



# 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](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

May 7, 2020

Travis Steffan  
SKS Construction LLP  
1517 55<sup>th</sup> Ave S  
Fargo, ND 58106-9644

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

Dear Travis:

Enclosed is a copy of a ND One-Call Complaint, against SKS Construction LLP, received by the North Dakota Public Service Commission on May 6, 2020, from David Willgohs, of Fargo, ND, Case Number PU-20-201. The location of the incident identified in the complaint is approximately 416 Oakland Ave S, Fargo, 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 May 25, 2020**, 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 SKS Construction LLP 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](mailto: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: David Willgohs

2 PU-20-201 Filed: 5/7/2020 Pages: 2  
Letter enclosing North Dakota One-Call Complaint



# 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 david willgohs	Street Address 401 oakland ave s	City fargo	State and Zip Code nd 58103
Telephone and Cell Phone Number 701-200-2489	Email Address davewillgohs@gmail.com		Date 5/6/2020
<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 sks construction	Street Address 3814 3rd ave n	City fargo	State and Zip Code nd 58102
Telephone and Cell Phone Number 701-219-0812			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 checked="" 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: 416 oakland ave s fargo, nd 58103
Date and Time of Violation: 4/30/2020 sidewalk saw cut,, 5/1/2020 rebar stakes,, 5/6/2020 dig with skid steer and concrete form stakes
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>  on 4/30 at approx 5pm i noticed a group of guys show up to saw cut sidewalk for a driveway apron, i went outside and asked who they work for they stated sks construction, i told them there was a gas main and services under the sidewalk they were planning on cutting and they needed to call in a locate, immediately the forman. i assume, jumped on his phone and called someone. after the call he told me he was cutting anyway and they didnt need a ticket, i informed him that the gas services in this neighborhood are very shallow and he could cut one with the 12inch concrete saw he was using, they proceeded to cut anyway. the next day at approx 5pm on 5/1/2020 the same unmarked truck showed up and they drove 4 pieces of rebar into the ground to hang caution tape up and block the sidewalk. today they started digging with a skid steer and driving in 18inch concrete form stakes, i went over on all 3 occasions and took pictures. they are under the impression they dont have to call in a dig ticket, despite my warnings.

## 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  david willgohs	Date  5/6/2020
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<b>Submit</b>
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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