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Victor Schock

7/23/2021

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 written in response to a request of information and detail of events which took place at 1126 W Main Ave, West Fargo. Randall's Excavating installed sewer and water utilities for Northern Stone at this site and was present three separate times from September 10th thru October 25th 2019. Within this timeframe a Midco Cable was damaged by Randall's Excavating. It will be explained in this letter why this damage was caused by the absence of locate marks and outline what was done in response to damage.

On September 10th, 2019 Ticket # 19120033 was cleared for excavation. The property owner verified there were no private utilities present in the excavation area. The Midco line that was damaged was not located at this time and was not installed. Randall's Excavating excavated in three separate locations on September 10th for the installation of sewer and water services at the approximate depth of 12' and 9' deep respectfully. One hole was excavated in the street area. One hole was excavated half way down the two buildings in the NW corner of property. Eventually a third hole was excavated next to the concrete approach near boulevard between the two buildings. The Midco line was not present in any of the holes. A number of different things were excavated within the holes between the buildings... Garbage of sorts, lumber, concrete, poly pipe, and what appeared to be an old power line that was not in use. Rain delayed the project on September 11th, causing Randall's Excavating to pull out of job site until September 16th when the concrete street was prepped and poured back.

On October 1st, 2019 Ticket # 19135142 was cleared for excavation. Numerous circumstances prevented excavation until October 24th, 2019. A third locate Ticket #19149371 was cleared on October 24th, 2019. Verification of no private utilities was confirmed prior to excavation. Excavation was done on previous hole excavated September 10th between two buildings where there were no locate marks for Midco and cable was not exposed. The second hole excavated that day was between the two buildings near the east end where no markings were found for cable. In this hole, the damaged occurred. The operator hit the cable and contributed it to being a scrap piece of conduit, or abandoned line due to the lack of markings from 3 separate locate tickets, soil conditions, and the verification from the property owner there were no private utilities he was aware of. It also appeared to be a scrap piece of conduit due to the fact we had dug a hole due west in line and did not uncover the cable. On Friday October 25th, 2019, a fourth hole was excavated due east of previous hole where damaged occurred. During excavation the operator uncovered, without damage, the same looking conduit which raised further suspicion that it may be a cable. I was then contacted with knowledge of a possible damage and began the process of determining what and who's it may be. The holes were backfilled to obtain a safe worksite, prevent possible further damage to the building next to hole due to wet deteriorating soil conditions and no response from any provider that there was any service outage anywhere. The property owner did not provide any knowledge as to what it may be. There were no positive replies to attempts made to determine provider of damaged line. I determined late Friday evening I would continue investigating ownership of line the following day.

On Saturday, October 26th 2019, I had a brief conversation with a Midco Tech at a different job site. I mentioned to him a cable had been hit at a different site and it could potentially be theirs. I was skeptical it was their cable due to the fact the property owner was unaware of any new cable being installed during the timeframe of our project that could supply the building that was being constructed. The property owner did explain Midco was going to be the provider to the building but to his knowledge had not installed the cable yet because he had not been informed.

I believe the overall question at hand is not whether there was any negligence on our part in damaging the cable but rather the cover -up which we were wrongly accused of. I take full responsibility in the fact that I did contact Midco with due diligence in response to the damage due to lack of locate markings. I also take full responsibility in exhausting all avenues in determining what and who's cable was damaged. In no manner did I or any of my co-

workers work in any way to hide damage. The cable was backfilled due to reasons previously stated which in no regards was done to cause more work in repair but prevent further collateral damage and safety concerns.

Certain comments made by Mr. Johnson, of Midco, in his complaint were untrue and discussed in my Complaint Reply dated Jan. 9th of 2020. A copy of an email sent by Mr. Johnson stating to disregard invoice issued by Midco for damages is included with this letter. That email was considered a resolution to the matter. I respectfully ask if there are any questions regarding the handling of this matter, please contact me with questions or concerns for I am unsure the length of detail and description to which I should be handling with this letter. It is my intention to resolve this issue and move on with a resolution with whatever I can provide to you.

Mark Stotesbery
Superintendent
Randall's Excavating, Inc

A handwritten signature in blue ink, appearing to read 'M-K Stotesbery', with a long, sweeping underline that extends to the right.



Robert Johnson
CONSTRUCTION MANAGER

Office: 701.335.4228
Robert.Johnson@Midco.com

Midco.com

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Mark Stotesbery <stotes9@gmail.com>
To: E Mail <Randalls@loretel.net>

Fri, Dec 27, 2019 at 1:38 PM

----- Forwarded message -----

From: **Robert Johnson** <Robert.Johnson@midco.com>
Date: Wed, Dec 18, 2019, 10:30 AM
Subject: Midco Invoice
To: stotes9@gmail.com <stotes9@gmail.com>

Mark

You can disregard the invoice issued to you by Midco in this matter.

Thank you



Robert Johnson
CONSTRUCTION MANAGER

Office: 701.335.4228
Robert.Johnson@Midco.com

Midco.com

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