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Victor Schock

1/9/2020

Public Utilities Division

ND Public Service Commission

600 E Boulevard Ave, Dept 408

Bismarck ND 58505-0480

RE: ND One Call Complaint Case #PU-19-384

Dear Mr. Schock:

This letter is in response to complaint filed against Randall's Excavating, Inc on December 18, 2019 by Robert Johnson of Midcontinent Communications.

As stated in complaint, three separate locate tickets were called in for 1126 Main Ave West Fargo ND. These tickets covered the time span of September 10, 2019-November 13, 2019 for a sewer and water project. This project was being completed for a building remodel for Northern Stone. Also stated in complaint, the damaged utility in question was never located after any tickets were cleared and was confirmed by Mr. Johnson.

Also stated in complaint, it is based off two discussions with me, Mark Stotesbery, after damage and repair had been done. On 12/17/19, I had a discussion with Mr. Johnson in regards to an invoice we had received from him for repairs done to damaged line. At that time he pled his case and I responded with mine. The conversation included a desire of Robert Johnson to settle on dollar amount lower than invoice to cover costs. I respectfully declined. Conversation ended with no resolution. A day later, 12/18/2019, we received an email to disregard the invoice sent. We assumed the matter was resolved.

The damage to utility happened Thursday October 25, 2019. At that time, the backhoe operator, Rick, did not consider this to be an active or potentially active line. It appeared to be a scrap piece of conduit due to no markings, soil conditions, and the property owners confirmation of no private utilities he was aware of in the excavation site. On Friday, 10/25/2019, another hole was excavated due east of previous hole. During this excavation, Rick uncovered utility in question with no damage. It was not located. It did raise suspicion whether this line continued west to previous hole and could be live or have potential to be. At that time, I was contacted with details on what had happened. The initial hole had been backfilled before second hole had been dug.

On Saturday 10/26/19, as stated in complaint, I did have a brief conversation with a midcontinent technician. I mentioned to him the possibility of their line being damaged. I came to the conclusion of that possibility after narrowing down the possibilities of being any other service providers.

In the complaint, it stated it was two weeks later of the reported damage. It was two days. Mr. Johnson also stated that I responded to two week delay in notification by saying we don't have time to call every time they hit a utility that is not located properly. That is wrong. We take any possibility of damage, right or wrong, to utilities very seriously. We maintain a great history of working with utility companies during issues, there fore would not knowingly cover up any potential problems. At no time did Randall's Excavating fail to contact operator of a damaged line. Please feel free to contact me in regards to this matter.

Respectfully,

Mark Stotesbery

Underground Superintendent

320-333-0744

Stotes9@gmail.com

Randall J Henriksen

Owner/President

Randall's Excavating, Inc.