



Public Service Commission

State of North Dakota

COMMISSIONERS

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Julie Fedorchak
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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TDD: 800-366-6888 or 711

August 13, 2019

Ryan Wilhelmi
Midstate Telephone Company, LLC
PO BOX 400
Stanley, ND 58784-0400

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

Dear Ryan:

Enclosed is a copy of a ND One-Call Complaint, against Midstate Telephone Company, LLC, received by the North Dakota Public Service Commission on August 12, 2019, from Scott Derosso at Whiting Oil and Gas, of New Town, ND, Case Number PU-19-295. The location of the incident identified in the complaint is approximately the SE corner of the intersection of 52nd St NW and 86th Ave NW 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 27, 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 Midstate Telephone Company, LLC 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

2 **PU-19-295** Filed: 8/13/2019 Pages: 2
Letter enclosing North Dakota One-Call Complaint

Enc: ND One-Call Complaint
c: Scott Derosso

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 Whiting Oil and Gas	Street Address 4499 highway 8	City New Town	State and Zip Code ND 58763
Telephone and Cell Phone Number 701-339-9739	Email Address scott.derosso@whiting.com		Date 8-12-2019
<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 MIDSTATE TELEPHONE CO	Street Address 215 S Main St.	City Stanley	State and Zip Code ND 58784
Telephone and Cell Phone Number 701-428-2522			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 checked="" 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) _____
Location of Violation: Whiting Iverson 11-14H well pad. SE corner of 52nd St. NW & 88th Ave NW
Date and Time of Violation: 8-9-2019
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> Ticket 19099809 was called in on 8-5-2019 with a work to begin date of 8-9-2019. On 8-9-2019 excavator arrived onsite and noticed there were no flags marking the fiber optic line leaving location. Calls were made and midstate came out to mark their line. The fiber line ran directly through the area to be excavated for pad expansion. A clear/ no conflict response was submitted by Midstate as their response to the one call ticket. Had the excavator not realized the line was not marked there would have been a line strike. This is now the 4th time they have not marked their utilities and the previous times resulted in line strikes.

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 	Date 8/12/19
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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