code ND 58763
Telephone and Cell Phone Number 7017935701	Email Address kristyw@rtc.email		Date 7/24/19
<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 Highlands Engineering & Survey	Street Address 319 24th St. E.	City Dickinson	State and Zip Code ND 58601
Telephone and Cell Phone Number 7012902807	Email Address dustin.pottorff@highlandseng.com		

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 checked="" type="checkbox"/> Other (identify the specific section of NDCC Chapter 49-23) <u>49-23-04.1</u>
Location of Violation: Mountrail County, Rallake township (89th Ave NW/Hwy 1804)
Date and Time of Violation: 7/23/19 3:57 pm
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> Over the course of the last two years, Dustin Pottorff or other individuals at Highlands Engineering & Survey submit One Call tickets for excavation when they are not an excavator. The tickets all revolve around some sort of pad design, development or expansion. I have on several occasions reminded them that they need to submit tickets as survey and not excavation. 2 months ago, I let Dustin/Josh know that I would file a complaint with the PSC. Twice, I was told that they were under time constraints, which is not a valid excuse to submit a ticket as excavation. The current one call ticket is 19089508. This ticket states well site construction and install fence posts. However, they do not have a fencing or excavation division. It would appear that they are trying to find a loophole around the NDCC. A search for their tickets will show several statuses from facility owners stating they need to resubmit the ticket as survey. However, they never do.

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 Kristy Wishinsky, Cable Locator, Reservation Telephone Cooperative	Date 7/24/19
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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

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North Dakota One-Call Complaint
Kristy Wishinsky, RTC