



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	Street Address	City	State and Zip Code
Telephone and Cell Phone Number	Email Address		Date
<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	Street Address	City	State and Zip Code
Telephone and Cell Phone Number	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 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:
Date and Time of Violation:
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>

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
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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

12/18/2019

Randall's excavating had a locate called in for 1126 Main Ave West Fargo, ND for ticket #19135142, 19120033, 19149371. The additional tickets are for re-spots of the project location.

The project for Randall's excavating overlapped a project that Midco had planned for a new service cable in this area. The new service was placed after Randall's excavating locate had cleared for their work to proceed. Since there was an overlap in dates the Midco cable in question was not located for Randall's Excavating. Randall's excavating proceeded with their work and in doing so damaged Midco's cable that was in their scope of work area. This complaint is in reference to section 49-23-06 of the ND One Call handbook failure to contact operator when damaging an operator's utility.

This complaint is based off two discussion's with Mark Stoteberry (Randall's excavating employee). Mark had stated to a Midco tech Nathaniel on 10/26 during another emergency locate request that Randall's excavating had damaged a Midco utility during their project on 1126 Main Ave a couple weeks back. Upon investigating on 10/29/2019 by other Midco technicians they found and confirmed the damage utility.

Robert Johnson called Mark Stotebery on or around November 26th to discuss the damaged Midco utility. In this discussion Mark confirmed that they did hit a utility during their construction that was not marked. When Robert asked why Midco was not notified until two weeks later regarding the hit utility, Mark simply stated he did not have time to call every time they hit a utility that is not located properly. Robert stated that all damaged utility per ND One Call by an excavator are required to contact the operator of the damage.