



Public Service Commission

State of North Dakota

COMMISSIONERS

Brian Kroshus
Julie Fedorchak
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600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
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Fax: 701-328-2410
TDD: 800-366-6888 or 711

May 7, 2020

Damian Dvorak
212 Sandwood Circle
Park River, ND 58270

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

Dear Damian:

Enclosed is a copy of a ND One-Call Complaint, against Damian Dvorak, received by the North Dakota Public Service Commission on May 6, 2020, from Mitchell Sanderson, of Park River, ND, Case Number PU-20-202. The location of the incident identified in the complaint is approximately north of 214 Sandwood Circle, Park River, 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 Damian Dvorak 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

Enc: ND One-Call Complaint
c: Mitchell Sanderson

2 PU-20-202 Filed 05/07/2020 Pages: 3
Letter enclosing North Dakota One-Call Complaint
Public Service Commission Staff
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 Mitchell S. Sanderson	Street Address 214 Sandwood Circle	City Park River	State and Zip Code ND 58270
Telephone and Cell Phone Number 701-331-0410	Email Address mitchell_sanderson@hotmail.com		Date 5-6-2020
<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 Damian Dvorak	Street Address Sandwood Circle	City Park River	State and Zip Code ND 58270
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 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: Property directly North of 214 Sandwood Circle Park River ND owned by Damian Dvorak.
Date and Time of Violation: Sunday morning of May the 3rd.
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> Neighbor was digging fence post holes and putting up fence posts. He must have saw me taking pictures of him and stopped knowing full well he had to call 811 to dig ANY holes before calling ND one call. He must have called now AFTER the fact due to some markings are done in red. It does not change the fact that he was digging in violation of the law prior to calling for underground markings to be done. I have time dated pictures showing he was digging before any markings! I want this issue completely investigated and him fined according to the law! He also used his tractor to rip out a Polar Communication cable and phone box and I am sure he did not get permission to destroy it.

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: I will submit pictures to the fact when I receive notice that this is being investigated!		
Please attach photos of Event Area or Damaged Facility		

PART I – SIGNATURE

Signature of Person Filing Complaint Mr. Mitchell S. Sanderson	Date 5-6-2020
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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

